

Village of Minerva Park
Council Meeting: July 10, 2017
AGENDA

Pledge of Allegiance

Roll Call

Invocation Councilman Braun

Green Cards Council President Pauken

Minutes June 12, 2017
June 19, 2017

Code Enforcement Officer's Report Scott Doellinger

Village Official Reports

EMS/Fire – Chief Rick Hoehstetter	Legal Counsel – Gene Hollins
Police – Chief Kim Nuesse	Planning & Zoning – Councilman Michael Braun
Engineer – Mike Flickinger	Village Planning Director – Eric Fischer
Fiscal Officer – Kim Pulley	MPCA & NCC – Councilman Russell Dobbins

Mayor's Report

Council Committee Reports

Community – Councilman Russell Dobbins	Service – Councilman Brian Wolf
Finance – Councilman John Michels	Safety – Councilman Scott Hansan
Streets – Councilman Michael Braun	Legislation – Council President Jennifer Pauken

Legislation

Resolution 2017-18 – Tax Budget for FY 2018
3rd Reading

Ordinance 12-2017 – Weeds and Grass
Tabled

Ordinance 17-2017 – Supplemental Appropriations
1st Reading – intent is to waive the 3 readings and pass

New Business

Old Business

July 10, 2017
Council Meeting Agenda
Page 2

Citizens' Comments

Adjourn

Village of Minerva Park

Village Code Enforcement Officer Report

Scott Doellinger - Code Enforcement Officer Reporting

Jun-17

1	Removed temporary commercial signs	7
2	Removed signs posted on utility poles	0
3	Issued trash miss-use letters	3
4	Inspected the Village by car.	4
5	Visit business to update information and comply with sign ordinance	0
6	Fence permit applications	1
7	Issued improper fence installation letters	0
8	Variance application	0
9	Sign applications	0
10	Issued Court Summons	0
11	Wrote / researched revised / new ordinances	1
12	Communicated with Franklin County Building department	1
13	Advised future residents of Ordinance requirements (Letters to active realtors	1
14	Photographed ordinance violations	33
15	Wrote letters advising of violations and required changes	7
16	Wrote Villager article	1
17	Verbal communication about ordinance violations	2
18	Visible trash can letters delivered	1
19	Trash can left or placed at curb too early or too late for trash pick-up	5
20	Tall Grass letters delivered	4

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22 Success Stories

23	Yasmin Market repairing the front façade.
24	Rick's Dive Shop no longer conducting retail sales on a suburban office zoned parcel.
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29 Challenges

30	Storm water management in north-west portion of the Village.
31	2717 Wildwood hording situation.
32	5167 Lakeland Court hording situation.

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	Address	Issue	Action	Response
49				
50	5442 Cleveland	Construction debris	Letter delivered 04-21-16	Debris removed
51		behind Yemeni		Thank you letter sent
52		Restaurant	Yasmin Market Debris	4/30/2016
53			behind market. Pending	
54			Storage pods permit renewal	
55			is due and will leverage	
56			cleaning up back fence.	
57				Two pods removed
58			Letter concerning unlicensed	
59			trailer	Trailer Removed
60				Third and final POD removed
61			Application for Cart Corral	Cart Corral approved
62			submitted	
63			Delivered letter requesting	Hostile response from Ala
64			the front façade be repaired	
65			and painted by year's end.	
66			Summons issued 01-30-17	Some work has been started.
67			Court granted a continuance	
68		Damaged Front Façade		No work has been done on the façade.
69		Trash/excavation		No changes have been made. No improvement.
70		7/5/2017		Façade repairs in progress
71				
72				
73	5474 Cleveland	Dilapidated Property	Starting to build case	State of Ohio Building
74	Miller Rainey			inspection jurisdiction
75			Using Village Ordinances	
76			to achieve improvements	
77			Case built	Invitation for a face to face
78				meeting being sent.
79			Photographed building	
80			Signs of animal entrance	
81		Inoperable vehicle	Truck used for storage	Violates parking ordinance
82				
83	5001 Fairview	Over-grown RR Property	Gathering Information	NA
84			Expect to re-start	
85			investigation	No action yet
86				Low priority
87			Investigating legal action to take	
88				
89	5167 Lakeland Ct	Inoperative Vehicle	Letter 10-6-14	Vehicle removed
90		Dilapidated Exterior	Letter 10-6-14	Exterior Painted
91		Exterior Junk	Letter 10-6-14	Started removal
92		Gravel Driveway	Letter 10-6-14	Grandfathered?
93			Phone call to encourage	

