

Village of Minerva Park
Council Meeting: July 24, 2017
AGENDA

Pledge of Allegiance

Roll Call

Invocation Councilman Braun

Green Cards Council President Pauken

Village Planning Director's Report

Legislation

Resolution 2017-19 -Request Estimated Revenue

1st Reading – Intent is to waive 3 readings and pass as an emergency

Resolution 2017-20 – Necessity of 5.0 Mill Replacement Levy

1st Reading

Resolution 2017-21 – 5.0 Mill Ballot

1st Reading

Ordinance 12-2017 – Weeds and Grass

Tabled

Ordinance 19-2017 – Accepting the Public Improvements of Minerva Park Phase I

Intent is to waive three readings and pass as an emergency

New Business

Old Business

Citizens' Comments

Adjourn

RESOLUTION 2017-19

A RESOLUTION AUTHORIZING THE FISCAL OFFICER OF THE VILLAGE OF MINERVA PARK TO REQUEST A CERTIFICATION AND ESTIMATE OF REVENUE FROM THE FRANKLIN COUNTY AUDITOR'S OFFICE FOR A FIVE POINT ZERO (5.0) MILL 5-YEAR RENEWAL TAX LEVY AND TO DECLARE AN EMERGENCY

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 current expenses of the General Fund; and,

WHEREAS, such expenses are currently paid for by a 5.0 mill levy for a period of five (5) years that was previously enacted by the Village electors on November 6, 2012, which Council seeks to renew the 5.0 mill levy for a period of five (5) years.

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

Section 1. The Fiscal Officer of the Village of Minerva Park is hereby authorized and directed pursuant to ORC 5705.03(B), to certify a copy of this resolution to the County Auditor of Franklin County and the Board of Elections. The Village Council hereby requests that the County Auditor certify to the Village Council the total current tax valuation of the Village and the dollar amount of revenue that would be generated by a 5.0 mill renewal levy for a period of five (5) years, or fifty cents (\$0.50) for each one hundred dollars (\$100) of valuation, to be placed on the ballot at the election on November 7, 2017.

Section 2. Pursuant to Chapter 5705 of the Ohio Revised Code, this proposed levy is for the purpose of providing for the current expenses of the Village of Minerva Park for a 5-year period.

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. The Village Council hereby declares this to be an emergency measure necessary for the public peace, health, safety, and welfare of the residents of the Village of Minerva Park and arises out of the need for the Fiscal Officer to receive the estimate of revenue in order to have the legislation to the proper government agencies so that it appears on the November 7, 2017 special election ballot. Wherefore, this resolution shall take effect and shall be in force from and after its passage and pursuant to Chapter 5705 of the Revised Code.

/S/ Lynn Eisentrout

Lynn Eisentrout, Mayor

First Reading:	July 24, 2017
Second Reading:	Waive
Third Reading:	Waive
Passed:	July 24, 2017

RESOLUTION 2017-19
(continued)

ATTEST

APPROVED AS TO FORM

/S/ Kimberly Pulley

/S/ Eugene Hollins

Kimberly Pulley, Fiscal Officer

Solicitor

RESOLUTION 2017-20

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 November 7, 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 \$XXX,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 November 7, 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 2017-20
(continued)

Lynn Eisentrout, Mayor

First Reading: July 24, 2017
Second Reading:
Third Reading:
Passed:

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

RESOLUTION 2017-21

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 2017-19, 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 November 7, 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 2017-21
(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.

Lynn Eisentrout, Mayor

First Reading: July 24, 2017
Second Reading:
Third Reading:
Passed:

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

Ordinance 12-2017

AN ORDINANCE TO AMEND SECTION 665, OF THE CODIFIED ORDINANCES REGARDING WEEDS AND GRASS

WHEREAS, the codified ordinances of Minerva Park includes a section specifying the rules and regulations governing weeds and grass (Chapter 665, Weeds and Grass); 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 dish antennas;

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

Section 1. Section 665 is hereby amended to read as follows:

665.01 CUTTING OF WEEDS AND GRASS REQUIRED.

The owner, lessee, agent, tenant or other such person having charge or care of any land, parcel or lot within the Municipality shall maintain the premises and exterior property free from weeds or plant growth including grass in excess of six (6) inches. All noxious weeds are prohibited.

(1) Noxious weeds defined. Wild mustard; musk thistle (nodding thistle); oxeye daisy; Canada thistle; poison hemlock; wild carrot; purple loosestrife; wild parsnip; mile-a-minute weed; Russian thistle; cressleaf groundsel; shattercane; Johnsongrass; hogweed; chicory; thistle; plantain; dandelion; trumpet vine; amur honeysuckle; lambs quarters; grapevines (abandoned); poison ivy; poison oak; poison sumac; any and all additional noxious weeds on the Ohio noxious weed list maintained by the US Department of Agriculture Natural Resource Conservation Service.

(2) Plant growth defined. All grasses, annual plants, and vegetation, other than trees or shrubs. This term does not include cultivated flowers and gardens. Natural plantings of native wild plants and accepted cultivars of wild plants are a recognized type of landscaping. These areas must be tended, cultivated in a manner consistent with natural plantings, and confined to a definite area.

665.02 TRIMMING OF TREES AND SHRUBS REQUIRED.

The owner, lessee, agent, tenant or other such person having charge or care of any lot or parcel of land fronting on any street, alley, avenue or public grounds in the Municipality, in which shade trees are planted and growing, shall trim or cause to be trimmed, all shade trees or shrubbery in front of the respective lots or lands when so ordered or directed by the Village Administrator. All trees shall be trimmed so as to have a clear height of ten feet above the surface of sidewalks and twelve feet above the surface of the street or roadway. The branches of all trees in front and along lots or lands near which public lamps are placed shall be trimmed so as not to obstruct the free passage of light from the lamps to the street and sidewalks.

665.03 REMOVAL OF DANGEROUS TREES.

The Village Administrator is hereby authorized to remove trees within the limits of the Municipal streets that have been determined to be dangerous to the public.

665.04 PLANTING OF TREES AND SHRUBS REGULATED.

No owner, lessee, agent, tenant or other such person having charge or care of any land, parcel or lot within the Municipality shall plant or cause to be planted any tree, bush or shrub in or upon any street, alley, right of way or any other land owned by the Municipality.

Ordinance 12-2017
(continued)

665.05 NOTICE TO CUT, TRIM OR REMOVE.

(a) When determined through inspection by the Village Mayor/Administrator or his/her designee, that weeds, grass or other undesirable vegetation exceeding the height specified in Section [665.01](#) or that trees or shrubs exceeding the clear height specified in Section [665.02](#) or that the accumulation of dead, fallen or cut tree branches, limbs or trimmings as specified in Section [665.09](#) exist upon any land within the corporate limits of the Municipality, the Village Administrator shall cause notice to be served to the owner, lessee, agent, tenant or other such person having charge or care of such land to abate the violation. Such notice shall include the following:

(1) An order to cut or destroy the weeds, grass or vegetation or trim such trees or shrubs or remove such fallen limbs, branches or trimmings within two days of being noticed to do so.

(2) A statement that the Village of Minerva Park or designated contractor will complete the work requested after the second day, the cost of which shall be a lien on the real property where the violation was abated or removed. Such notice shall also state that the failure of such owner, occupant or person to remedy the violation as required by such notice shall be deemed an implied consent for the Village to abate or remove such violation. Such implied consent shall be deemed to form a contract between such owner, occupant or person and the Village.

(b) Written notice shall be served by any of the following methods:

(1) Handing the notice to some person of suitable age and discretion residing or employed therein;

(2) Delivering notice by the United States First Class mail to any of the owners, lessees, tenants or other persons or entities having charge or care of land and posting the notice by affixing it to the front of the building in clear view from the street or affixing it to a free-standing post or stake in clear view from the street, service being effective upon posting;

(c) Publishing the notice once in a local newspaper of general circulation.

665.06 FAILURE TO COMPLY; REMEDY OF MUNICIPALITY.

(a) In the event the owner, lessee, agent, tenant or other such person having charge or care of any land, parcel or lot within the Municipality does not comply with the order to cut or destroy the weeds, grass or undesirable vegetation or trim the trees or shrubs within the time limit specified in Section [665.05](#) after a proper notice to abate the violation has been issued by the Village Mayor/Administrator, the Village Mayor/Administrator shall cause such undesirable vegetation to be cut and destroyed or trees or shrubs to be trimmed, and may employ the necessary labor and equipment to perform such task, together with any cleanup work required, within appropriations previously made by Council. This remedy is in addition to the penalty provided in Section [665.99](#). The Village of Minerva Park shall not be responsible for damage done to the premises under the authorization provided in herein.

(b) If the owner, lessee, agent, tenant or other such person having charge of such lots or land fails or refuses to cut or destroy the weeds, grass or undesirable vegetation or trim the trees or shrubs and it becomes necessary for the Village of Minerva Park to abate the violation more than one time during any calendar year, the Village Mayor/Administrator may abate subsequent violations without the necessity of further notice.

665.07 FEES CHARGED BY MUNICIPALITY.

(a) Upon completion of abatement of the violation, the Village Mayor/Administrator shall invoice the owner for all such work performed at a liquidated cost of \$125 per on-site man-hour including all equipment, equipment maintenance, supplies, and overhead costs, with a minimum charge of \$300. If a contractor performs the work, the Village Mayor/Administrator will invoice the owner for the costs of such cutting and removal shall be immediately due and payable to the Municipality provided, however, that the administrative fee shall not exceed \$500.00. The cost and administrative fee shall be assessed against the lot or land.

(b) Notice of such assessment shall be given to the owner of the lot of land charged therewith, and the

Ordinance 12-2017 (continued)

occupant by mailing such notice to the address utilized by the County Treasurer for tax billing purposes and by posting a Notice of Assessment at the subject premises. All assessments not paid within ten days after such mailing and posting, after approval by the Village Mayor/Administrator, shall be certified by the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

665.08 PAYMENT OF FEES.

The owner shall pay such fees as are charged in accordance with Section [605.07](#) to the Finance Director within thirty days after receipt of such statement of costs to avoid further cost or penalty. If the fee is not paid when due, the Finance Director shall certify to the County Auditor the proceedings taken under this chapter, together with a statement of the charges for such services as listed in Section [605.07](#) and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry and shall be collected as other taxes and returned to the General Fund as provided by Ohio R.C. 731.54.

665.09 REMOVAL OF FALLEN BRANCHES, LIMBS, ETC.

No owner, agent, lessee, tenant or other having charge of property within the Municipality, shall cause, or allow to cause, the accumulation of dead, fallen or cut tree branches, limbs or trimmings on such lands as to constitute a public nuisance or hazard or which may be considered dangerous to the public as determined through inspection by the Village Administrator or his/her designee.

665.10 CUTTING OF WEEDS AND GRASSES IN ADJACENT RIGHTS-OF-WAY.

(a) No person owning, having charge of or being in possession of land within the Village shall fail to keep the adjacent right-of-way between his/her property and the curb, or edge of street or alley where there is no curb, free from all weeds.

(1) Noxious Weeds Defined. Wild mustard; musk thistle (nodding thistle); oxeye daisy; Canada thistle; poison hemlock; wild carrot; purple loosestrife; wild parsnip; mile-a-minute weed; Russian thistle; cressleaf groundsel; shattercane; Johnsongrass; hogweed; chicory; thistle; plantain; dandelion; trumpet vine; amur honeysuckle; lambs quarters; grapevines (abandoned); poison ivy; poison oak; poison sumac.

(2) Weeds Defined. All grasses, annual plants, and vegetation, other than trees or shrubs provided however, this term shall not include cultivated flowers and gardens. Natural plantings of native wild plants and accepted cultivars of wild plants are a recognized type of landscaping. These areas must be tended, cultivated in a manner consistent with natural plantings, and confined to a definite area.

(b) No person owning, having charge of or being in possession of land within this Village shall fail to keep the adjacent right-of-way between such property and the curb, or edge of the street or alley where there is no curb, by allowing grass and weeds to grow to a height in excess of 6" or to mature their seeds thereon pursuant to Section [665.01](#) of the Codified Ordinances.

(c) The Village Administrator or his/her designee is hereby granted authority to notify the property owner in writing who is in violation of subsection (a) or (b) of this section to cut such weeds or grass and if such weeds or grass have not been cut within seven (7) calendar days of the date of mailing such notice the Village Administrator or his/her designee may cause the weeds to be removed. The cost of such maintenance shall be reported to Council and upon Council's approval shall be returned to the Finance Director who will forward the charges to the Franklin County Auditor for inclusion upon the tax duplicate for collection, all in accordance with Ohio R.C. 731.51 et seq.

(d) Whoever violates this section is guilty of a minor misdemeanor. Each calendar day that a violation of this section is repeated or continued shall constitute a separate offense.

665.11 GRASS CLIPPINGS ON PUBLIC SIDEWALKS AND PUBLIC STREETS.

(a) No grass clippings or foliage shall be deposited onto public sidewalks or public streets. Grass clippings or foliage are to be removed from the public street and/or public sidewalk immediately

Ordinance 12-2017
(continued)

following mowing or trimming.

(b) Grass clippings or foliage shall not be dumped or washed into municipal storm drains or into the municipal storm sewer system.

(c) The property owner shall be responsible for ensuring all tenants, vendors, or third parties comply with this Section.

665.99 PENALTY.

(a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor on a first offense. If the violator has been previously convicted of or pleaded guilty to a violation of this Chapter, the violator shall be guilty of a fourth degree misdemeanor upon conviction. Sentencing shall be in accordance with Section 698 of the Codified Ordinances. A separate offense shall be deemed committed each day on which a violation occurs or continues.

(b) Organizations shall be held criminally liable pursuant to Section 606.

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 the earliest period allowed by law.

First Reading: May 22, 2017
Second Reading: Tabled
Third Reading:
Passed:

Lynn Eisentrout, Mayor

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

ORDINANCE 19-2017

AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS SITUATED IN MINERVA PARK SUBDIVISION PHASE I AS RECORDED IN PLAT BOOK 121 PAGES 95-96 FRANKLIN COUNTY, OHIO RECORDS INCLUDING THE STREETS AND IMPROVEMENTS SITUATED IN THE RIGHT OF WAY

WHEREAS, the Developer of Minerva Park Subdivision Phase I has represented to the Village that all public improvements reflected upon the subdivision plat including streets and all improvements within the platted street right of way are complete; and,

WHEREAS, the Village is satisfied that all public improvements reflected upon the plat are complete in accordance with the terms of the Development Agreement,

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE OF MINERVA PARK, FRANKLIN COUNTY, STATE OF OHIO AS FOLLOWS:

Section 1: That all public improvements reflected upon the plat of Minerva Park Phase I as recorded in Plat Book 121 Pages 95-96 Franklin County, Ohio Records including the streets and all improvement situated in the street right of way are hereby accepted by the Village pursuant to the terms of the Statute.

Section 2: That the Developer is hereby released from all obligations to the Village pursuant to the improvements reflected upon the plat and the Development Agreement with the Village.

Section 3. That it is hereby found and determined that all formal action of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of the decision making bodies of the Village of Minerva Park which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Village of Minerva Park, Franklin County, Ohio.

Section 4. That this Ordinance shall take effect at the earliest possible date permitted by law.

Lynn Eisentrout, Mayor

First Reading: July 24, 2017
Second Reading: Waived
Third Reading: Waived
Passed: July 24, 2017

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor