

The regular meeting of the Village of Minerva Park Council was called to order by Mayor Lynn Eisentrout on Monday, July 12, 2010 at 7:08 PM in the Village of Minerva Park Community Building.

Council members present: Matthew Danzuso, Sharon Bierman, Pam Park-Curry, Todd Walter and Roberto Segovia.

Council member absent: Kent Stanley, excused

Also present were: Mayor Lynn Eisentrout, Acting Police Chief Adam Beach, Fire Chief Rick Hoechstetter, Zoning Enforcement Officer Dick Busick and Legal Counsel Jennifer Croghan.

Citizens Present: Tony Benedetti, Lisa Craddock-Thitoff, Kurt Bolain, Charlie Brown, Harry Toy, Jeremiah Arn and Dick Busick.

Councilwoman Park-Curry moved to appoint Councilman Danzuso as note-taker, Councilwoman Bierman 2nd, Vote: All Ayes

Minutes:

Regular Minutes of June 14, 2010, Special Minutes of June 21, 2010, Special Minutes of June 23, 2010, Special Minutes of June 28, 2010 and Special Minutes of July 1, 2010: First there was discussion led by Mayor Eisentrout around whether or not council would approve all minutes at one time. Councilwoman Park-Curry indicated that there were several minor changes but not much else. Councilman Segovia stated that he sent a couple of changes on the Special Meeting Minutes for July 1, 2010. Councilman Segovia stated that the notes did not actually represent what he said in the July 1, 2010 meeting and asked that they be amended. The minutes were amended.

There was a discussion on the Motion to Reconsider. Councilman Segovia commented on the July 1 notes that he did not question the procedure of placing a 1.9 mill tax levy on the November ballot. That he questioned the procedure of undoing the 2 resolutions that were passed as an emergency using a motion to reconsider under Robert's Rules. Councilman Segovia is arguing that according to the ORC legislation passed as an as an emergency goes into effect immediately; and Robert's Rules does not supersede the ORC.

There was further discussion with Councilman Segovia, Councilwoman Park Curry and Jennifer Croghan in regards to the use of a motion to reconsider in the Rules of Council. Councilman Segovia read the first two sentences of a motion to reconsider and argued that the proposal to pass the two resolutions passed favorably. Councilwoman Park Curry disagreed with that view and argued that the resolutions were not proposals and would fall under "other" actions.

Councilwoman Bierman moved to approve Regular Minutes of June 14, 2010, Special Minutes of June 21, 2010, Special Minutes of June 23, 2010, Special Minutes of June 28, 2010 and Special Minutes of July 1, 2010, Councilwoman Pam Park-Curry 2nd, Vote: All Ayes.

Citizens Comments:

Tony Benedetti, 2987 Berry Lane Court: commented on Minerva Park's lack of certified building inspector, and his meeting with Law Director Gene Hollins and others regarding this issue. He also commented on the fact that the tape he received of the council meeting was missing the part where Law Director Hollins commented on the building inspector. He also was stated that some of the records were redacted in a way that violates public records law. Mr. Benedetti stated that he had been told his public records requests were a waste of village time and money. He then mentioned at least three issues he uncovered through his requests—issues with the fence code, the leaf contractor last year not having insurance, and the code enforcement officer's contract. He stated that these issues were identified by him and not the law director. Mr. Benedetti also opined that legal advice Minerva Park receives from Law Director Hollins is subpar. He further stated that he is upset with the way public records are filled, especially in the timeliness of those records. Mr. Benedetti also stated that the auditors missed that Minerva Park did not have its public records policy posted on a wall. Mr. Benedetti requested a special meeting with council to further discuss his issues. Mr. Benedetti also stated that council should not make recommendations without a way to solve the problem.

Lisa Craddock-Thitoff: commented about Mrs. Paugh's bench. MPCA and council are moving forward. Lisa and Councilwoman Bierman will be meeting with Mrs. Paul to go over final details. Mrs. Paul would like the bench in place by the end of summer.

Village Officials Reports:

EMS Department: Fire Chief Rick Hoechstetter

- Chief Hoechstetter invited all to a reception in honor of Faith Prudence becoming an honorary member of the fire department. The reception is planned on July 23rd at 7:30. Arrangements are going to be made to try and use the community building. If that cannot be done, it will be held in the department offices below the community building.
- \$2,300 repair estimates for the EMS vehicle.

Police Department: Interim Chief Adam Beach

- Received radar for participation in the DUI program.
- The police department is in the running for a new cruiser
- Council has the monthly report

- Chief Beach asked the Mayor and Council if we could have a silent auction for the items we will auction rather than a standard one. He will get an auction list out to Council soon. The auction will be held during garage sale.
- Police Department has stepped up foot patrol in the dam area. Not much to note about that.
- There have been a few break-ins in the Village.
- The recent DOA was of natural causes

Engineer: Mike Flickenger

- In early 2010 Minerva Park solicited street core samples to be taken on Maplewood in advance of street paving project. This is the recommendation of the engineer in order to avoid the problems Minerva Park faced last year with Alder Vista. It will give the Village an idea of how the street looks and any problems we will face with paving. 8 areas have been marked for samples. The company should know what they are doing and Mike does not need to be there— this will keep Village costs for Mike's time down.
- The OK has been given to advertise 2010 Project (Maplewood, Lakewood, Lakeland and Far View). Scheduled to open August 6th, 2010. The timeline is as follows: Accept bids Friday August 6th; Council review bids at work session August 7th; Review and pass/award bid on Monday August 9th; Give notice to proceed on Tuesday August 10th; allow the contractor to start work on Monday August 16th, 2010. This will allow the contractor to finish Fairview before school starts on August 23rd. Mike believes the timeline is tight but manageable.

Legal: Jennifer Croghan, ESQ

- Responded to Mr. Benedetti's comments. The redaction was done to protect attorney-client privileges. If the redaction was not done, the law office would be in violation of those privileges.
- Responded to Mr. Benedetti's comments in regards to Building inspector; and House Bill 175 being a bill analysis.
- Also addressed Mr. Hollins advice as being typically very thorough.

Planning and Zoning/Code Enforcement: Mr. Dick Busick

- Asked that the record show there was no paper report to provide since Mr. Busick was unable to perform his job in the last month since Code Enforcement Officer was not passed as an emergency.
- Several properties in the village are in foreclosure. Most are being kept-up by the banks, but 1 on Alder Vista is not. Wells Fargo owns, but when contacted they do not have the property in their records. Some neighbors have been trying to maintain. One on Ponderosa will receive a letter this week.
- There are several properties that have rather large dead trees on them; none that look like they are in danger of falling down. Mr. Busick is asking MPCA to lead an effort to get a contractor to

come and bid on the work as one big project; hopefully at a discount. Then for MPCA to work with residents to get them to OK and pay for that work.

- Mr. Busick responded to a question from Councilman Segovia where he gets his foreclosure information. Signs that Mr. Busick uses to start an investigation include tall grass, property signs and word of mouth. Mr. Busick then uses internet and Franklin County Auditor's website to get information. No written policy on how to do that. Mr. Busick would like any information from residents on houses that are in foreclosure so that he and village can monitor them.

Variances:

- Kurt Bolain. 2598 Woodley. Would like to put in a shed in violation of the 8 foot set-back line. His shed would be 5 feet from that set-back line. There was discussion about the application and accuracy of the drawings provided. Mr. Bolain did not necessarily have any hardship at this time. He was not prepared to discuss other options for placing the shed and asked for Council to vote yes or no on his variance request.

Mr. Busick commented that his application did not contain a Statement of Hardship, which was required by the Village Code. Mr. Busick also advised that Council should return application to Planning and Zoning until that statement is received. This requirement is contained in Planning and Zoning code 1232.01.

Mr. Bolain indicated he could give a general statement, but would need time to prepare an actual statement. He was unsure if this is truly a hardship but felt it was the best use of his space.

Councilwoman Park-Curry indicated that council should have statement of hardship. Mayor Eisentrout stated that Council could take it under advisement and vote in August without Mr. Bolain being present.

Councilwoman Park-Curry moved that we table variance request PC0913 until August pending receipt of supplemental material. Councilwoman Bierman 2nd. Vote: All Ayes.

- Ms. Kasavage. 2666 Woodley. Mr. Charlie Brown represented Ms. Kasavage at council. Mr. Brown is the architect. Applicant would like to tear down existing single car garage and replace with a 2 car garage. All new cement pad needs poured since the current foundation is inadequate and not built to code. The deck that currently exists behind the house would be removed and replaced with a decorative patio. The property is already grandfathered because the garage is in violation of the 8 foot setback. The current variance does not address that issue, only the 25% of Ancillary building to house rule [Code 1272.05]. Also there was no statement of hardship provided.

Councilman Segovia asked if anyone had looked into the whether or not there is a "green space" violation as set forth in the Village Planning and Zoning code. Councilwoman Park-Curry responded that no one had.

Mr. Brown noted that there are many other properties in the village in violation of the 25% code, including 5259 Elmhurst which is at 44%. The current application would make Ms. Kasavage's garage 41%.

Legal Counsel Jennifer Croghan advised that because the application was building a new garage and did not address the setback variance, it would have to go back to Planning and Zoning. Mr. Brown responded that they would just build it with the setback at 8 feet to avoid that variance. Councilwoman Bierman requested that we see the whole updated application before council votes on variance. Councilwoman Bierman also questioned the size of the garage.

Mr. Busick commented that he felt given the size of the garage and the placement of it 15 feet from house, one could not possibly get a second car in it. He also recommended putting the garage further back. Mr. Brown indicated that could not be done since there was a large tree that would require removal in order to do that.

Mr. Brown also addressed the issue of just fixing the old garage since the current foundation is inadequate.

Councilwoman Bierman moved that since there is no statement of hardship in accordance with Ordinance 1231.01 council tables the discussion pending an updated application including the statement of hardship and addressing the additional variance if necessary. Councilwoman Park-Curry 2nd.

Discussion: Councilman Segovia commented that it seems these residents had not been provided proper information/guidance from the village/P&Z for them to fill the applications out properly. And that these two applications had been submitted about two months ago which was plenty of time for these people to have been informed so that they would not have to wait another month or so and do this all again.

Vote: Councilman Roberto Segovia no, all other Ayes

Community Association: Lisa Craddock-Thitoff

- MPCA just held 2nd concert of the series. About 90 people came out. Revenue average about \$200 per concert. Operates at a small loss. Dilly Bar "source" is lost.
- Garden tour was very hot and turnout was a little light. Vendors were interesting: 1 vendor made email and website address for the garden tour. A few people bought things and all-in-all it went OK.
- Wine and Cheese for July is canceled. No one offered to do it. Mr. Busick will do it if he has help. No one came forward yet.
- Family fun night had two storms but pretty much everyone stayed; Made small profit.

- Teen dance is scheduled.
- Membership drive and Garage Sale in August. First Wine and Cheese also in August.
- Mr. Busick was seeking some guidance or input on why more residents are not coming to concert series.

Councilwoman Bierman asked that the record show at this point in the meeting there was no more tape to record to proceedings.

- Harry Troy commented that the Music Series is just in first year and that reviews have been positive. He believes it will grow. Lisa also concurred with that opinion.
- Founder's day has gone through a lot of scenarios. There will be food served and residents are free to bring desserts. It is set for July 31st from 5-8pm. The Fire Department will be doing a maze. MPCA dues will be collected. An updated flyer will be going out. There may be a presentation since the incorporation of Minerva Park is in its 70th year. Starting talk about 75.

Northland Community Council: Bob Gale

- not in attendance
- Mayor Eisentrout commented that NCC will continue with its annual parade. The annual picnic will be August 10th at Blendon Woods.
- There will be a cleanup August 7th from 9-12. The meet-up for that will be at the Jiffy Lube on 161.

Mayor's Report:

- Appreciates input from Mr. Benedetti which is why he has been invited to be involved. Noted that no one purposely destroyed tape.
- We are moving forward with Street Repair project. The work to fix holes and seal cracks should begin soon.
- Middle fountain is working, but the other two are not. Not sure when, how or why.
- The bubblers seem to be working and treatments for the North Lake are continuing. Promised to look into one of the bubblers in the North Lake since Mr. Benedetti questioned if they were all working properly.

Council Committees:

Community: Matthew Danzuso

- Nothing

Finance: Pam Park-Curry

- Nothing since budget hearing took place earlier and no financials were distributed this month.

Legislation: Sharon Bierman

Resolution 2010-11 Discussion began around a scenario that was presented in regards to seizing a house. Any property seized would have to be done at the discretion of the prosecutor and judge. Councilwoman Sharon Bierman moved for acceptance of the 3rd Reading of Resolution 2010-11; 2nd Councilwoman Park-Curry; Discussion: More on seizure of houses. Also discussion on how funds would be set up, monitored and administered. Vote: Councilman Segovia no, all other Ayes

Councilwoman Sharon Bierman moved for passage of Resolution 2010-11, 2nd Councilwoman Park-Curry; Roll Call: Councilman Matthew Danzuso, Councilwoman Sharon Bierman, Councilwoman Pam Park-Curry and Councilman Todd Walter; Ayes; Councilman Roberto Segovia; No

Resolution 2010-12 Councilwoman Sharon Bierman moved for acceptance of the 3rd Reading of Resolution 2010-12; 2nd Councilman Todd Walter; Vote: All Ayes

Councilwoman Sharon Bierman moved for passage of Resolution 2010-12, 2nd Councilwoman Park-Curry; Roll Call: Councilman Matthew Danzuso, Councilwoman Sharon Bierman, Councilwoman Pam Park-Curry, Councilman Todd Walter and Councilman Roberto Segovia; Vote: All Ayes

Resolution 2010-14 Councilwoman Sharon Bierman moved to call up and for acceptance of the 3rd Reading of Resolution 2010-14; 2nd Councilwoman Pam Park-Curry; Discussion: amounts of \$73,630.40 for the yearly and \$38,337,580 valuation. Vote: All Ayes

Councilwoman Bierman moved for passage of Resolution 2010-14, 2nd Councilwoman Park-Curry; Roll Call: Councilman Matthew Danzuso, Councilwoman Sharon Bierman, Councilwoman Park-Curry, Councilman Todd Walter and Councilman Roberto Segovia; Vote: All Ayes

Resolution 2010-15 Councilwoman Sharon Bierman moved to call up and for acceptance of the 3rd Reading of Resolution 2010-15; 2nd Councilwoman Pam Park-Curry; Vote: All Ayes

Councilwoman Sharon Bierman moved for passage of Resolution 2010-15, 2nd Councilwoman Pam Park-Curry; Roll Call: Councilman Matthew Danzuso, Councilwoman Sharon Bierman, Councilwoman Pam Park-Curry, Councilman Todd Walter and Councilman Roberto Segovia; Vote: All Ayes

Resolution 2010-18 Councilwoman Sharon Bierman moved for acceptance of the 2nd Reading of Resolution 2010-15; 2nd Councilman Todd Walter; Vote: All Ayes

Ordinance 02-2010 Councilwoman Sharon Bierman moved for acceptance of the 3rd Reading of Ordinance 02-2010; 2nd Councilwoman Pam Park-Curry; Vote: All Ayes

Councilwoman Sharon Bierman moved for passage of Ordinance 02-2010, 2nd Councilman Matthew Danzuso; Roll Call: Councilman Matthew Danzuso, Councilwoman Sharon Bierman, Councilwoman Pam Park-Curry, Councilman Todd Walter and Councilman Roberto Segovia; Vote: All Ayes

Resolution 2010-17 Councilwoman Sharon Bierman moved for acceptance of the 3rd Reading of Resolution 2010-17; 2nd Councilwoman Pam Park-Curry; Discussion: The schedule was included. Discussion on new fees and how they will be applied. Discussion on the move to get fees out of ordinances so that they can be amended much easier by council at its discretion. Vote: All Ayes

Councilwoman Sharon Bierman moved for passage of Resolution 2010-17, 2nd Councilwoman Park-Curry; Roll Call: Councilman Matthew Danzuso, Councilwoman Sharon Bierman, Councilwoman Pam Park-Curry, Councilman Todd Walter and Councilman Roberto Segovia; Vote: All Ayes

Safety: Todd Walter

- Meeting held this evening in which a representative from Mobilevision demonstrated their in-car camera. The representative addressed the issue of moving data off the camera and storing it in a way that holds up in court. Another representative from a different company will be demonstrating their product later this week.
- Only 1 digital camera will be purchased at this time. The other cars will have restored analog cameras for now.
- Councilman Walter will send around notes of that meeting later to council.
- Councilman Walter sent a spreadsheet around detailing the costs for maintenance on the 3 police cruisers to date.

Service: Roberto Segovia

- Councilman Segovia spoke with Veronica Hill and she had sent a proof of the ad via email. There was an issue opening the proof for the ad. Councilman Segovia replied via email to her, but had not heard back. She said if there were any issues noticed or changes needed after the first time it is ran, they would make any needed changes for the second one.

Streets: Kent Stanley-absent

- Councilman Segovia indicated that the Franklin County Auditors website as 2520 Lakewood Dr listed as the address where one could send tax information and legal notices. Mayor Eisentrout has promised to look into that.

New Business:

- Mayor Eisentrout and Councilwoman Bierman have been meeting with computer consultants to get the computers properly wired and off the Wireless Network. The

structure of the building poses significant problems for the Wireless Network. They are also looking to upgrade the computers and printers. Councilman Segovia and Danzuso also expressed concern for losing the Wireless Access and taking a technology step backwards.

- The Mayors email problems have been resolved.
- Mr. Benedetti wished to comment but was informed by Councilwoman Park-Curry informed him that his time was up. The Rules of Council regarding 10 minutes total time speaking were read.
- Mr. Arn asked about the next steps for the budget. Councilwoman Park-Curry indicated that it would go down to Franklin County Auditor's office to make sure the numbers were correct. After it was approved Council would get it back and could make minor changes before 3 readings in October, November and December.
- Councilman Segovia stated that the \$3 per ton increase being discussed by SWACO would result in an increase of \$2,540 a year for possibly 4 years for Minerva Park based on our tonnage.
- Councilwoman Park-Curry stated that the next Coffee with Council was July 26th and the purpose was to welcome citizen comments.

Councilwoman Pam Park Curry moved to adjourn the regular council meeting

2nd Councilman Todd Walter

Vote: all ayes

9:31 PM

Suzanne A Coulter
8/11/2010

Segovia, E. et al
8/11/10