94			yard clean-up 12-3-14	
95			New letter sent 06-18-15	
96				
97				
98				
99	Address	Issue	Action	Response
100				New roof, shrubbery trimmed
101				some junk removed
102			Letter sent recognizing	
103			improvements encouraging	
104			more	
105			Insufficient clean-up to date	
106			Will make one more	Letter sent September 18
107			attempt at motivating	ordering additional painting,
108			owner.	Removal of junk.
109			Telephone conversation	
110			with Ta Lynn will paint and	
111			Dr. Lynn about the yard on	Stated he would work on it.
112			November 18th. Stated	
113			must cleanup outside of	
114			property.	No trash put out on 11-30-15
115	5167 Lakeland Ct		Summons issued 01-13-16	Has applied for shed permit
116	Continued		Toured inside of house	Has applied for fence prmt.
117			no animal entrance.	
118			and shed permit where	
119			ordinance does not permit	Owner submitted for variance
120				to council
121			Research in to hoarder's	Variations denied
122			programs	
123			Will contact to re-establish	
124			communication	
125			Attempted to call twice	Returned calls without conversation.
126				No trash put out on recently.
127				
128			Status is unchanged	
129			Status is unchanged	
130		Hording	Will bring FR Bd. Of Health	Not willing to intervein as the house is unoccupied
131				
132				
133	Nail Nails Sign	5100 Cleveland	Letter issued	Letter disputing abandon status of the sign received.
134				
135			Holding to after fence	
136			resolution	
137			Certified letter sent	
138			week of 12-27-15	

139			Researched the existence of	
140			an active business at 5100	
141			Pamela Filsoufi has active	
142			beautician's license. Nair- Nails	
143			does not exist as a solon.	
144			A solon license under the	
145			name 'Continental	
146			Solon license has been renewed for next two years	
147			Sign Destroyed by Accident	
148				
149	Address	Issue	Action	Response
150	5/9/2017		Letter written asking for the supporting pole to be removed by June 9th, 2017	No Action.
151	6/9/2017		Second letter asking for the sign to be removed	Dead lind July 5th, 2017
152				
153	2655 MLR	House in contract for sale	Will sent letter about dead trees and driveway bushes	
154				
155				
156	2655 Maplewood	Non-conforming Illegal	Stop work order issued	Ignored, "Blew away"
157		fence	Letter sent by certified mail	Status being determined.
158			Letter asking for compliance	
159			delivered by MP Police	
160			On 11-14-2016	
161			Court continuance granted	Due in Court April15th
162				
163				
164	2736 Wildwood	Yard raised to keep	Letter sent 4-12-16	Called 4-26-16
165		water out of yard	Telephone conversation	Will install retaining wall to
166		soil and rock against	4/30/2016	keep soil & rock away from
167		neighbors fence		
168			Inspected 05-21-16	Some work apparent.
169			Inspected 06-25-16	Almost there
170			RE-inspected 08-27-16	
171			Letter to be sent concerning	
172			pile of gravel and disheveled	
173			condition of backyard.	
174		Siding of the garage is now below grade creating a maintenance issue	Will involve Franklin County Building Inspection department	
175		Email sent to Neil	Neil feel he has no action to take	
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179	Address	Issue	Action	Response
180		Will take new action to addr	Confirmed with Neil	

181		Pile of rock in driveway for d	Will issue new letter demanding rock pile removal and reduction in rock/newspaper fill be reduced.	
182		Letter prepared	Will deliver this week	
183			Letter sent demanding remeadiation of grades	Owner taking action to adjust grades before the property line. June 20th deadline
184	6/28/2017	Emailed Neil the address	Neil will take a look soon	
185	7/5/2017	Deadline not met	Will issue a court summons.	
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Dangerous trees near roadways

191	Address	Issue	Action	Response
192	DEAD / DECLINING TREES			
193				
194	2828 Park Ln Dr	Dead trees	Letter crafted	House in foreclosure
195			Letter delivered	
196	2500 Maplewood	Dead Trees	Letter delivered	Tree removed
197	2566 MLR	Dead Trees	Letter delivered 6-8-17	???
198				
199	Pending Legislation			
200		Fence	Written, Ready for review	Passed on to Legislative
201				Second reading on 02-27-17
202				PASSED
203		Shed	Written, Ready for review	Passed on to Legislative
204				PASSED
205				Tabled indefinitely
206		Dumpster Enclosure	Written, Ready for review	Passed on to Legislative
207				PASSED
208				Tabled Indefinitely
209		Trash Container	Written for review / comment	PASSED
210		Dish Antenna	Written for review / comment	
211		General Property Maint	Written for review / comment	
212		Home based business	Written for review / comment	

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Address	Issue	Action	Response
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Future Focus

216		Legislation	Continue to write	
217		Signage	Visiting all businesses	
218		Mailboxes	Second visit, personalized	Village covered
219			letter will be delivered,	
220	11/30/2016	Vegetation over streets	Villager letter	
221			Individual letters	Soon

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Address	Issue	Action	Response
Special Issues	Flooding at 5454 Cleveland lower level		
(05-20-2016)	Will convene a meeting between legal council, Yasmin, Kirk	Lawson owner of	
	5454 Cleveland, Mayor and CEO		
240	With the Meijer closed and the COTA transfer station under construction this issues becomes more urgent.		Recent excavation behind the Yasmin Market to uncover existing pipe.
241	Great meeting between Ala Hamayel and Village Council, others	Agreeded to hire engineering to recommend drainage improvements. [Attaching storm drainage to Cleveland Avenue storm sewer as required by original site design.]	None-known to date.
242	7/5/2017		No action to date.

RECORD OF PROCEEDINGS
VILLAGE OF MINERVA PARK

Minutes of the

June 19, 2017

Council Meeting

Council President Pauken called the meeting to order on June 19, 2017 at 7:00 p.m.

Pledge of Allegiance

Roll Call:

Council President Jennifer Pauken, Councilman John Michels, Councilman Scott Hansan, Councilman Russell Dobbins, Councilman Michael Braun, Councilman Brian Wolf; Mayor Lynn Eisentrout was excused

Police Chief: Kim Nuesse

Fiscal Officer: Kim Pulley

Village Planning Director: Eric Fischer

Invocation Councilman Dobbins

Green Cards:

- ❖ Council President Pauken instructed the audience to hold any comments or questions until the Citizens' Comments section of the meeting.

Village Planning Director:

- ❖ Eric Fischer stated he has nothing new to report but indicated Council will have to go into Executive Session to go over details of the purchase of real estate.

Legislation:

RESOLUTION 2017-18

A RESOLUTION TO ADOPT THE TAX BUDGET FOR THE VILLAGE OF MINERVA PARK, OHIO FOR THE YEAR BEGINNING JANUARY 1, 2018 AND TO SUBMIT THE SAME TO THE FRANKLIN COUNTY BUDGET COMMISSION AND TO DECLARE AN EMERGENCY (2nd Reading)

- ❖ Council President Pauken reminded everyone that there will be a tax budget Public Hearing on July 10th at 6:30 p.m.

Council President moved to amend the agenda to have the reading of Ordinance 16-2017 before Ordinance 03-2017; Councilman Wolf seconded.

- ❖ Council President Pauken explained that Ordinance 16-2017 is being moved because it contains

**RECORD OF PROCEEDINGS
VILLAGE OF MINERVA PARK**

Minutes of the

June 19, 2017

Council Meeting

language that modifies the scope of duty for Planning & Zoning, which is the reason Ordinance 03-2017, Ordinance 04-2017 and Ordinance 05-2017 have been tabled.

The motion to move Ordinance 16-2017 up in the agenda was passed.

- ❖ Councilman Braun explained that Ordinance 16-2017 will allow a fence permit, etc. to be administratively approved if it meets Village ordinances in every way, thereby eliminating the need for residents to wait up to a month for their request to be heard at a Planning & Zoning meeting. If a request requires a variance or involves anything out of the ordinary, it will then need to go before Planning & Zoning. Also, this will enable Planning & Zoning to have more time to work on strategic planning.

ORDINANCE 16-2017

AN ORDINANCE TO AMEND SECTION 1202 OF THE CODIFIED ORDINANCES REGARDING THE PLANNING AND ZONING COMMISSION (1st Reading)

Council President Pauken moved to suspend the rules and waive the 3 readings of Ordinance 16-2017; Councilman Dobbins seconded.

Roll Call:

Ayes: Hansan, Braun, Michels, Pauken, Wolf, Dobbins

Nays: None

Abstentions: None

Council President Pauken moved for passage of Ordinance 16-2017; Councilman Wolf seconded.

Roll Call:

Ayes: Wolf, Pauken, Dobbins, Hansan, Michels, Braun

Nays: None

Abstentions: None

ORDINANCE 03-2017

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

Council President Pauken moved to remove from the table, Ordinance 03-2017; Councilman Dobbins seconded.

**RECORD OF PROCEEDINGS
VILLAGE OF MINERVA PARK**

Minutes of the

June 19, 2017

Council Meeting

Council President Pauken indicated this is the 3rd reading of Ordinance 03-2017 and moved for passage; Councilman Braun seconded.

Roll Call:

Ayes: Braun, Dobbins, Wolf, Hansan, Pauken, Michels

Nays: None

Abstentions: None

ORDINANCE 04-2017

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

Council President Pauken moved to remove from the table, Ordinance 04-2017; Councilman Dobbins seconded; passed.

Council President Pauken indicated this is the 3rd reading of Ordinance 04-2017 and moved for passage; Councilman Braun seconded.

Roll Call:

Ayes: Pauken, Michels, Hansan, Dobbins, Braun, Wolf

Nays: None

Abstentions: None

ORDINANCE 05-2017

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

Council President Pauken moved to remove from the table, Ordinance 05-2017; Councilman Wolf seconded; passed.

Council President Pauken stated this is the 3rd reading of Ordinance 05-2017 and moved for passage; Councilman Braun seconded.

Roll Call:

Ayes: Braun, Dobbins, Wolf, Michels, Pauken, Hansan

Nays: None

Abstentions: None

ORDINANCE 12-2017

RECORD OF PROCEEDINGS
VILLAGE OF MINERVA PARK

Minutes of the

June 19, 2017

Council Meeting

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

- ❖ Council President Pauken stated she would like Ordinance 12-2017 to remain tabled until we resolve some of the issues listed in her email of a few days ago. This will be discussed further in an upcoming meeting.

ORDINANCE 13-2017

AN ORDINANCE AUTHORIZING THE VILLAGE OF MINERVA PARK, OHIO (THE 'VILLAGE') TO ISSUE BONDS IN THE AMOUNT OF NOT TO EXCEED \$1,700,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION OF AN OFFICE BUILDING LOCATED AT 2999 EAST DUBLIN-GRANVILLE ROAD, COLUMBUS, OHIO, INCLUDING LAND AND INTERESTS IN LAND, PAYING THE COSTS OF RENOVATING AND IMPROVING THE INTERIOR AND EXTERIOR OF THE BUILDING, FURNISHING AND EQUIPPING THE SAME, INCLUDING SITE IMPROVEMENTS, LANDSCAPING AND ALL APPURTENANCES RELATING THERETO; AUTHORIZING THE NECESSARY DOCUMENTS TO SECURE THE BONDS; AND DECLARING AN EMERGENCY (3rd Reading)

Council President Pauken moved to pass Ordinance 13-2017 as an emergency, such emergency being that the Village is entering into a contract for the purchase of an office building and it is in the best financial interest of the Village to meet the conditions and requirements necessary to complete such purchase; Councilman Wolf seconded.

Roll Call:

Ayes: Braun, Pauken, Hansan, Wolf, Dobbins

Nays: None

Abstentions: Michels

ORDINANCE 15-2017

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2017 (1st Reading)

Council President Pauken moved to suspend the rules and waive the 3 readings of Ordinance 15-2017; Councilman Wolf seconded; passed.

Roll Call:

**RECORD OF PROCEEDINGS
VILLAGE OF MINERVA PARK**

Minutes of the

June 19, 2017

Council Meeting

Ayes: Hansan, Dobbins, Wolf, Braun, Michels, Pauken

Nays: None

Abstentions: None

Council President Pauken moved for passage of Ordinance 15-2017; Councilman Wolf seconded.

- ❖ Fiscal Officer Pulley stated this is for Flowline to do the televising and cleaning of the next section of the sewer.
- ❖ Councilman Dobbins questioned why no other bids were taken. Councilman Wolf explained that Flowline is the company our engineer works with and they have been able to come out in the time frame we required and it doesn't meet the bid threshold. He added that it has been discussed to bid out the 7-year program, which might get us better rates overall. A discussion ensued regarding bidding this work out and the advantages of having Flowline continue to do the work they began.

Roll Call:

Ayes: Wolf, Pauken, Dobbins, Braun, Michels, Hansan

Nays: None

Abstentions: None

New Business:

- ❖ None

Old Business:

- ❖ None

Citizens' Comments:

- ❖ Ed Detwiler asked what the bond threshold was. \$50,000 was indicated as the bond threshold. Mr. Detwiler asked if we considered any bank other than Huntington. Mr. Fischer indicated that several banks were considered. Huntington provided the best options over all. Mr. Fischer indicated there are emails that indicate other banks were looked at. Mr. Detwiler requested copies of emails regarding the selection of Huntington.
- ❖ Another resident stated that she does not feel that full due diligence is being done.
- ❖ Tony Benedetti brought up the subject of chickens. It is his understanding that our code does not allow chickens in the Village. His complaint was that he has been asking about this subject for quite some time and has not gotten any answers that satisfy him.
- ❖ A resident asked if we can barter with Flowline. Council President Pauken stated that that is something we will look at as we go forward with the 7-year plan.

**RECORD OF PROCEEDINGS
VILLAGE OF MINERVA PARK**

Minutes of the

June 19, 2017

Council Meeting

Councilman Braun moved to adjourn for Executive Session pursuant to section 121.22. d2 for the discussion of the purchase of real property; Councilman Wolf seconded.

Roll Call:

Ayes: Hansan, Braun, Wolf, Dobbins, Pauken

Nays: Michels

Abstentions: None

- ❖ Executive Session took place from 7:31p.m. to 7:52 p.m.
- ❖ Councilman Hansan left during the Executive Session.

Councilman Wolf moved to adjourn from the regular Council meeting; Councilman Dobbins seconded; passed.

Mayor Lynn Eisentrout

Fiscal Officer Kim Pulley

RESOLUTION 2017-18

A RESOLUTION TO ADOPT THE TAX BUDGET FOR THE VILLAGE OF MINERVA PARK, OHIO FOR THE YEAR BEGINNING JANUARY 1, 2018 AND TO SUBMIT THE SAME TO THE FRANKLIN COUNTY BUDGET COMMISSION AND TO DECLARE AN EMERGENCY

WHEREAS, The Tax Budget for 2018 has been prepared as required by Section 5705.28, Revised Code; and

WHEREAS, Two copies of the tax budget were on file in the office of the fiscal officer for public inspection on July 1, 2017, and was available for public inspection as required by Section 5705.30, Revised Code; and

WHEREAS, A public hearing was held by the Council of the Village of Minerva Park on July 10, 2017 at 6:30 p.m; and

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

Section 1. The Tax Budget for the Village of Minerva Park for the fiscal year beginning January 1, 2018 attached hereto as Attachment A and incorporated by reference, be and is hereby adopted by the Council of the Village of Minerva Park.

Section 2. The Fiscal Officer be and hereby is authorized and directed to certify a copy of said budget and a copy of this Resolution and to transmit the same to the Franklin County Budget Commission on or before July 20, 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 need to comply with the statutory filing date. Wherefore, this Resolution shall take effect and shall be in force immediately upon passage by Council.

First Reading: June 12, 2017
Second Reading: June 19, 2017
Third Reading: July 10, 2017
Passed: July 10, 2017

Lynn Eisentrout, Mayor

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 17-2017

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>
<u>General Fund</u>				
<u>Community Environment</u>				
1000-410-300	Contractual Services	\$96,700	\$20,000	\$116,700
<u>Veterans Memorial Fund</u>				
<u>Community Environment</u>				
2905-490-300	Contractual Services	0	500	500
<u>Water Line Maintenance Fund</u>				
<u>Capital Outlay</u>				
2909-539-300	Contractual Services	9,000	5,000	14,000

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: July 10, 2017
Second Reading: Waived
Third Reading: Waived
Passed: July 10, 2017

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor