

Village of Minerva Park  
Council Meeting: March 27, 2017  
AGENDA

**Pledge of Allegiance**

**Roll Call**

**Invocation**                      **Councilman Michels**

**Green Cards**                      **Council President Pauken**

**Village Planning Director's Report**              **Eric Fischer**

**Legislation**

**Resolution 2017-08 – 5.0 Mill Renewal**  
**3<sup>rd</sup> Reading**

**Resolution 2017-09 – 5.0 Mill Ballot**  
**3<sup>rd</sup> Reading**

**Resolution 2017-13 – Sale of Police Cruiser**  
**1<sup>st</sup> Reading – Intent is to waive 3 readings and pass as an emergency**

**Resolution 2017-14 – Prosecutorial Contract**  
**1<sup>st</sup> Reading**

**Resolution 2017-15 – Development Advisor Contract**  
**1<sup>st</sup> Reading**

**Ordinance 03-2017 – Accessory Structures**  
**3<sup>rd</sup> Reading**

**Ordinance 04-2017 – Dumpster Screening**  
**3<sup>rd</sup> Reading**

**Ordinance 05-2017 – Fences**  
**3<sup>rd</sup> Reading**

**Ordinance 08-2017 – Supplemental Appropriations**  
**1<sup>st</sup> Reading**

**New Business**

**Old Business**

**Citizens' Comments**

**Adjourn**

## RESOLUTION 2017-08

### A RESOLUTION PURSUANT TO §5705.19(A), OHIO REVISED CODE, DECLARING THE NECESSITY FOR AND SUBMITTING THE QUESTION OF A RENEWAL TAX LEVY FOR PURPOSES OF PROVIDING FOR THE CURRENT EXPENSES OF THE GENERAL FUND OF THE VILLAGE OF MINERVA PARK

**WHEREAS**, the amount of taxes that may be raised within the 10-mill limitation by levies on the current tax duplicate will be insufficient to provide adequate amounts for the necessary requirements of the Village of Minerva Park and it is necessary to renew an existing tax levy for the purpose hereinafter set forth; and

**WHEREAS**, the Village of Minerva Park voters approved a five (5.0) mill tax levy on November 6, 2012, for a period of five (5) years for the purposes contained in Ohio Revised Code Section 5705.19(A) and the Council of the Village of Minerva Park believes it is in the best interests of the Village of Minerva Park residents to renew the November 6, 2012, 5.0 mill tax levy on August 8, 2017; and

**WHEREAS**, the Franklin County Auditor has certified to the Council for the Village of Minerva Park that the tax revenue that would be generated by a 5.0 mill renewal tax levy is ~~XXXX,XXX~~ based on the assessed valuation of the Village of Minerva Park of ~~XX,XXX,XXX~~.

#### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:**

- Section 1.** It is necessary to levy a renewal tax levy in excess of the 10-mill limitation for the benefit of the Village of Minerva Park for the purpose of providing for the current expenses of the Village of Minerva Park, at a rate not exceeding 5.0 mills for each one dollar of valuation, which amounts to fifty cents (\$.50) for each one hundred dollars (\$100) of valuation, for a period of time of five (5) years, such levy being a renewal of an existing 5.0 mill levy, which is currently in effect.
- Section 2.** The question of approving a renewal levy be submitted to the electors of said Village of Minerva Park at the election to be held at the usual voting places for said Village of Minerva Park on August 8, 2017.
- Section 3.** Said renewal levy be extended on the tax list and duplicate of the Village of Minerva Park for the current year if the majority of electors voting thereon vote in favor of the levy.
- Section 4.** The Fiscal officer of the Village of Minerva Park be and is hereby directed to certify a copy of this Resolution to the Board of Elections of Franklin County, Ohio, as provided by law, and to notify the Board of elections to cause notice of election on the question of approving the renewal levy to be given as required by law.
- Section 5.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.
- Section 6.** This resolution shall take effect and be in full force from the earliest period allowed by law.

**RESOLUTION 2017-08**  
**(continued)**

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Lynn Eisentrout, Mayor

First Reading: February 27, 2017  
Second Reading: March 13, 2017  
Third Reading: March 27, 2017  
Passed: March 27, 2017

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

## RESOLUTION 2017-09

### A RESOLUTION TO PROCEED WITH PLACING THE ISSUE ON THE BALLOT FOR A RENEWAL TAX LEVY FOR PURPOSES OF PROVIDING FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK

**WHEREAS**, the amount of taxes that may be raised within the 10-mill limitation by levies on the current tax duplicate will be insufficient to provide adequate amounts for the necessary requirements of the Village of Minerva Park for general expenses of the General Fund; and,

**WHEREAS**, such services are currently paid for by a five (5.0) mill levy that was previously enacted by the Village electors, which Council seeks to renew with another 5.0 mill levy based on current property valuations; and,

**WHEREAS**, pursuant to Resolution 2017-07, the Village has requested from the Franklin County Auditor a Certificate of Estimated Property Tax Revenue indicating how much revenue will be provide by the 5.0 mill renewal levy.

### NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:

**Section 1.** The Village hereby desires to proceed with placing the issue on the ballot for the renewal of the existing 5.0 mill levy for a period of five (5) years, with a 5.0 mill renewal levy with no increase commencing January 1, 2018, and continuing there from for a period of five (5) years.

**Section 2.** The proposed language on the ballot shall read as follows or in a manner similar to the following:

\* \* \* \* \*

#### PROPOSED RENEWAL TAX LEVY VILLAGE OF MINERVA PARK - CURRENT EXPENSES OF THE VILLAGE

A Majority Affirmative Vote is Necessary for Passage.

A renewal of five (5.0) mills of an existing levy to constitute a tax for the benefit of the Village of Minerva Park for the purpose of PROVIDING FOR THE CURRENT EXPENSES OF THE VILLAGE, GENERAL FUND at a rate not exceeding five (5.0) mills for each one dollar valuation, which amounts to fifty cents (\$0.50) for each one hundred dollars (\$100) of valuation, for five (5) years commencing January 1, 2017 and first due in calendar year 2018.

FOR THE LEVY  
AGAINST THE LEVY

\* \* \* \* \*

**Section 3.** The question of approving the renewal levy as set forth above be submitted to the electors of said Village of Minerva Park at the election to be held at the usual voting places for said Village of Minerva Park on August 8, 2017.

**Section 4.** Said levy shall be extended on the tax list of the Village of Minerva Park for the current year if the majority of the electors voting thereon vote in favor thereon.

**RESOLUTION 2017-09**  
**(continued)**

**Section 5.** The Village Fiscal Officer be and is hereby directed to certify a copy of this resolution to the Board of Elections of Franklin County, Ohio, as provided by law, and to notify the Board of Elections to cause notice of the election on the questions of approving the Renewal levy to be given as required by law.

**Section 6.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**Section 7.** This resolution shall take effect and be in full force from the earliest period allowed by law.

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Lynn Eisentrout, Mayor

First Reading:           February 27, 2017  
Second Reading:       March 13, 2017  
Third Reading:         March 27, 2017  
Passed:                 March 27, 2017

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

## RESOLUTION 2017-13

### A RESOLUTION DECLARING A DECOMMISSIONED POLICE CRUISER AS SURPLUS PROPERTY AND AUTHORIZING THE MAYOR AND FISCAL OFFICER TO DISPOSE OF THE PROPERTY BY SALE, AND DECLARING AN EMERGENCY

**WHEREAS**, the Village of Minerva Park owns a 2011 Ford Crown Victoria, bearing vin number 2FABP7BV5BX169110, that is no longer required for the operations of the Village, nor is it foreseeable that it will be used for Village purposes in the future; and

**WHEREAS**, Council desires to sell said surplus property for the sum of two thousand five hundred Dollars (\$2,500.00) the negotiated price with the Village of Utica, an Ohio municipal corporation;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:**

- Section 1.** The Village-owned said decommissioned police cruiser is hereby declared to be surplus property not needed for the immediate or future needs of the Village.
- Section 2.** The Village of Minerva Park, pursuant to home rule powers vested in it by the Ohio Constitution and pursuant to Ohio Revised Code 735.053, hereby waives any applicable competitive bidding provisions with regard to disposal of surplus property and declares that it is in the best interest of the Village of Minerva Park to sell said cruiser to *the Village of Utica*, an Ohio municipal corporation, for the negotiated price of two thousand five hundred Dollars (\$2,500.00).
- Section 3.** The Mayor and Fiscal Officer are hereby authorized to perform all actions necessary to accomplish the sale of the cruiser to *the Village of Utica*.
- Section 4.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.
- Section 5.** Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality, such emergency rising from the Village's immediate need to dispose of the surplus police cruiser to retain the value of said cruiser and ceasing the monetary expenditures related to retaining the surplus property. Wherefore, this resolution shall take effect and shall be in force upon its passage.

## **RESOLUTION 2017-13**

First Reading: March 27, 2017  
Second Reading: Waived  
Third Reading: Waived  
Passed: March 27, 2017

### **ATTESTS**

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Kim Pulley, Fiscal Officer

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Lynn Eisentrout, Mayor

### **APPROVED AS TO FORM**

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Eugene Hollins, Solicitor



## RESOLUTION 2017-14

### A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF A CONTRACT WITH KELLEEN ROTH FOR ADDITIONAL PROSECUTORIAL SERVICES AND DECLARING AN EMERGENCY

**WHEREAS**, the Village of Minerva Park (“Village”) has contracted with Kelleen Roth to serve as the Village Prosecutor; and,

**WHEREAS**, the costs authorized by Resolution 2016-40 needs increased, and,

**WHEREAS**, the Council deems it necessary to continue to utilize the services of Kelleen Roth for prosecutorial services that require a person with legal qualifications.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, STATE OF OHIO, THAT:**

- Section 1.** The contract and related expenditures for prosecutorial services are hereby approved. The Mayor and the Fiscal Officer of the Village are authorized to approve contract addendum as needed.
- Section 2.** The Mayor and the Fiscal Officer of the Village are authorized to enter into a contract addendum for prosecutorial services with Kelleen Roth for services as the Village Prosecutor, which such addendum shall not exceed \$1,200 for a total of \$12,000 for 2017.
- Section 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.
- Section 4.** Council declares this to be an emergency measure necessary for the health, safety and welfare of the residents of Minerva Park, such emergency arising out of the immediate to continue prosecutorial services of the Village. Wherefore, this Resolution shall take effect and shall be in force immediately upon passage by Council.

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Lynn Eisentrout, Mayor

First Reading: March 27, 2017  
Second Reading: April 9, 2017  
Third Reading: Waived  
Passed: April 9, 2017

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

## RESOLUTION 2017-15

### A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF A CONTRACT WITH DISALVO DEVELOPMENT ADVISORS, LLC FOR A REDEVELOPMENT OPPROTUNITIES ASSESSMENT OF THE VILLAGE

**WHEREAS**, the Village of Minerva Park seeks an assessment of the economic development opportunities and assessment of the Village in order to create and prioritize development opportunities; and,

**WHEREAS**, the Village Council, with the assistance of the Village Planner, received a proposal from DiSalvo Development Advisors, LLC outlining the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:**

**Section 1.** The Mayor and Fiscal Officer of the Village of Minerva Park are hereby authorized and directed to enter into an agreement for an economic redevelopment assessment of the Village.

**Section 2.** The cost of the project shall not exceed \$15,000 without further approval of Council.

**Section 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**Section 4.** This resolution shall take effect and be in full force from the earliest period allowed by law.

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Lynn Eisentrout, Mayor

First Reading: March 27, 2017  
Second Reading: April 10, 2017  
Third Reading: April 24, 2017  
Passed: April 24, 2017

**ATTEST**

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Kimberly Pulley, Fiscal Officer

**APPROVED AS TO FORM**

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Solicitor

## Ordinance 03-2017

### AN ORDINANCE TO AMEND SECTION 1272.05, OF THE CODIFIED ORDINANCES REGARDING ACCESSORY STRUCTURES

**WHEREAS**, the Council enacted Ordinance 5-2002 specifying the rules and regulations governing accessory structures which became Chapter 1272.05, Accessory Uses and Structures, in the codified ordinances of the Village of Minerva Park.; and

**WHEREAS**, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

**WHEREAS**, the Planning and Zoning Commission recommended that the ordinance language be clarified regarding accessory structures;

**NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:**

**Section 1.** Section 1272.05 is hereby amended to read as follows:

#### **1272.05 ACCESSORY USES AND STRUCTURES.**

Accessory uses and structures shall be permitted in association with a principal use or structure.

- (a) Accessory Use and Structure Defined. As used in this section, "accessory use and structure" means a subordinate use or structure which is incidental to and in association with a principal use or structure.

Accessory structures used as storage sheds must be over six square feet and allow a person to walk inside, however, they may not be used to store automobiles or contain living quarters.

- (b) Location in Residential Zoning Districts. In a Residential Zoning District, as listed in Section 1238.04, unattached accessory structures shall be located to the rear of the dwelling, four feet or more from the side and rear property lines and no closer than four feet to any other structure.
- (c) Location in Other Zoning Districts. In any zoning district other than a Residential Zoning District, accessory uses or structures shall be on the same lot as the principal use or structure and located subject to the development standards of the zoning district in which it is located.
- (d) Size, Height, and Configuration. The sum total of all accessory structures shall not greater than twenty-five percent of the gross floor area of the principal use structure as listed on the county auditor's website or cover more than 10 percent of the rear yard area of the residence. Maximum size shall be 200 square feet as measured on the outside of the accessory structure walls. Maximum height shall be 12 feet as measured from the natural ground to the highest point. Where an accessory structure is constructed on a mound, or where the ground under the same has been raised to a higher level than the surrounding surface, the permissible height of the structure shall be reduced by the height of such mound or raised surface. No door openings shall be closer than 15 feet to a lot line. Accessory structures used for storage constructed of fabric or plastic tarp-like materials such as temporary garages or canopies are not allowed in any zoned property within the Village. All enclosed accessory structures must have an architectural floor built of wood, metal or concrete.
- (e) Permitting, Inspection and Acceptance. No accessory structures may be installed or constructed without first obtaining a permit configured and issued by the Planning & Zoning Commission. All permits expire six months after issuance and are not transferable between owners. Permit fees are determined by the Village Council fee structure.

**Ordinance 03-2017**  
**(continued)**

If accessory structure construction is not declared complete by the Code Enforcement Officer within six months from permit approval, the property owner must re-apply for a permit. The Code Enforcement Officer or other designee of the Mayor shall inspect the installation of an accessory structure twice: first, upon approving the proposed location indicated by staked-out corners of the accessory structure and second, at the final completion of the accessory structure.

- (f) Repair to accessory structures. Repairs must be equal to or better than the original construction in materials and workmanship as determined by the Code Enforcement Officer or other designee of the Mayor.
- (g) Variances. Variances to the accessory structure ordinance may be granted by Village Council after recommendation by the Planning & Zoning Commission for conditions of hardship. Application for a variance from the requirements of Village Ordinances is defined in Chapter 1232.01.
- (h) Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**Section 3.** All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

**Section 4.** This Ordinance shall take effect and be in force from and after its passage.

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Lynn Eisentrout, Mayor

First Reading: February 13 2017  
Second Reading: February 27, 2017  
Third Reading: Tabled  
Passed:

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

## Ordinance 04-2017

### AN ORDINANCE TO AMEND SECTION 1278.04, OF THE CODIFIED ORDINANCES REGARDING LANDSCAPING FOR SERVICE STRUCTURES

**WHEREAS**, the Council enacted Ordinance **5-89** specifying the rules and regulations governing landscaping for service structures which became **Chapter 1278.04, Minimum Landscape Requirements**, in the codified ordinances of the Village of Minerva Park.; and

**WHEREAS**, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

**WHEREAS**, the Planning and Zoning Commission recommended that the ordinance language be clarified regarding dumpster screening;

**NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:**

**Section 1.** Section 1278.04 is hereby amended to read as follows:

(d) Dumpsters (Service Structures) Screening All dumpsters shall be screened on all sides including the gate wherever it is located. Dumpsters may be grouped together. However, screening height requirements shall be based upon the tallest of the dumpsters.

(1) Location of screening. A continuous (having 100 percent opacity) planting, hedge, or fence, which would enclose any dumpster that must be frequently moved, shall be one foot higher than the height of the enclosed dumpster, but shall not be required to exceed ten feet in height. Whenever a dumpster is located next to a building wall, a perimeter landscaping material, or a vehicular use area landscaping material, such wall or screening material may fulfill the screening requirements for that side of the dumpster if such wall or screening material is of an average height sufficient to meet the height requirement set forth in this section. Whenever dumpsters are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping.

(2) Curbs to protect screening material. Whenever screening material is placed around a dumpster which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the dumpster is moved or emptied.

(3) Permitting, Inspection and Acceptance. No dumpster screening may be installed or constructed without first obtaining a permit configured and issued by the Planning & Zoning Commission. Applications will be considered at the regularly scheduled monthly Planning & Zoning Commission Meeting. Applications must be considered complete by the Code Enforcement Officer or Zoning Clerk one week before the Planning & Zoning Commission meeting at which they are to be considered.

Permit fees are determined by the Village Council fee structure.

All permits expire six months after issuance and are not transferable between owners.

Use of service structures and dumpsters shall require the following:

(1) The gate must remain closed when not being loaded or unloaded.

**Ordinance 04-2017**  
**(continued)**

(2) No trash may be placed beside or on top of the dumpster.

(3) Dumpster enclosures may be locked or unlocked; however, all measures shall be taken to prevent unauthorized dumping or placing of trash near or against dumpster screening.

Dumpster screening installation shall be inspected by the Code Enforcement Officer or other designee of the Mayor twice: first, when the post holes have been dug or other screening material location has been laid out and second, at the completion of the screening construction. Only after the Code Enforcement officer or other designee of the Mayor has approved the completed dumpster screening will the Planning & Zoning Commission accept the screening as a permanent improvement on any lot, part of a lot or combination of lots.

(4) Repair. Repair to dumpster screening that requires the replacement of posts or greater than 50% of the screening material requires an accessory structure permit at one half the cost of a new dumpster screening permit.

(e) Variances. Variances to the fence ordinance may be granted by Village Council after recommendation by the Planning & Zoning Commission for conditions of hardship. Application for a variance from the requirements of Village Ordinances is defined in chapter.1232.01.

(f) Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**Section 3.** All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

**Section 4.** This Ordinance shall take effect and be in force from and after its passage.

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Lynn Eisentrout, Mayor

First Reading: February 13, 2017  
Second Reading: February 27, 2017  
Third Reading: Tabled  
Passed:

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

## **Ordinance 05-2017**

### **AN ORDINANCE TO AMEND SECTION 1464.01, OF THE CODIFIED ORDINANCES REGARDING LOCATION AND HEIGHT OF FENCES AND WALLS**

**WHEREAS**, the Council enacted Ordinance 03-1993 specifying the rules and regulations governing fences and walls which became Chapter 1464, Fences and Walls, in the codified ordinances of the Village of Minerva Park.; and

**WHEREAS**, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

**WHEREAS**, the Planning and Zoning Commission recommended that the ordinance language be clarified as to measuring the height of fences;

**NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:**

**Section 1.** Section 1464.01 is hereby amended to read as follows:

#### **Fence Construction and Location**

- (a) No fence or wall shall be erected forward of a line 14 feet back from the immediately adjacent front building line of a dwelling or structure on any lot.
- (b) No fence or free-standing wall shall exceed seventy-two (72) inches in height, measured from the natural ground, including lattice panels. Where a fence or wall is constructed on a mound, or where the ground under the same has been raised to a higher level than the surrounding surface, the permissible height of the structure shall be reduced by the height of such mound or raised surface.
- (c) Decorative post caps, finials, or ornamental features shall not exceed 12 inches above the top of fence panels, pickets, or walls nor be more than six (6) inches in width spaced closer than four feet on center.
- (d) Supporting posts of any fence type shall be on the side that faces the installer's dwelling.
- (e) Free-standing walls constructed of brick, concrete block, or stone must be constructed on a foundation starting 36 inches below grade and designed by a structural engineer or architect. All portions of the footing must be within the lot line.
- (f) Fences and walls may be constructed of the following materials:
  - 1. Fences: wood or wood composite or similar materials; PVC or vinyl or similar materials; aluminum, chain link or wire, or a combination of these materials.
  - 2. Walls: stone, brick, poured concrete, or block
- (g) Chain-link type fences shall not exceed forty-eight (48) inches in height and must be vinyl coated dark green, dark brown, or black.
- (h) Welded wire fencing painted black, dark green, or dark brown may be attached to the inside of a fence.
- (i) Only one style of wall or fence may be permitted per property line.
- (j) The maximum ground clearance from the natural ground to the bottom of the panel, picket or wall shall not exceed three (3) inches.
- (k) Lighting features or lighting built into a fence shall not extend above the height of the fence panel.
- (l) Artificially raising the height of the base upon which the fence is constructed by use of mounding, retaining walls or similar means shall be included within the seventy-two (72) inch maximum height restriction of fences and walls.
- (m) Sharp edges and electrically charged fence materials are not permitted.

**Ordinance 05-2017  
(continued)**

**Permitting, Inspecting, and Acceptance**

- (a) No fence may be installed or constructed without first obtaining a permit configured and issued by the Planning & Zoning Commission. Applications will be considered at the regularly scheduled monthly Planning & Zoning Commission Meeting. Applications must be considered complete by the Code Enforcement Officer one week before the planning & Zoning Commission meeting at which they are to be considered.
- (b) Applicants shall determine property lines prior to constructing a fence and shall ensure the fence does not encroach upon another lot or parcel of land.
- (c) All permits expire six months after issuance and are not transferable between owners.
- (d) Permits fees are determined by the Village Council fee structure.
- (e) If fence construction is not declared complete by the Code Enforcement Officer within six months from permit approval, the property owner must re-apply for a permit.
- (f) Fence installation shall be inspected by the Code Enforcement Officer or other designated Village official, twice: First when the post holes have been dug, second at the completion of the fence construction. Only after the Code Enforcement officer has approved the completed fence will the Planning & Zoning Commission accept the fence as a permanent improvement on any lot, part of a lot or combination of lots.
- (g) Repair to fences that require the replacement posts, or greater than 50% of fencing material must obtain a fence permit at one half the cost of a new fence permit.
- (h) Variances to the accessory structure ordinance may be granted by Village Council after recommendation by the Planning & Zoning Commission for conditions of hardship. Application for a variance from the requirements of Village Ordinances is defined in Chapter 1232.01.
- (i) Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**Section 3.** All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

**Section 4.** This Ordinance shall take effect and be in force from and after its passage.

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Lynn Eisentrout, Mayor

First Reading: February 13, 2017  
Second Reading: February 27, 2017  
Third Reading: Tabled  
Passed:



**Ordinance 05-2017  
(continued)**

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

# ORDINANCE 08-2017

## AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2017

**WHEREAS**, it is necessary to supplement the appropriations in Ordinance 24-2016 for the year ending December 31, 2017; and

**WHEREAS**, the appropriations herein are to be effective for the year ending December 31, 2017.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO THAT:**

**Section 1.** The Annual Appropriations in Ordinance 24-2016 are supplemented as follows:

<u>Fund/Account No.</u>	<u>Account Name</u>	<u>Current Amount</u>	<u>Increase</u>	<u>Revised Amount</u>
<b><u>General Fund</u></b>				
<b><u>Community Environment</u></b>				
1000-410-300	Contractual Services	\$81,700	\$15,000	\$96,700

**Section 2.** The Fiscal Officer shall certify these additional appropriations to the Franklin County Budget Commission.

**Section 3.** This Ordinance shall be in full force and effect upon its passage.

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Lynn Eisentrout, Mayor

First Reading: March 27, 2017  
Second Reading: April 10, 2017  
Third Reading: April 24, 2017  
Passed: April 24, 2017

**ATTEST**

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Kimberly Pulley, Fiscal Officer

**APPROVED AS TO FORM**

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Solicitor