

Village of Minerva Park
Council Meeting: September 24, 2018
AGENDA

Pledge of Allegiance

Roll Call

Invocation Councilwoman Hughes

Green Cards Mayor Eisentrout

Swear In of New Council Members

Election of Council President

Presentation Pete DiSalvo

Legislation

Resolution 2018-19 Accepting Amounts and Rates

3rd reading

Resolution 2018-20 Leaf Pick Up

3rd reading

Ordinance 15-2018 Supplemental Appropriations

2nd reading

Ordinance 16-2018 Appointing Matt Delp as Chief of Police

2nd reading

Ordinance 17-2018 Accepting Storm Sewer Easement

1st reading

New Business

Old Business

Citizens' Comments

Adjourn

RESOLUTION 2018-19

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED
BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY
TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR
AND DECLARING AN EMERGENCY.**

WHEREAS, the Council of the Village of Minerva Park, in accordance with the Chapter 5705, Revised Code, adopted a Tax Budget for the fiscal year commencing January 1, 2019; and,

WHEREAS, the Budget Commission of Franklin County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation;

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

Section 1. The amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

Section 2. There be and is hereby levied on the tax duplicate of said Village the rate of each tax necessary to be levied within and without the ten mill limitation for tax year 2018 (collection year 2019) as follows:

	Amount to be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	Estimate of Full Tax Rate to Be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
General Fund	\$474,982	\$37,816	1.00	14.10

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 need to submit a certified copy of this Resolution to the Franklin County Budget Commission by October 1, 2018. Wherefore, this Resolution shall take effect and shall be in force immediately upon passage by Council.

RESOLUTION 2018-19
(Continued)

Lynn Eisentrout, Mayor

First Reading: August 27, 2018
Second Reading: September 10, 2018
Third Reading: September 24, 2018
Passed: September 24, 2018

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

RESOLUTION 2018-20

A RESOLUTION AUTHORIZING A CONTRACT WITH XXXX FOR LEAF PICKUP AND DECLARING AN EMERGENCY

WHEREAS, The Village of Minerva Park desires to proceed with the 2018 Leaf Pickup Program;

WHEREAS, The Village advertised a Request for Proposal for the 2018 Curbside Leaf Removal Program during August 2018; and,

WHEREAS, The Village received two proposals for the 2018 Curbside Leaf Removal Program; and,

WHEREAS, The Village Council finds the proposal received from McKinney Landscaping was received within the established timeframe and is the lowest and best proposal that met the specifications.

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

Section 1. The Mayor and Fiscal Officer are hereby authorized and directed to enter into a contract with McKinney Landscaping for leaf pickup from approximately October 17, 2018 through December 18, 2018.

Section 2. The cost of the leaf pickup program is \$18,000.

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 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 need to have the authority to enter into a contract before the start of the collection period. WHEREFORE, this Resolution shall take effect and shall be in force immediately upon passage by Council.

Lynn Eisentrout, Mayor

First Reading: August 27, 2018
Second Reading: September 10, 2018
Third Reading: September 24, 2018
Passed: September 24, 2018

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

ORDINANCE 15 -2018

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2018

WHEREAS, it is necessary to supplement the appropriations in Ordinance 29-2017 for the year ending December 31, 2018; and

WHEREAS, the appropriations herein are to be effective for the year ending December 31, 2018.

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

Section 1. The Annual Appropriations in Ordinance 29-2017 are supplemented as follows:

<u>Fund/Account No.</u>	<u>Account Name</u>	<u>Current Amount</u>	<u>Increase</u>	<u>Revised Amount</u>
<u>General Fund</u>				
<u>Police Department</u>				
1000-110-100	Personal Services	568,900	32,849	601,749
1000-110-200	Employee Fringe Benefits	293,800	11,764	305,564
1000-110-300	Contractual Services	47,500	1,100	48,600
1000-110-400	Supplies and Materials	49,000	3,700	52,700
 <u>Fire/Emegency Medical</u>				
1000-120-100	Personal Services	35,500	7,500	43,000
1000-120-200	Employee Fringe Benefits	6,800	1,500	8,300
1000-120-300	Contractual Services	15,600	2,000	17,600
1000-120-400	Supplies and Materials	11,600	2,000	13,600
 <u>Civil Defense - Siren</u>				
1000-140-300	Contractual Services	3,000	(700)	2,300
 <u>Public Health - County Health District</u>				
1000-210-600	Other	9,600	200	9,800
 <u>Provide and Maintain Parks</u>				
1000-320-100	Personal Services	10,500	1,600	12,100
1000-320-200	Employee Fringe Benefits	1,900	300	2,200
 <u>Community Planning and Zoning</u>				
1000-410-100	Personal Services	77,400	(1,100)	76,300
1000-410-200	Employee Fringe Benefits	17,200	900	18,100
1000-410-300	Contractual Services	69,700	16,100	85,800

**Ordinance 15-2018
(Continued)**

<u>Fund/Account No.</u>	<u>Account Name</u>	<u>Current Amount</u>	<u>Increase</u>	<u>Revised Amount</u>
<u>General Fund</u>				
<u>Other Community Environment</u>				
1000-490-300	Contractual Services	43,000	1,000	44,000
<u>Storm Sewers and Drains</u>				
1000-559-300	Contractual Services	10,000	4,700	14,700
1000-559-400	Supplies and Materials	0	14,500	14,500
1000-559-500	Capital Outlay	30,000	(10,500)	19,500
<u>Legislative</u>				
1000-715-200	Employee Fringe Benefits	1,200	(500)	700
1000-715-500	Capital Outlay	3,000	(2,000)	1,000
<u>Finance</u>				
1000-725-100	Personal Services	67,000	(500)	66,500
1000-725-300	Contractual Services	13,600	(300)	13,300
<u>Land and Buildings</u>				
1000-730-100	Personal Services	10,200	2,000	12,200
1000-730-200	Employee Fringe Benefits	1,800	600	2,400
<u>Property Tax Collection Fees</u>				
1000-740-300	Contractual Services	11,000	(3,500)	7,500
<u>Auditor of State Fees</u>				
1000-745-300	Contractual Services	7,500	(1,300)	6,200
<u>Village Solicitor</u>				
1000-750-300	Contractual Services	100,000	(39,000)	61,000
<u>Other General Government</u>				
1000-790-300	Contractual Services	40,500	(4,500)	36,000
1000-790-400	Supplies and Materials	0	3,500	3,500
1000-790-600	Other	0	1,000	1,000

Ordinance 15-2018
(Continued)

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.

Lynn Eisentrout, Mayor

First Reading: August 27, 2018
Second Reading: September 10, 2018
Third Reading: September 24, 2018
Passed: September 24, 2018

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

ORDINANCE 16-2018

AN ORDINANCE CONSENTING TO THE APPOINTMENT OF MATT DELP AS CHIEF OF POLICE AND DECLARING AN EMERGENCY

WHEREAS, pursuant to ORC §737.15, each village shall have a marshal, designated chief of police, appointed by the mayor with the advice and consent of the legislative authority of the village; and,

WHEREAS, ORC §737.15 also provides that no person shall receive an appointment unless, not more than sixty days prior to receiving such appointment, the person has passed a physical examination showing that the person meets the physical requirements necessary to perform the duties of village marshal as established by the legislative authority of the village; and

WHEREAS, pursuant to ORC §737.17, all appointments made under section 737.15 shall be for a probationary period of six months' continuous service, and none shall be finally made until the appointee has satisfactorily served his probationary period; and

WHEREAS, ORC §737.17 also provides that at the end of the probationary period the mayor shall transmit to the legislative authority of the village a record of such employee's service with her recommendations thereon and she may, with the concurrence of the legislative authority, remove or finally appoint the employee; and

WHEREAS, Council for the Village of Minerva Park desires to consent to the Mayor's appointment of Matt Delp as Chief of Police, pursuant to ORC §737.15;

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

Section 1: Council hereby consents to the Mayor's appointment of Matt Delp as Chief of Police for the Village of Minerva Park. Pursuant to ORC §737.15, Chief Delp need not be a resident of the village within six months after appointment by the mayor and confirmation by the legislative authority, as such residence requirement is hereby waived by ordinance.

Section 2: All prior ordinance(s) or resolutions(s) or any part thereof, which is(are) consistent with this ordinance is(are) hereby repealed as to the inconsistent part(s) thereof and the remainder of said ordinance(s) or resolution(s) not inconsistent with this ordinance shall remain in full force and effect.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinances 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. 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 need for providing the safety of having a Chief of Police in place. Wherefore, this Ordinance shall take effect and shall be in force immediately upon passage by Council.

ORDINANCE 16-2018

First Reading: September 10, 2018
Second Reading: September 24, 2018
Third Reading: Waived
Passed: September 24, 2018

Lynn Eisentrout, Mayor

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

ORDINANCE 17-2018

AN ORDINANCE TO ACCEPT AN EASEMENT AGREEMENT FROM M/I HOMES OF CENTRAL OHIO, LLC AND DECLARING AN EMERGENCY

WHEREAS, M/I Homes of Central Ohio, LLC, an Ohio limited liability company (“M/I Homes”), is the owner of Reserve “H” and Lot 99 of the Minerva Park East plat located in the Village of Minerva Park, County of Franklin and State of Ohio, identified tax parcel numbers 113-001053-00, 113-002251-00, and 113-002106-00; and,

WHEREAS, M/I Homes desires to convey a storm sewer easement over, across and through a 0.008+/- acre, 0.006+/- acre, and 0.058 acre, respectively, area of land to the Village of Minerva Park for storm sewer maintenance purposes; and,

WHEREAS, the Village Engineer recommends acceptance of the easement.

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

Section 1. That Council does hereby authorize the acceptance and execution by the Mayor of the Easement Agreement over, across and through the 0.008+/- acre, 0.006+/- acre, and 0.058 acre area of land, in a form substantially similar to the Easement Agreement attached hereto as Exhibit A and incorporated herein by reference.

Section 2. That Council hereby authorizes and directs the Law Director to record the Easement Agreement, evidencing the acceptance of the storm sewer easement as authorized herein.

Section 3. 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 need to accept the Easement Agreement to allow the parties to close a real estate transaction; Wherefore, this Ordinance shall take effect and shall be in force immediately upon passage by Council.

Lynn Eisentrout, Mayor

First Reading: September 24, 2018
Second Reading: October 8, 2018
Third Reading: Waived
Passed: October 8, 2018

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

STORM SEWER EASEMENT AGREEMENT

MI HOMES OF CENTRAL OHIO, LLC, an Ohio limited liability company (“Grantor”), for good and valuable consideration received from **THE VILLAGE OF MINERVA PARK**, an Ohio municipal corporation having an address at 2829 Minerva Lake Road, Columbus OH 43231 (“Grantee”), does hereby grant to Grantee and its successors and assigns forever, all right, title, and interest in and to a perpetual, non-exclusive easement in, over, under, across, and through the following described real property (the “Easement Area”):

See approximate location of Easement Area on Exhibit A. The Easement Area is more particularly described and depicted on Exhibit B through Exhibit D attached hereto and made a part of this instrument. The Easement Area is located on and burdens a portion of the real property identified below (the “Grantor Property”):

Franklin County Parcel Nos.: 113-001053-00; 113-002251-00; and 113-002106-00

Instrument References: 201605260066728, 201605260066729, and 201711090158628, Recorder’s Office, Franklin County, Ohio

TERMS AND CONDITIONS

1. Grant of Storm Sewer Easement. Grantor hereby grants for the benefit of Grantee a perpetual, non-exclusive easement in, over, under, across, and through the Easement Area for the purposes of constructing, replacing, removing, repairing, maintaining and operating storm water drainage facilities, along with appurtenances related thereto (the “Improvements”).
2. Maintenance of Storm Sewer Improvements. Grantee shall be solely responsible for maintaining, operating, repairing, and replacing the Improvements at its sole cost and expense.

Grantee shall keep all such Improvements in a good state of repair, shall maintain and operate the Improvements in accordance with all applicable laws, and shall not unreasonably interfere with Grantor's use and enjoyment of Grantor's Property. Grantee shall not install any of the Improvements in a manner that unreasonably interferes with the use and enjoyment of Grantor's Property.

3. Right of Entry. Grantor hereby grants to Grantee and its contractors, agents and employees, the right to enter upon Grantor's Property for the purpose of allowing Grantee to exercise any rights it enjoys under this Storm Sewer Easement Agreement (this "Agreement"). Grantee's entry shall be limited to only those times and those areas of the Grantor Property which are necessary to exercise such rights.

4. Damage and Restoration. Grantee agrees that it shall restore any real property that is damaged by the exercise of any rights being provided in its favor under this Agreement. Such restoration shall occur within a reasonable amount of time after such damage occurs and shall be undertaken so as to return the damaged real property to the same or substantially similar condition as existed prior to the occurrence of the damage.

5. Insurance. Grantee shall maintain commercial general liability insurance covering all acts and omissions of Grantee or those acting for or through Grantee. Such commercial general liability insurance shall be in amounts that are customary for Grantee to obtain and retain for other similar easement rights that it enjoys. Grantee agrees to hold Grantor harmless up to the extent of Grantee's liability insurance coverage in the event that Grantee and/or its representatives, employees or agents are found to be liable in connection with their acts or omissions under this Agreement. It is expressly acknowledged by Grantor that Grantee is not pledging any funds other than available insurance proceeds with respect to Grantee's obligation to hold Grantor harmless.

6. Covenants Run With Land. The easement granted hereunder shall run with and be appurtenant to the real property to which it applies and shall be binding upon Grantor and Grantee and their respective successors and assigns in interest.

7. Miscellaneous.

(a) Entire Agreement. This Agreement constitutes the entire agreement and understanding between the parties relating to the subject matter hereof. There are no statements, promises, representations or understandings, either oral or written, not herein expressed.

(b) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

(c) Severability. If any provision of this Agreement or the application thereof to any person or circumstances shall, to any extent, be held invalid, inoperative or unenforceable, the remainder of this Agreement, or the application of such provision, to any other person or

circumstance shall not be affected thereby and the remainder of this Agreement shall be given effect as if such invalid or inoperative portion had not been included.

[Signature pages follow]

IN WITNESS WHEREOF, Grantor has caused this Agreement to be executed on the date written below.

GRANTOR:

M/I HOMES OF CENTRAL OHIO, LLC,
an Ohio limited liability company

By: J. Francis

Printed Name: Jason Francis

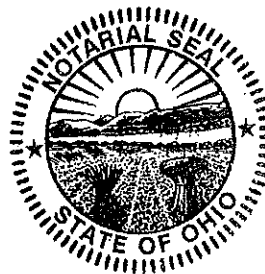
Title: Director of Land Development

Date: 8-29-18

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

The foregoing instrument was acknowledged before me this 29th day of August, 2018 by Jason Francis, the Vic. of Land Dev. of M/I HOMES OF CENTRAL OHIO, LLC, an Ohio limited liability company, on behalf of the limited liability company.

Darlene W. Smith
Notary Public



DARLENE W. SMITH
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JUNE 25, 2019

IN WITNESS WHEREOF, Grantee has caused this Agreement to be executed on the date written below.

GRANTEE:

THE VILLAGE OF MINERVA PARK, OHIO,
an Ohio municipal corporation

By: _____

Print Name: _____

Title: _____

Date: _____

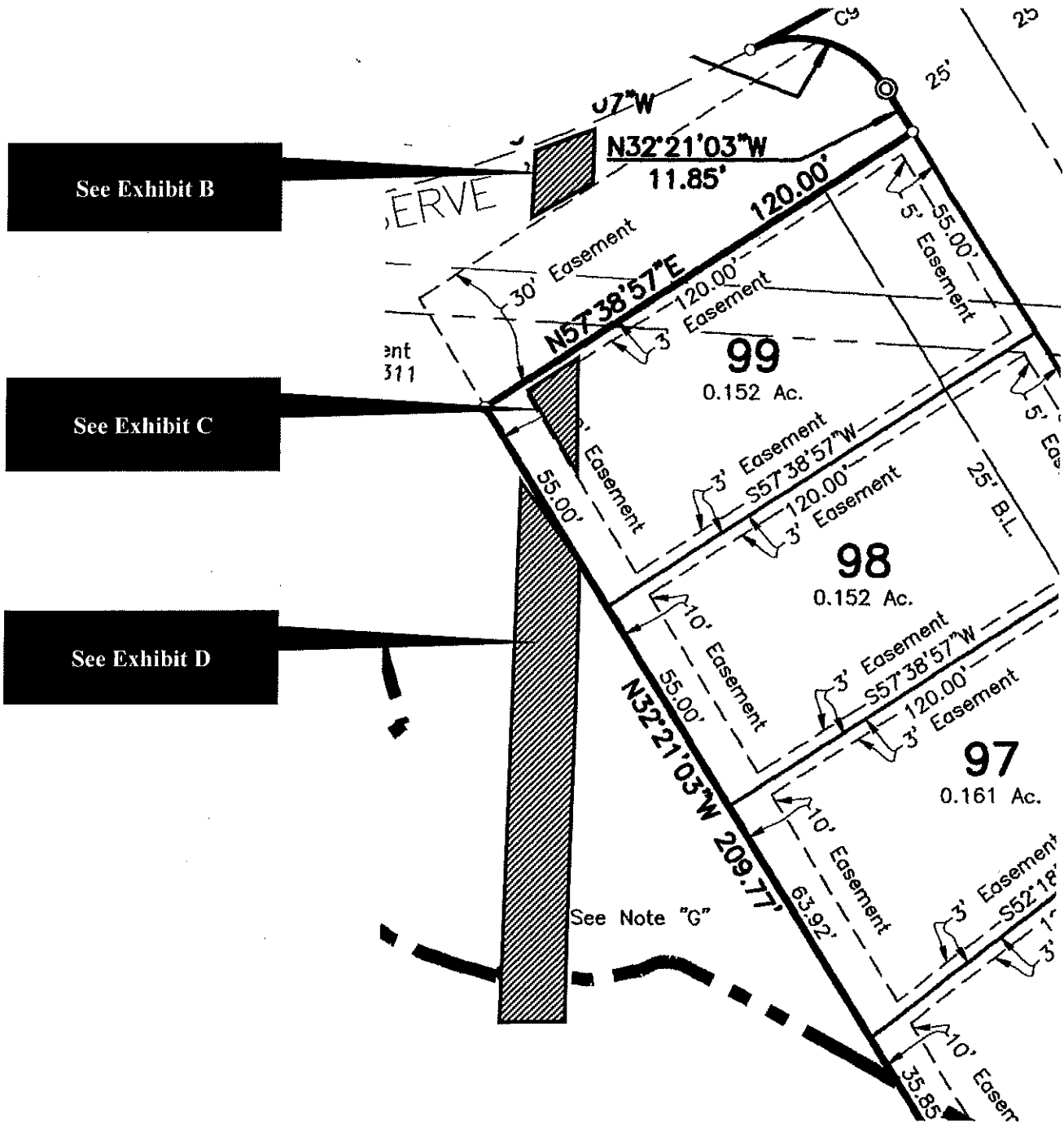
STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by _____, the _____ of THE VILLAGE OF MINERVA PARK, OHIO, an Ohio municipal corporation, on behalf of said municipal corporation.

Notary Public

This instrument prepared by:
Underhill & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

Exhibit A – Overview of Easement Area



See Exhibit B

See Exhibit C

See Exhibit D

Exhibit B – Description and Depiction of Easement Area

Burdened Parcel: 113-001053-00

**STORM SEWER EASEMENT
0.008 ACRE**

Situated in the State of Ohio, County of Franklin, Village of Minerva Park, in Quarter Township 3, Township 2, Range 17, United States Military Lands, being on, over, and across Reserve "H" of the subdivision entitled "Minerva Park East", of record in Plat Book 18, Page 67 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the intersection of the southerly right-of-way line of Minerva Lake Road with the westerly right of way line of Green Line Way;

Thence with said southerly right of way line and with the arc of a curve to the right, having a central angle of 04° 46' 35", a radius of 444.30 feet, an arc length of 37.04 feet, a chord bearing of South 65° 30' 08" West and a chord distance of 37.03 feet to the TRUE POINT OF BEGINNING for this description;

Thence crossing said Reserve "H" the following courses and distances:

South 02° 53' 19" West, a distance of 14.44 feet to a point;

South 57° 38' 57" West, a distance of 24.49 feet to a point; and

North 02° 53' 19" East, a distance of 19.83 feet to a point in said southerly right of way line;

Thence with said southerly right of way line and with the arc of a curve to the left, having a central angle of 02° 48' 53", a radius of 444.30 feet, an arc length of 21.83 feet, a chord bearing of North 69° 17' 51" East and a chord distance of 21.82 feet to the TRUE POINT OF BEGINNING, containing 0.008 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

27 July 18

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:mm
0_008 ac 20161258-VS-ESMT-STRM-02.doc



Exhibit B – Description and Depiction of Easement Area

Burdened Parcel: 113-001053-00

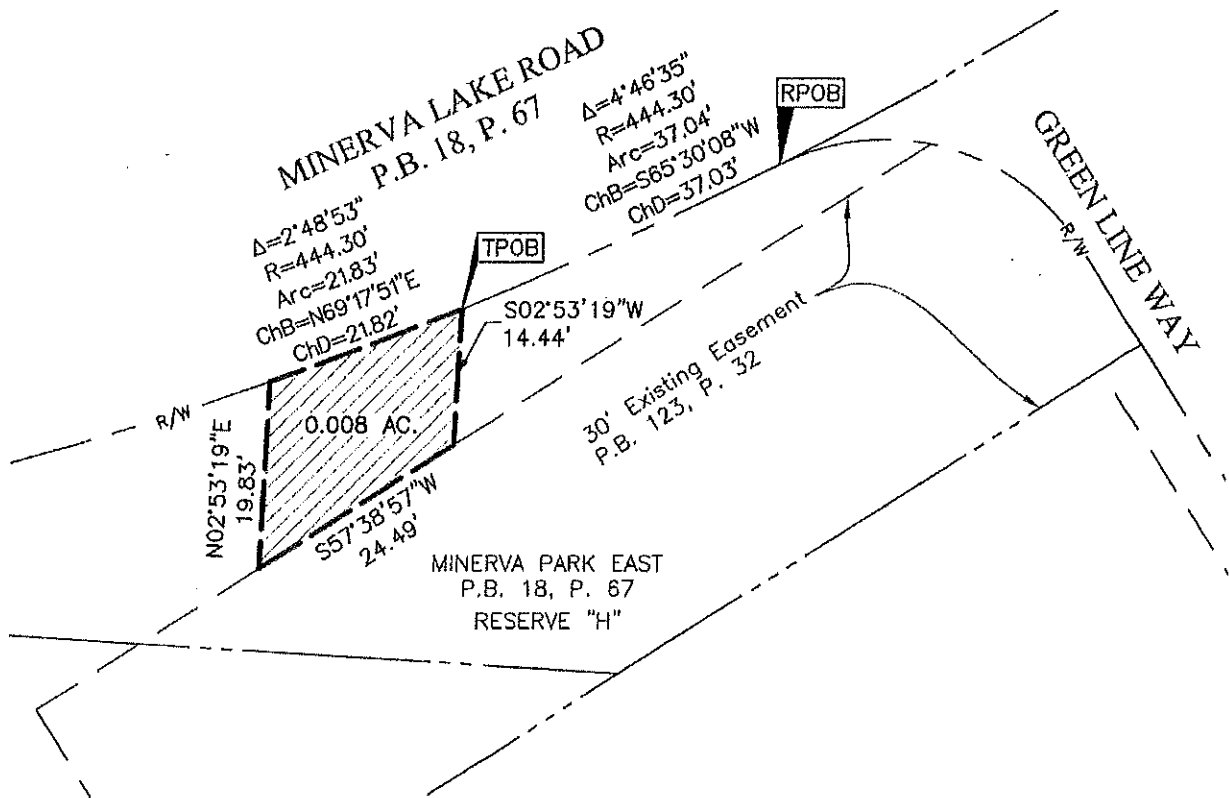


Exhibit C – Description and Depiction of Easement Area

Burdened Parcel: 113-002251-00

**STORM SEWER EASEMENT
0.006 ACRE**

Situated in the State of Ohio, County of Franklin, Village of Minerva Park, in Quarter Township 3, Township 2, Range 17, United States Military Lands, being on, over, and across Lot 99 of the subdivision entitled "Minerva Park Phase 4", of record in Plat Book 123, Page 32 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the northeasterly corner of said Lot 99 in the westerly right-of-way line of Green Line Way;

Thence South 57° 38' 57" West, with the northerly line of said Lot 99, a distance of 90.94 feet to a point;

Thence crossing said Lot 99 the following courses and distances:

South 32° 21' 03" East, a distance of 3.00 feet to the TRUE POINT OF BEGINNING for this description;

South 02° 53' 19" West, a distance of 33.03 to a point;

North 32° 21' 03" West, a distance of 26.97 feet to a point; and

North 57° 38' 57" East, a distance of 19.06 feet to the TRUE POINT OF BEGINNING, containing 0.006 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

26 July 18

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:mm
0_006 ac 20161258-VS-ESMT-STRM-01.doc



Exhibit C – Description and Depiction of Easement Area

Burdened Parcel: 113-002251-00

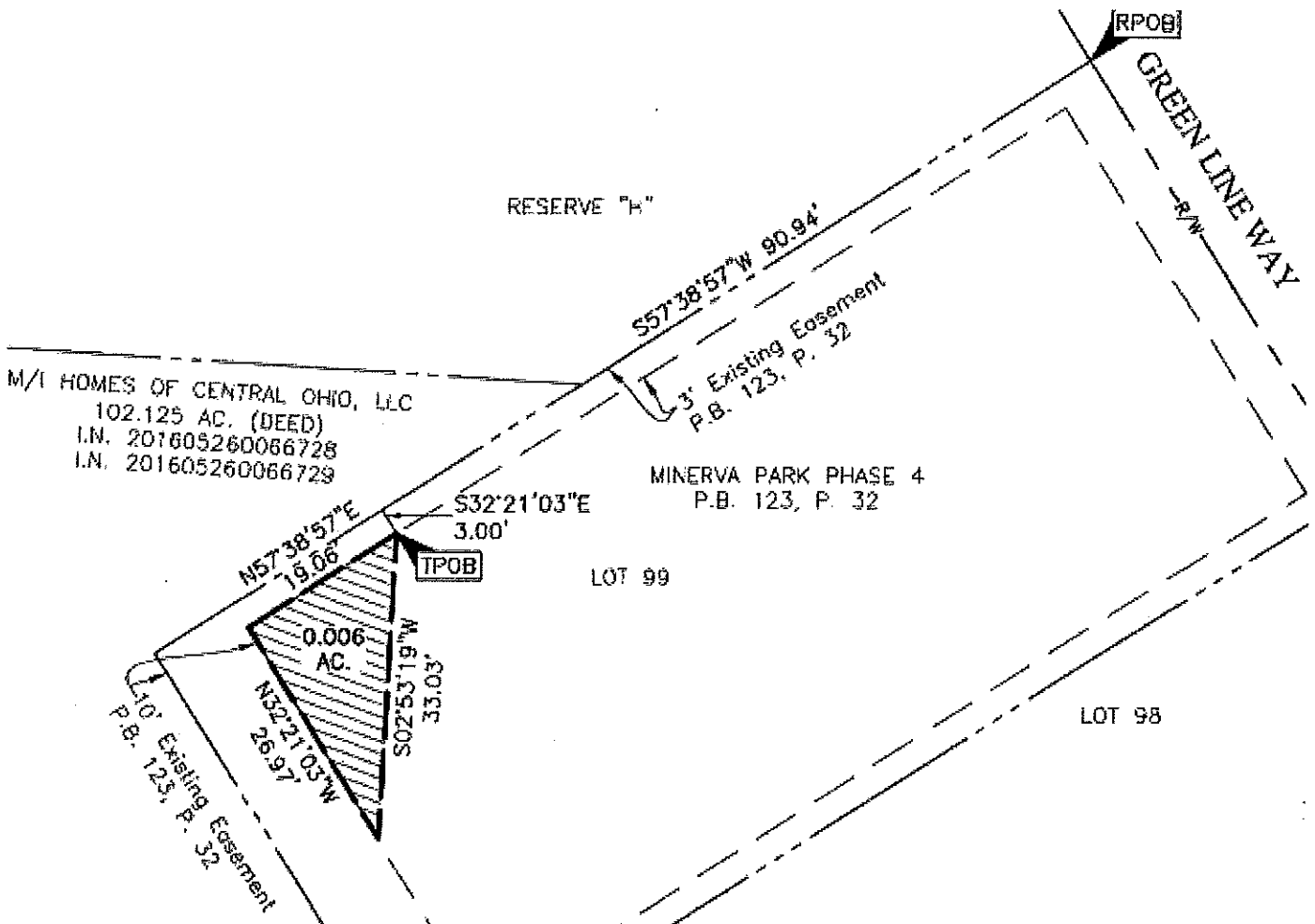


Exhibit D – Description and Depiction of Easement Area

Burdened Parcel: 113-002106-00

**STORM SEWER EASEMENT
0.058 ACRE**

Situated in the State of Ohio, County of Franklin, Village of Minerva Park, in Quarter Township 3, Township 2, Range 17, United States Military Lands, being on, over, and across that tract of land conveyed to M/I Homes of Central Ohio, LLC by deeds of record in Instrument Numbers 201605260066728 and 201605260066729 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the southwesterly corner of Lot 99 of the subdivision entitled "Minerva Park Phase 4", of record in Plat Book 123, Page 32;

Thence North 32° 21' 03" West, with the westerly line of said Lot 99, a distance of 10.87 feet to the TRUE POINT OF BEGINNING for this description;

Thence crossing said M/I Homes tract the following courses and distances:

South 02° 53' 19" West, a distance of 112.10 feet to a point;

North 87° 06' 41" West, a distance of 20.00 feet to a point; and

North 02° 53' 19" East, a distance of 140.41 feet to a point in the westerly line of said Lot 99;

Thence South 32° 21' 03" East, with said westerly line, a distance of 34.66 feet to the TRUE POINT OF BEGINNING, containing 0.058 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

27 July 18

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:mm
0_058 ac 20161258-VS-ESMT-STRM-03.doc

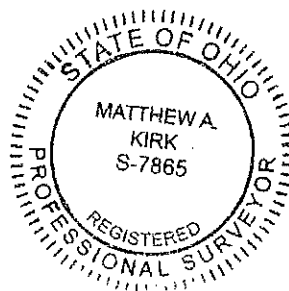


Exhibit D – Description and Depiction of Easement Area

Burdened Parcel: 113-002106-0

