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Council of the Village of Mariemont, Ohio
April 10, 2023
Agenda

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Minutes
 - a. Council Meeting Minutes March 27, 2023
- 4a. Permission to Address Council Regarding the Mariemont Connector Shared-Use Path Feasibility Study – Kleinger’s Report/Proposal
5. Communications: (Council has copies except those marked **. These are in the Village Office for Perusal)

- *From Police Chief Hines: March 2023 Monthly Report
- *From Service Superintendent Scherpenberg: March 2023 Monthly Report
- *From Tax Administrator Barlow: March 2023 Monthly Report
- *From Building Official Holloway: March 2023 Monthly Report
- *From Fiscal Officer Ford: Email Dated April 7, 2023 Re: Council Authorizing the Fiscal Officer to Reallocate Funds for Future Capital Projects” *(Requires Vote of Council)*
- *From Administration Office: Mariemont Connector Shared-Use Path Feasibility Study *(Complete Study Available on www.mariemont.org)*

6. **Permission to Address Council (If addressing Council with prepared notes/speech please leave a copy with Mrs. Van Pelt for accurate minutes)**
7. Motion to Pay the Bills:

****Committee agenda items to be discussed at this meeting are in bold and italics below****

Rules and Law: (Susan Brownknight– Chair; Marcy Lewis – Vice-Chair; Kelly Rankin – Member)

- ~~✦~~ Review Signage Legislation (Per Building Department) (1-11-21)(4-11-22)(10-24-22)
- ~~✦~~ Code of Ordinances Recodification (11-14-22)

Health and Recreation: (Randy York – Chair; Leah Geldbaugh – Vice-Chair; Susan Brownknight – Member)

- ~~✦~~ Dale Park/Waldorf Park Plan (9-12-22)
- ~~✦~~ Village Wide Benches (6-13-22)

- ✚ Pool Recommendations for 2023 (Moved from Safety Committee 11-14-22)(1-23-23)
- ✚ *Kleinger's Bid for Dogwood Park Rehabilitation Plan*

Finance: (Rob Bartlett - Chair; Marcy Lewis – Vice-Chair; Kelly Rankin – Member)

Finance Sub-Committee: (Rob Bartlett, Kelly Rankin, Randy York)

- ✚ Assessing Need for Operations Manager/Administrator (1-11-21) (2-8-21) (4-26-21) (8-9-21) (10-11-21) (1-24-22)(10-24-22) **Target Date June 2022**
- ✚ 4 elements of the Ohio Plan Proposal (3-27-23)

Safety: (Leah Geldbaugh– Chair; Rob Bartlett – Vice-Chair; Randy York – Member)

- ✚ Establish Process to Address Traffic and Speed Concerns: (7-13-20)

Planning and Zoning & Economic Development: (Marcy Lewis - Chair; Leah Geldbaugh – Vice-Chair; Susan Brownknight – Member)

- ✚ Explore Financial Incentives for Local Businesses (12-21-20) (10-11-21)
- ✚ Refine Code Section 151.075 and Code Section 150 (11-14-22)
- ✚ Economic Development Portion of the Ohio Plan Proposal (3-27-23)

Planning and Zoning & Economic Development Sub-Committee: (Marcy Lewis, Kelly Rankin, Randy York)

- ✚ Agreement with Ken Geis to Work on Economic Development (10-11-21) (11-8-21)
- ✚ Outlining Process for Economic Development in 2023 (11-28-22)

Public Works and Service: (Kelly Rankin – Chair; Rob Bartlett – Vice-Chair; Randy York – Member)

- ✚ Long-Term Plan Recommending Painting of the Lamp Poles (1-24-22) (4-26-21)
- ✚ Mowing/Leaf Season Fall 2022 and For 2023 (9-12-22)(1-23-23)
- ✚ 2023 Street Projects (1-23-23)
- ✚ Painting Fire Hydrants (3-13-23)

Committee of the Whole:

- ✚ Assessing Revenue Needs for the Village (2-6-23)

8. Miscellaneous:

- ✚ Village Centennial Rededication Ceremony of the Groundbreaking will be held April 23, 2023 at 2:00 p.m. on the front lawn of the Historic Ferris House, 3915 Plainville Road
- ✚ Arbor Day will be held Friday April 28, 2023, at 1:30 p.m. at the Intersection of Wooster Pike and Oak Street
- ✚ Village Offices will be closed in Observance of Memorial Day Monday May 29, 2023
- ✚ Village Fireworks will be held Monday July 3, 2023 beginning at dusk
- ✚ Village Offices will be closed in Observance of Independence Day Tuesday July 4, 2023

9. Resolutions:

- ✚ “To Appoint Kelly Rankin as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year of 2023” (First Reading) *Tabled 3-27-23 after first reading*
- ✚ “To Appoint Mike Kintner as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year of 2023” (First Reading) *Tabled 3-27-23 after first reading*
- ✚ “To Set Forth Building Permit Fee Schedule to be Utilized by the Village of Mariemont Building Department” (Second Reading)
- ✚ “Resolution Creating a New Capital Project Fund for Dogwood Park” (Second Reading)
- ✚ “Resolution Declaring the Necessity of Levying a Tax in Excess of the 10 Mill Limitation for Current Expenses and Requesting the County Auditor to Certify Matters in Connection Therewith” (First Reading)
- ✚ “Resolution Declaring the necessity of Levying a Tax in Excess of the 10 Mill Limitation for Recreational Purposes of the MariElders, Inc. and Requesting the County Auditor to Certify Matters in Connection Therewith” (First Reading)
- ✚ “To Accept Bid of the Kleingers Group for the Rehabilitation of Dogwood Park” (First Reading)
- ✚ “To Appoint Brad Lockhart as a Member of the Parks Advisory Board for Calendar Year 2023” (First Reading)

10. Ordinances:

- ✚ “An Ordinance Authorizing Application and Contracting with the Ohio Public Works Commission, The Southwest Ohio Regional Transit Authority and Nature Works” (Second Reading)
- ✚ “To Amend Chapter 150.16 Building Permit Schedule of Fees” (Second Reading)
- ✚ “To Amend Ordinance O-6-23 of the Mariemont Code of Ordinances to Increase Payment for Employees; and To Declare Emergency” (*Requires Three Readings*)
- ✚ “To Update Village of Mariemont Code §154 and To Declare and Emergency” (*Requires Three Readings*)

11. Task List:

Person Accountable

Target Date
Completion

1. 2021 Financial Recap to Council with commentary/explanations

Mayor Brown

2. Boat House roof repair/potential grants for funding	Mayor Brown	Oct. 2022
3. Clean Up Village (hydrants and curbs, etc.)	Mr. York	
4. Assessing parks, what needs to be fixed/potential grants	Mr. York	July 2022
5. SWIM POOL:		
a. List of activities identified by Pool Commission/Action	Ms. Geldbaugh	Ongoing
b. Fixing Leak	Mayor Brown	
c. 3-year master plan pool/facilities	Mr. York	Ongoing
6. Master Plan for improving office space in Municipal Building	Mayor Brown	
7. Improvements to Bell Tower baseball fields	Mr. York	
8. Walking Path Whiskey Creek	Mrs. Rankin/Engineer Ertel	
9. Parking Lot Light Issue	Mayor Brown/Mrs. Brownknight	
10. Wooden Duke Energy Poles	Mr. Barlow	
11. Ohio Historic Building Preservation Tax Credit	Mrs. Brownknight	
12. Formation of Inclusion Committee	Mr. York/Mrs. Brownknight	

**Village of Mariemont
Council Meeting
March 27, 2023**

Mayor Bill Brown called the meeting to order at 6:30 p.m. with the Pledge of Allegiance. Present were Mr. Bartlett, Mrs. Brownknight, Ms. Geldbaugh, Dr. Lewis, Mrs. Rankin, and Mr. York.

Mayor Brown asked for a moment of silence for resident John Bentley who passed away this past weekend. He was a member of the Architectural Review Board and a great guy. We certainly appreciate his time and dedication to the Village.

Mrs. Rankin moved, seconded by Ms. Geldbaugh to accept the minutes as written for the Council meeting held February 27, 2023. On roll call ; four ayes, no nays (Mrs. Brownknight and Mr. Bartlett abstained from accepting the minutes as written, due to their absence.)

Mrs. Rankin moved, seconded by Ms. Geldbaugh to accept the minutes as written for the Council meeting March 13, 2023 and the Special Meeting of Council March 15, 2023. On roll call; six ayes, no nays.

Communications:

* From Police Chief Hines: February 2023 Monthly Report

*From Building Official Holloway: February 2023 Monthly report/Spending Request Form – Municipal Building Windows (\$25,000). Mr. York said the rental inspections have begun with the permits expiring in three years. His assumption is it will be in the best interest of Village to do regular communications with those that are not in compliance. He will work with Mr. Holloway on getting announcements out.

Mayor Brown said there is a Spending Request Form (\$25,000) for the front doors, large window above and replacement of five double hung windows for south end of the Municipal Building. This request does not include the installation which is estimated to be \$3,000-\$5,000. The sales tax will be removed. \$27,000 was allocated for the project. Right now, if the materials are purchased, there may not be monies left for the installation. There is lag time estimated at six months for delivery of the front doors which is why the eagerness to approve the request. After discussion, Mr. York moved, seconded by Mrs. Rankin to approve the spending request contingent upon cost of installation comes in below total allocation of \$27,000. Also, Council gives Mayor Brown the discretion to delete projects off the list to adjust accordingly to the allocated budget approved. On roll call; six ayes, no nays.

*From Administration Office: Spending Request Form – Fireworks \$6,000. Mayor Brown said this will essentially cover the cost of a similar show from last year. There was an option to spend \$900 more for a longer show, but he believes the \$6,000 will produce a nice show. Mr. York asked about moving the event to Sunday night July 2nd. Mrs. Van Pelt said the 3rd was chosen due to it being a workday and therefore would not incur overtime as it would for a Sunday show. Mrs. Rankin moved, seconded by Mr. Bartlett to approve the \$6,000 spending request for the fireworks. On roll call; six ayes, no nays.

*From Police Chief Hines: Memo Dated March 21, 2023 re: Emergency Purchase of Police Cruiser. Chief Hines said there was difficulty with getting the vehicle from Ford. He is able to get a Chevrolet Tahoe from Joseph Chevrolet through state bid. It was determined that it did not need to go back to Committee. Council approved the request to cancel the Ford and proceed with the Chevrolet.

*From Fiscal Officer Ford: February 2023 Financial Reports. He reported that the property taxes should be deposited tomorrow totaling \$710,000. Mrs. Brownknight said she finds the reports very helpful.

Permission to Address Council:

Motion to Pay the Bills:

Mrs. Rankin moved, seconded by Mr. Bartlett to pay the bills. On roll call: six ayes, no nays.

Committee Reports:

Miscellaneous:

*Village Centennial will be celebrated by 50 West Brewing Company by having Centennial Hops which are 100 years old to brew beer which will be available for approximately one week.

*Arbor Day will be held Friday April 28, 2023, at 1:30 p.m. at the Intersection of Wooster Pike and Oak Street. 50 West Brewing Company will be hosting Arbeer Day to celebrate Arbor Day.

Resolutions:

“To Appoint Kelly Rankin as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2023” had a first reading. Mr. York requested that this Resolution, along with the Resolution appointing Michael Kintner be tabled due to the Ordinance only allowing five members. Mr. Bartlett moved, seconded by Mrs. Brownknight to table the Resolutions. On roll call; six ayes, no nays.

“Resolution Authorizing Mayor to Execute and File Application with the Ohio Department of Natural Resources to apply for Financial Assistance in Connection with the Dogwood Park Project and the Municipal Swim Pool; and to Declare Emergency” had a first reading. Mr. Bartlett moved, seconded by Mrs. Brownknight to suspend the rules to allow for the second and third readings. On roll call; six ayes, no nays. The Resolution had a second and third reading. Mrs. Rankin moved, seconded by Mrs. Brownknight to adopt the Resolution. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Mr. Bartlett to invoke the Emergency Clause. On roll call; six ayes, no nays. Resolution No. R-11-23 was adopted.

“To Set Forth Building Permit Fee Schedule to be Utilized by the Village of Mariemont Building Department” had a first reading.

“Resolution Creating a New Capital Project Fund for Dogwood Park” had a first reading.

Ordinances:

“Ordinance Authorizing Application and Contracting with the Ohio Public Works Commission, The Southwest Ohio Regional Transit Authority and Nature Works” had a first reading.

“To Amend Chapter 150.16 Building Permit Schedule of Fees” had a first reading.

Task List Updates:

Mr. York said Council has received the Kleinger’s Report and asked that the Alignment Study be placed on the Agenda for the next Council meeting for discussion and decision making. It is a big decision and should not be done on a Committee level. He suggested the Alignment Study be placed on the website and sent to the email distribution list. Ms. Geldbaugh said from input at the Safety Committee indicated that some residents have

concerns and want to be heard about the bike path. She suggested distribution of flyers to those on Rembold and Hiawatha who will be directly impacted.

Mr. York asked Ms. Geldbaugh and Mrs. Brownknight to look at their schedules so the Health and Recreation Committee can reconvene to discuss and review the grant for planning work at Dogwood Park that was awarded in August 2022.

Mayor Brown said the other 4 elements of the Ohio Plan Proposal will remain in the Finance Subcommittee. The Economic Development portion of the plan will be referred to the Planning and Zoning & Economic Development Committee.

Mr. York moved, seconded by Mrs. Rankin to go into Executive Session to discuss a Village personnel matter. On roll call; six ayes, no nays.

The meeting was suspended at 7:08 p.m. to go into Executive Session.

Mr. York moved, seconded by Mr. Bartlett to come out of Executive Session at 7:31 p.m. back to Regular Session of Council. On roll call; six ayes, no nays.

The meeting adjourned at 7:32 p.m.

William A. Brown, Mayor

Richard D. Ford, Fiscal Officer

MARIEMONT POLICE DEPARTMENT

2023 MONTHLY REPORT

March



Submitted by: *Chief Richard D. Hines*

**Mariemont Police Department
March, 2023**

	Reported			Closed			Arrests		
	March	2023	2022	March	2023	2022	March	2023	2022
Homicide	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Felonious Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Theft	2	4	10	1	2	3	0	0	0
Auto Theft	0	0	0	0	0	0	0	0	0
Other Assaults	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Forgery	0	0	0	0	0	0	0	0	0
Bad Checks	0	3	0	0	1	0	0	0	0
Receive Stolen Property	0	1	1	0	1	1	0	1	1
Criminal Damaging	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	3	0	0	3	0	0	3
Sex Offenses	0	0	0	0	0	0	0	0	0
Drug Abuse	1	13	29	1	13	29	1	13	29
Domestic Violence	0	0	0	0	0	0	0	0	0
Liquor Laws	0	0	3	0	1	3	0	1	3
Disorderly Conduct	0	2	1	0	2	1	0	2	1
Telephone Harassment	0	0	0	0	0	0	0	0	0
Runaways	0	0	1	0	0	1	0	0	0
All Other Offenses	0	1	7	0	1	12	0	1	11
Mayor's Court Warrants							19	52	63
Arrests for Others							2	12	46
Totals	3	24	55	2	21	53	22	83	157

% Change

-56%

-60%

-47%

Closure Rate

88%

Mariemont Police Department

March, 2023

Drug Violation(s)			
4-Mar	MB35 was arrested for possession of drugs - Charged to Mayor's Court	Wooster Pike	18-23-013
Theft(s)			
4-Feb	Person(s) unknown stole currency and drivers license - Case closed	Nolan Circle	06-23-003
23-Mar	Person(s) unknown stole currency - Case assignd for investigation	Wooster Pike	06-23-004

**Marionet Police Department
March, 2023**

Value of Property Stolen & Recovered

	Stolen		Recovered		Recovered for Other Agencies	
	March	2023	March	2023	March	2023
Robbery	\$0	\$0	\$0	\$0	\$0	\$0
Burglary	\$0	\$0	\$0	\$0	\$0	\$0
Theft	\$5,697	\$15,197	\$0	\$0	\$0	\$0
Auto Theft	\$0	\$0	\$0	\$0	\$0	\$0
Totals	\$5,697	\$15,197	\$0	\$0	\$0	\$0

Persons Arrested and Charged:

MB35 Drug Possession
 MB35 Misd. Warrants
 MW21 Misd. Warrants

Persons Arrested for Other Agencies: 2

Mayor's Court Warrants Served: 19

**Marionnet Police Department
March, 2023**

Traffic Enforcement		March	2023	2022	% Change
Total Citations		79	258	433	-40%
Driving Under the Influence		0	0	6	-100%
Speeding		8	29	50	-42%
Assured Clear Distance		1	4	0	#DIV/0!
Reasonable Control			1	0	#DIV/0!
Reckless		0	0	0	#DIV/0!
Right of Way		1	3	2	50%
Red Light		12	28	41	-32%
Stop Sign		6	16	44	-64%
Passing		0	0	0	#DIV/0!
Seat Belt Viol.		3	4	0	#DIV/0!
Lane Usage		2	4	4	0%
Backing		1	1	2	-50%
Unsafe Vehicle		0	0	0	#DIV/0!
Other Hazardous Violations		0	1	10	-90%
Truck Violations (Road Use & Weight)		0	0	0	#DIV/0!
Parking		1	4	5	-20%
No Drivers License		2	6	31	-81%
Driving Under Suspension		3	14	57	-75%
License Plates		38	141	168	-16%
Equipment		1	2	13	-85%
Other Non-Hazardous Violations			0	0	#DIV/0!
Courtesy Citations		38	98	200	-51%
Average MPH Over Limit for Speeding Cite		13.88	14.75	15.75	-6%

**Mariemont Police Department
March, 2023**

Citations by Street:	March	2023	2022	% Change
Wooster Pike	59	176	258	-32%
Madisonville Road	7	27	86	-69%
Miami Road	4	23	27	-15%
Plainville Road	6	11	27	-59%
Private Property	0	0	0	#DIV/0!
All Other Streets	3	21	35	-40%
Totals	79	258	433	-40%

Accidents By Street:	March	2023	2022	% Change
Wooster Pike	3	8	1	700%
Madisonville Road	1	3	0	#DIV/0!
Miami Road	0	1	2	-50%
Plainville Road	0	1	0	#DIV/0!
Private Property	0	0	1	-100%
All Other Streets	0	0	6	-100%
Totals	4	13	10	30%

**Mariemont Police Department
March, 2023**

Traffic Accident Summary:		March	2023	2022	% Change
Total Traffic Accidents		4	13	10	30%
Cleared by Arrest		3	11	3	267%
Cleared - No Arrest		1	2	7	-71%
Fatal Accidents		0	0	0	#DIV/0!
Injury Accidents		0	1	0	#DIV/0!
Persons Injured		0	1	0	#DIV/0!
Pedestrian Accidents		0	0	0	#DIV/0!
Accidents Involving Bicycles		0	0	0	#DIV/0!
Weather Related Accidents		0	0	0	#DIV/0!
Citations Issued		3	11	5	-100%
Hit Skip Accidents		0	0	3	267%
Hit Skip Accidents - Cleared		0	0	1	-100%
		0	0	1	-100%

**Mariemont Police Department
March, 2023**

Miscellaneous Activity:	March	2023	2022	% Change
Alarms Drops	16	24	20	20%
Vacation Houses Checked	12	40	65	-38%
Suspicious Persons Checked	7	25	21	19%
Open Business Walk-Thrus	15	391	369	6%
Other Security Checks	2,439	7,671	9,001	-15%
Places Found Open (PFO)	5	12	14	-14%
Motorists Assisted	16	36	19	89%
Prowler Calls	0	0	1	-100%
Domestic Calls (except Domestic Violence)	3	4	8	-50%
Animal Complaints	9	13	6	117%
Animal Owners Warned	0	0	1	-100%
Animal Owners Cited	0	0	0	#DIV/0!
Juvenile Complaints	5	14	6	133%
Juveniles Arrested	0	0	0	#DIV/0!
Traffic Complaints	6	27	13	108%
Traffic Details	11	22	60	-63%
Fire Department Assists	28	64	87	-26%
Maintenance Department Assists	1	3	4	-25%
Tax Summons Served	0	0	0	#DIV/0!
Other Police Departments Assisted	51	151	123	23%
Contacts for Trash	0	0	0	#DIV/0!
Contacts for Weeds, Grass, Etc.	0	0	0	#DIV/0!
Contacts for Signs, Snow, Etc.	12	25	0	#DIV/0!
Miscellaneous Services Rendered	311	685	652	5%
Total Service Demands	1,577	4,528	5,315	-15%
Final Trash Fee Notices Served		0	0	#DIV/0!

**SERVICE DEPARTMENT
MONTHLY REPORT
MARCH
2023**

BRUSH ROUTE..... 3 Loads of chipped brush
 \$ 0 Charge this month
 Dump Brush either Hafner or S-80 Saving of \$ 75.00
\$ 275.00 savings year to date.

Other Dumping's 1 Load of brush \$.25.00
 Loads of debris Cost \$ 0
\$ 175.00 Total savings

Street Sweeping/ debris S-80 loads cost \$

TOTAL COST SAVINGS YTD **\$ 500.00**

Christmas Tree pickup 273

PARK WORK INCLUDES THE FOLLOWING:

- | | | |
|-------------------------|--------------------|---------------|
| Clean up of CG&E Median | Denny Place Island | Settle Island |
| The Point | Albert Place | Trolley Park |
| Dale Park & Cemetery | Sheldon Close | Concourse |
| Jordan Memorial | Beech Grove | S-80 |
| Tot Lot | Bell Tower | Lower Meadow |
| Midden Island | Livingood | |

CONTRACTOR'S WORK

Whitaker tree Stump
Davey Tree Service

MECHANICAL WORK :

- Chain saws
 - Chev 3500 dump truck
 - Back pack blowers
 - Mowers
- General check each morning on all trucks

STREET SWEEPING FOR MARCH:

N/A
TOTAL HOURS: YEAR TO DATE: 0

Tree Work in House:

Dead Wood	Total cost for tree co.	\$
Total Removed	Total in house cost	\$
Total Hours	Total savings	\$
	Savings YDT	\$

Total Trees planted 2023

SAFTEY TRAINING CLASS:

OVERTIME HOURS	TOTAL HOURS	HOURS COST PAID	COMP TIME
Scherpenberg	8	\$	\$ 326.64
Schmid	0	\$	\$.
James	0	\$	\$
Evanchyk	0	\$	\$
Swader	0	\$	\$
TOTAL HRS	9		\$ 326.64
TOTAL HRS. PAID	0	\$	
Meetings			
Completion of work			
Down Tree			

SICK TIME FOR MARCH :.....TOTAL HOURS

Scherpenberg	0
Schmid	16
James	0
Evanchyk.....	8
Swader.....	0


SICK TIME YEAR TO DATE.....TOTAL HOURS

Scherpenberg	0
Schmid	40
James	24
Evanchyk.....	48
Swader.....	0

MISCELLANEOUS WORK INCLUDES THE FOLLOWING:

Village Square assist volunteers with removal of bushes
Village Clean up from volunteers ref. honey suckle.
S-80 Started removing leaf piles taken to S-80
Tennis Court repair toilets/frozen replace control valve, fix windscreens.
Bell Tower cleanup steps in back check heaters
Municipal Building replace relief valves
Pool, paint the depth on side of pool as needed
Town Square removed bushes and moved Flower pot next to benches.
S-80 Assist Steve Spooner with tree removals in garden plots
Concourse clean up for Easter Egg Hunt, dropped off table and chairs
Bell Tower, started clean up, prep ballfields, fix gate and fence
Tennis Courts, clean drains, fill in trip hazards on sidewalk and drains
Village started making, painting repairing, replacing broken wooden street and entrance signs and post.
Village marked utilities for OUPS tickets.
Pool, clean leaves from pools, start repairing picnic tables
Village Pothole repair
Miami Hill cleaned out 5 drains.
Boathouse reset timer.
Village clean up brush from volunteers.
Pick up dead animals off roadway.
Village streetlight repair
Wooster Pike clean up island tips.
Boathouse, clean up area and gutter/drains
Village picked up bags/debris, limbs from volunteers.
Village, continue to clean 446 storm sewers/catch basins.
Village installed wooden street signs and post.
Fridays, Mt. Vernon, cleaned out head wall.
Monday and Friday's empty trash/recycling cans also extra pick up Wednesday Starbuck cans
Clarence Erickson shelter clean up.
John Nolen Pavilion clean out inside debris.

Respectfully,



John Scherpenberg
Superintendent



MARIEMONT TAX DEPARTMENT
MONTHLY REPORT
MARCH 2023

Tax collections totaled \$238,187.87 for the month of March.

Which is \$77,435.90 more than collected in 2022 and \$80,575.21 more than collected in 2021.

At the end of the 1st Quarter, collections are \$69,596.38 over 2023 projection and \$63,654.98 more than 1st Quarter 2022.

Additional reports show receipt comparison for 2022/2023; the collections breakdown per account type/tax year for March 2023; the income tax receipt summary; and the 2023 income tax projection.

Respectfully submitted,

A handwritten signature in blue ink that reads "Chuck Barlow". The signature is written in a cursive, flowing style.

Chuck Barlow
Tax Administrator

2023 Income Tax Projection

	3 year AVG	2023 Projected	2023 Actual	2023 actual vs 2023 projected Difference	2022 Actual	2023 actual vs 2022 actual Difference
Jan	9.44%	\$ 245,504.42	\$ 230,216.00	\$ (15,288.42)	\$ 233,792.19	\$ (3,576.19)
Feb	5.30%	\$ 137,771.97	\$ 144,828.68	\$ 7,056.71	\$ 155,033.41	\$ (10,204.73)
Mar	6.17%	\$ 160,359.79	\$ 238,187.87	\$ 77,828.08	\$ 160,751.97	\$ 77,435.90
Apr	13.60%	\$ 353,728.38			\$ 526,040.44	
May	9.92%	\$ 257,990.17			\$ 217,310.92	
Jun	8.52%	\$ 221,549.30			\$ 240,789.58	
Jul	9.86%	\$ 256,467.82			\$ 169,073.90	
Aug	6.31%	\$ 164,000.44			\$ 147,912.00	
Sep	8.92%	\$ 231,849.57			\$ 239,749.81	
Oct	8.29%	\$ 215,450.21			\$ 214,351.92	
Nov	5.94%	\$ 154,498.78			\$ 134,990.31	
Dec	7.72%	\$ 200,829.16			\$ 153,730.15	
		\$ 2,600,000.00	\$ 613,232.55	\$ 69,596.38	\$ 2,593,526.60	\$ 63,654.98
	100.00%			\$ (1,986,767.45)		\$ (1,980,294.05)
1st QTR		\$ 543,636.17	\$ 613,232.55	\$ 69,596.38	\$ 549,577.57	\$ 63,654.98
2nd QTR		\$ 833,267.86	\$ -	\$ -	\$ 984,140.94	\$ -
3rd QTR		\$ 652,317.83	\$ -	\$ -	\$ 556,735.71	\$ -
4th QTR		\$ 570,778.14	\$ -	\$ -	\$ 503,072.38	\$ -
		\$ 2,600,000.00	\$ 613,232.55	\$ 69,596.38	\$ 2,593,526.60	\$ 63,654.98
			23.59%			
Gross Collections:		\$ 613,232.55				
Refunds:		\$ 8,640.80				
Net Collections:		\$ 604,591.75				

	2023 YTD Projected	2023 YTD Actual	2023 Actual vs. Projected YTD Difference	YTD 2023	YTD 2022	YTD Difference
Jan	\$ 245,504.42	\$ 230,216.00	\$ (15,288.42)	\$ 230,216.00	\$ 233,792.19	\$ (3,576.19)
Feb	\$ 383,276.38	\$ 144,828.68	\$ (238,447.70)	\$ 144,828.68	\$ 388,825.60	\$ (243,996.92)
Mar	\$ 543,636.17	\$ 238,187.87	\$ (305,448.30)	\$ 238,187.87	\$ 315,785.38	\$ (77,597.51)
Apr	\$ 897,364.56	-		-		-
May	\$ 1,155,354.72	-		-		-
Jun	\$ 1,376,904.03	-		-		-
Jul	\$ 1,633,371.85	-		-		-
Aug	\$ 1,797,372.29	-		-		-
Sep	\$ 2,029,221.86	-		-		-
Oct	\$ 2,244,672.07	-		-		-
Nov	\$ 2,399,170.84	-		-		-
Dec	\$ 2,600,000.00	-		-		-

	Percent to Total	2023 YTD	2022 Final	2021 Final
Individual		24.72%	35.74%	34.58%
Net Profit		4.46%	7.87%	10.38%
Withholding		70.82%	56.39%	55.03%

Selected date 3/31/2023

<u>Deposit Date</u>	<u>Individual Deposits</u>	<u>Net-Profit Deposits</u>	<u>Total 1 & 2 Refunds/Adj</u>	<u>Total 1 & 2 Deposits</u>	<u>Withholding Refunds/Adj</u>	<u>Withholding Deposits</u>	<u>Total All Refunds/Adj</u>	<u>Total All Deposit</u>	<u>Percent Change</u>
1/2023	\$80,315.92	\$9,375.00	\$-5,192.00	\$89,690.92	\$0.00	\$140,525.08	\$-5,192.00	\$230,216.00	-2
1/2022	\$88,445.74	\$4,010.00	\$0.00	\$92,455.74	\$0.00	\$141,336.45	\$0.00	\$233,792.19	
2/2023	\$7,464.76	\$728.25	\$-615.00	\$8,193.01	\$0.00	\$136,635.67	\$-615.00	\$144,828.68	-7
2/2022	\$11,519.61	\$1,451.73	\$0.00	\$12,971.34	\$0.00	\$142,062.07	\$0.00	\$155,033.41	
3/2023	\$63,829.85	\$17,258.00	\$-2,833.80	\$81,087.85	\$0.00	\$157,100.02	\$-2,833.80	\$238,187.87	48
3/2022	\$43,424.37	\$14,729.86	\$-4,343.40	\$58,154.23	\$0.00	\$102,597.74	\$-4,343.40	\$160,751.97	
**2023	\$151,610.53	\$27,361.25	\$-8,640.80	\$178,971.78	\$0.00	\$434,260.77	\$-8,640.80	\$613,232.55	12
**2022	\$143,389.72	\$20,191.59	\$-4,343.40	\$163,581.31	\$0.00	\$385,996.26	\$-4,343.40	\$549,577.57	

*** End Of Report ***

Closed Batch Number(s) 8270, 8276, 8277, 8278, EREF230304, 8279, 8280, 8281, 8282, 8283, 8284, 8285, 8286, 8287, 8288, 8289, 8290, 8291, 8292, 8293, 8294, 8295, 8296, 8297, 8298, 8299, 8300, 8301 Deposit Date Range: 03/01/2023 To 03/31/2023. Report type: Detail Report. Sort Selection by Account Number.

Transaction	Count	Charge Amt	Credit Amt	Count	Charge Amt	Credit Amt	Count	Charge Amt	Credit Amt	Count	Charge Amt	Credit Amt	Count	Charge Amt	Credit Amt	Count	Charge Amt	Credit Amt			
AMENDED ESTIMATE	1	\$1,500.00	\$0.00	1	\$338.00	\$0.00	0	\$0.00	\$0.00	2	\$1,838.00	\$0.00									
AMENDED FINAL	8	\$6,684.17	\$562.49	1	\$673.95	\$0.00	0	\$0.00	\$0.00	9	\$7,358.12	\$562.49									
BALANCE DUE	47	\$0.00	\$9,994.26	8	\$0.00	\$-929.78	0	\$0.00	\$0.00	55	\$0.00	\$9,064.48									
BATCH NOTE	9	\$0.00	\$0.00	1	\$0.00	\$0.00	12	\$0.00	\$0.00	22	\$0.00	\$0.00									
COURT COST	0	\$0.00	\$0.00	3	\$15.53	\$201.78	0	\$0.00	\$0.00	3	\$15.53	\$201.78									
CHARGE-OFF FINAL RET	7	\$-2,391.23	\$0.00	1	\$-8.00	\$0.00	0	\$0.00	\$0.00	8	\$-2,399.23	\$0.00									
DECLARATION OF	59	\$97,483.30	\$30,170.66	10	\$20,015.00	\$4,483.00	0	\$0.00	\$0.00	69	\$117,498.30	\$34,653.66									
EXTENSION	0	\$0.00	\$0.00	4	\$0.00	\$531.00	0	\$0.00	\$0.00	4	\$0.00	\$531.00									
FINAL RETURN	168	\$80,140.46	\$15,896.75	45	\$37,160.33	\$9,074.52	0	\$0.00	\$0.00	213	\$117,300.79	\$24,971.27									
OVERPAY FORWARD	46	\$0.00	\$0.00	14	\$0.00	\$0.00	0	\$0.00	\$0.00	60	\$0.00	\$0.00									
OVERPAY REFUND	9	\$0.00	\$-2,596.80	1	\$0.00	\$-237.00	0	\$0.00	\$0.00	10	\$0.00	\$-2,833.80									
UNDERPAID ESTIMATE	2	\$166.30	\$0.00	2	\$175.16	\$44.48	0	\$0.00	\$0.00	4	\$341.46	\$44.48									
QUARTERLY PAYMENT	27	\$0.00	\$7,205.69	7	\$0.00	\$3,853.00	0	\$0.00	\$0.00	34	\$0.00	\$11,058.69									
RECONCILIATION	0	\$0.00	\$0.00	0	\$0.00	\$0.00	182	\$0.00	\$0.00	182	\$0.00	\$0.00									
WITHHOLDING	0	\$0.00	\$0.00	0	\$0.00	\$0.00	684	\$0.00	\$0.00	684	\$157,100.02	\$157,100.02									
Total:	383	\$183,583.00	\$61,233.05	98	\$58,369.97	\$17,021.00	878	\$157,100.02	\$157,100.02	1359	\$399,052.99	\$235,354.07									
REGULAR																					
BALANCE DUE	1	\$0.00	\$-2,625.00	1	\$0.00	\$2,625.00	0	\$0.00	\$0.00	2	\$0.00	\$0.00									
** Total:	384	\$183,583.00	\$58,608.05	99	\$58,369.97	\$19,646.00	878	\$157,100.02	\$157,100.02	1361	\$399,052.99	\$235,354.07									
<u>Payments</u>		<u>Deposit Total</u>	463		<u>Cash</u>			<u>Check</u>	422		<u>Charge</u>	14		<u>Lock Box</u>			<u>Refund Total</u>	10		<u>ACH</u>	27
<u>Amount</u>		\$238,187.87	\$0.00		\$228,584.94	\$4,129.15			\$0.00		\$-2,833.80						\$5,473.78				

*** End Of Report ***

Building Department Report to Village Council covering the month of March 2023

The building department issued 35 permits this month. These are summarized here along with the fees. They are listed individually at the end of the report.

0 Commercial building permits	\$ 0
15 Residential building permits	\$ 2253
18 Utility permit	\$ 0
0 Residential zoning permits	\$ 0
2 Rental inspection permit	\$ <u>160</u>
TOTAL	\$ 2413

For the month of March, a total of 77 hrs were billed in addition to the volunteer hours of Bob Van Stone (approximately 25 hrs all dedicated to admin). That time was spent on the following activities, allocated as follows:

ARB Meeting/Prep	7 hours	9%
Planning Commission Mtg/Prep	0 hours	0%
Permitting (building, zoning, rental, zoning)	20 hours	26%
Bldg Dept Questions	10 hours	13%
Compliance - Violations	20 hours	26%
Admin (organization, ordinances, XPEX)	20 hours	26%

March was a below average revenue month for building fees. We had about average amounts for residential building permits but no activity with commercial or zoning permits. Rental inspections continue to trend downward, starting to discuss options for intervention with Mr. York and Mr. McTigue. Large Cincinnati Bell / Atafiber new fiber optic cabling underway in SW corner of village. Still spending a decent portion of time working compliance issues related to remodeling work.

Respectfully submitted,
Rod Holloway
Building Department

MARCH 2023 BUILDING DEPARTMENT PERMIT SUMMARY

Permit #	Permit Date	Zoning	B/Z/U	Parcel Address	Owner Name	Applicant Name	Permit Type	Total Fees	Totals
Commercial Building Permits									
0									
Residential Building Permits									
15									
2023035	3/1/2023	RES-A	B	7005 WOOSTER PK	BHASKAR SHEELA	Jolly Enterprises	HVAC Replacement	98	
2023036	3/3/2023	RES-A	B	6739 WOOSTER PK	PAINTER MATTHEW C & ROBYN	Joe Hunt - Custom Remodeling LLC	Addition - Residential	207	
2023050	3/6/2023	RES-A	B	7020 HIAWAHTHA AV	BENDER PHILP M TR	Ray St. Clair Roofing Co.	Roof Res - Roof OR Gutters & Downspou	57	
2023052	3/7/2023	RES-A	B	7013 WOOSTER PK	CAPPEL GREGORY E	M&S Roofing	Roof Res - Roof AND Gutters & Downspo	80	
2023053	3/8/2023	RES-C	B	3801 MIAMI RUN	MIAMI RUN JV LLC	Ashford Homes	New Residential	0	
2023054	3/9/2023	RES-A	B	3817 HOMEWOOD RD	DAMON RUSSELL & LENA	Owen Heating & Cooling	HVAC - Res	98	
2023055	3/10/2023	RES-A	B	6611 MARIEMONT AVE	6611 MARIEMONT AVE TRUST	Howard's Kitchen Studio	Alterations - Res.	265	
2023056	3/14/2023	RES-A	B	4314 JOAN PL	TUCKER LANE	Kaiser Roof	Roof Res - Roof OR Gutters & Downspou	57	
2023057	3/17/2023	RES-A	B	6904 WOOSTER PK	SPINNENWEBER BUILDERS INC	RTF Fire Protection	Fire Suppression System	366	
2023058	3/20/2023	RES-A	B	6934 CRYSTAL SPRINGS RD	MILLER DAVID D TR & KATHRYN J TR	Deer Park Roofing	Roof Res - Roof OR Gutters & Downspou	57	
2023060	3/23/2023	RES-A	B	9 ALBERT PL	PATEL DARSHAN & CAROLINE CREW	PATEL DARSHAN & CAROLINE CREW	Alterations - Res.	265	
2023061	3/24/2023	RES-A	B	7008 MT VERNON AVE	HUANG JEAN C	Clint Snell	Alterations - Res.	260	
2023062	3/24/2023	RES-A	B	6609 PLEASANT ST	OUELLETTE JEFFREY J & ELLEN PUTNAM OSBOR	Michaelson Homes	Alterations - Res.	265	
2023066	3/28/2023	RES-A	B	6754 FIELDHOUSE WY	GORGILLIS ANDREW J & ELLEN	Five Star Heating & Cooling	HVAC Replacement	98	
2023067	3/28/2023	RES-A	B	4009 GROVE AVE	SEGALL CHRISTOPHER & AMANDA	John Harper	Replacement - Sliding	80	
Utility Permits									
18									
2023037	3/3/2023	RES-B	U	3740 WEST ST	TEMMING MARK A	Cincinnati Bell Telephone	Utility - Com Upgrade	0	
2023038	3/3/2023	RES-A	U	6829 HAMMESTONE WY	FLEMING AMY & ANDREW W	Cincinnati Bell Telephone	Utility - Com Upgrade	0	
2023039	3/3/2023	RES-A	U	3598 FLINTPOINT WY	TEGHTMEYER JOSEPH A & CHRISTINE C	Cincinnati Bell Telephone	Utility - Com Upgrade	0	
2023040	3/3/2023	RES-A	U	6725 FIELDHOUSE WY	FIELDS KEN & MELISSA	Cincinnati Bell Telephone	Utility - Com Upgrade	0	
2023041	3/3/2023	RES-A	U	1 DENNY PL	CONRAD JAMES DONALD	Cincinnati Bell Telephone	Utility - Com Upgrade	0	
2023042	3/3/2023	RES-A	U	3599 CACHERT WY	PHILLIPS MARGARET D	Cincinnati Bell Telephone	Utility - Com Upgrade	0	
2023043	3/3/2023	RES-A	U	1 ALBERT PL	GRISWOLD JULIE MARY	Cincinnati Bell Telephone	Utility - Com Upgrade	0	
2023044	3/3/2023	RES-A	U	6801 MT VERNON AV	MAHADEVAN MILLEN M	Cincinnati Bell Telephone	Utility - Com Upgrade	0	
2023045	3/3/2023	RES-A	U	3800 MIAMI RD	JUDKINS BRIAN C & KATHLEEN	Cincinnati Bell Telephone	Utility - Com Upgrade	0	
2023046	3/3/2023	RES-A	U	3700 PLEASANT ST	WELLS GREGORY B & LILA G	Cincinnati Bell Telephone	Utility - Com Upgrade	0	
2023047	3/6/2023	RES-A	U	6725 WOOSTER PK	BINGAMAN TIM & JULIENA	Cincinnati Bell Telephone	Utility - Com Upgrade	0	
2023048	3/6/2023	RES-A	U	6504 MIAMI BLUFF DR	KINTNER ALECIA TOWNSEND & MICHAEL R KIN	Cincinnati Bell Telephone	Utility - Com Upgrade	0	
2023049	3/6/2023	RES-A	U	6710 MARIEMONT AV	MARIEMONT TOWNHOMES I LLC	The Libbee Group	Utility - Com Upgrade	0	
2023051	3/6/2023	RA-4S	U	6711 MURRAY AVE	TAYLOR KEVIN M & MELISSA A	Duke Energy	Utility - Elec.Serv. Upgrade	0	
2023059	3/23/2023	RES-A	U	6817 WOOSTER PK	LENNHARDT JOHN & PATTY III	Greater Cincinnati Water Works	Utility - Street Cut	0	
2023063	3/24/2023	RES-A	U	3706 PLEASANT ST	BAYLUF OLGA V TR & GARY G TR	Greater Cincinnati Water Works	Utility - Street Cut	0	
2023064	3/24/2023	RES-A	U	6 SHELTON CLOSE	Ken Gardner	Greater Cincinnati Water Works	Utility - Street Cut	0	
2023065	3/24/2023	RES-C	U	6743 MURRAY AVE	WEST PHILIP A & AMY L	Greater Cincinnati Water Works	Utility - Street Cut	0	
Residential Zoning Permits									
0									
Rental Inspection Certificates									
2									
9000069	3/10/2023		R	6605 MURRAY AVE - UNIT #22	HARLYN LLC	Chad Osgood	Rental Certificate	80	
9000068	3/9/2023		R	6768 MAPLE ST	CHESTNUT TOWNHOMES LLC	Dennis Hamilton	Rental Certificate	80	
Total Permits								35	160
Totals								2413	2253

Joanee Van Pelt

From: Rich Ford
Sent: Friday, April 7, 2023 10:55 AM
To: Bill Brown; Randy York; Joanee Van Pelt
Cc: Chuck Barlow
Subject: motion for Monday's council meeting

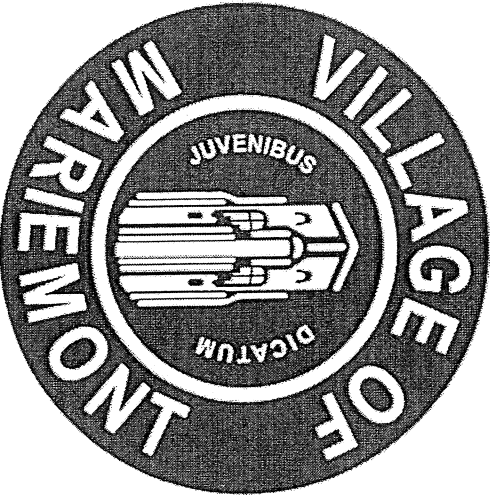
Chuck, Bill, and Randy,

Per our discussion on Wednesday, here's what we need to do at the Council meeting on Monday. If you want to use a specific amount for the electric in the median, you may want to add that to the motion.

Joanee, I'm not sure the exact Title for you to add to the agenda, but maybe you and the mayor or Chuck can come up with the agenda item title.

We want to make a motion to:

"Rescind the allowance in the permanent improvement fund for the parks utility vehicle and the additional amount appropriated for drainage on the tennis court as neither expense is now needed. Council authorizes the fiscal officer to reallocate as needed for future capital projects when the expense request is approved by council."



Marlborough Connector Shared-Use Path Feasibility Study

March 16, 2023 Report



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VOUCHERS FOR THE REGULAR COUNCIL MEETING, APRIL 10, 2023

DEPARTMENT	VENDOR	DESCRIPTION	COST
Admin	E.C. Shaw Company	Engraved Nameplate (Mr. Burleigh)	31.39
Admin	Staples	Office Supplies	57.63
Admin	William Brown	Mayor's Car Allowance April 2023 & Wedding Fee Reimbursements	191.66
Admin	Woodhull	Copier Contract 2/28/23 - 5/30/23	159.07
All	Ace Hardware	Misc. Parts/Supplies/Materials	1,278.71
All	IntrustIT	MS365 Agreement April 2023	507.85
All	OPERS	Village Obligation for March 2023	14,954.82
All	Sedgwick	BWC Group Rate Enrollment Annual Contract Beginning 9/1/23	1,880.00
All	Village Payroll	SS \$4314.38, Medi \$2778.78, & Payroll \$97,578.23 for 4/1/23	104,671.39
Building	Rod Holloway	Zoning Officer for Period Ending 4/1/23	520.00
Building	Woodhull	Copier Contract 2/28/23 - 5/30/23	267.11
EMS	Staples	Tablet Case	80.96
EMS	American Welding & Gas	Medical Oxygen Tanks/Refills	153.56
EMS	Bound Tree	EMS Medications/Supplies	15.49
Fire	Sam's Club	Consumables, Office Supplies, Headlight Bulbs	466.71
Fire	Staples	Office Supplies	100.59
Fire/EMS	Board of County Commissioners	Dispatch Fees April 2023	579.00
Fire/EMS	Fleet Services/Wex Bank	Fuel for Village Vehicles March 2023	1,310.17
Legislative	Center for Local Government	Membership Dues 2023	2,000.00
Legislative	Fast Signs	Banner for Centennial Groundbreaking Ceremony	206.70
Legislative	Mariemont Town Crier	Centennial Inserts for April 2023 Edition	75.00
Legislative	RC Pyrotechnics	Deposit for Independence Day Fireworks	3,000.00
Mayor's Court	AMCCO	Annual Membership Dues & Spring Seminar (Vikki Hill)	300.00
Mayor's Court	Richard Gibson	Magistrate Services March 2023	1,000.00
Miscellaneous	Duke Energy	Gas & Electric Monthly Charges	2,270.30
Miscellaneous	Edward McTigue	Solicitor Fees March 2023	2,050.00
Miscellaneous	Greater Cincinnati Water Works	Water & Sewer Service Monthly Charges	1,308.12
Miscellaneous	Hall Signs	Street Signs for Plainville Rd	380.55
Miscellaneous	KS State Bank	2019 Ambulance Loan Payment	51,411.64
Miscellaneous	PNC Bank	Credit Card Monthly Charges (K9, Online Storage)	157.35
Miscellaneous	Rumpke	Trash & Recycling Service for March 2023	24,699.06
Municipal	Anago Cleaning Systems	Janitorial Services May 2023	399.00
Municipal	CBTS	Phone System Maintenance Charges March 2023	82.94
Municipal	Marsh Building Products	Door/Window and 3 Windows; Council Approved 3/27/2023	20,394.84
Municipal	Schindler Elevator Corporation	Warranty Agreement April 2023	94.69
Municipal	Stigler Supply	Multifold Towels	143.24
Police	Benefit Wallet	1st Half Installment HSA (Roberts)	1,100.00
Police	Board of County Commissioners	Dispatch Fees April 2023	1,214.00
Police	CBTS	Wireless Access Point for PD Cameras Monthly Charge	60.36
Police	Fleet Services/Wex Bank	Fuel for Village Vehicles March 2023	1,581.18
Police	Galls Uniforms	Uniform Items (\$864.79 to be Covered by a Grant)	1,848.90
Police	Ohio Police & Fire Pension Fund	Village Obligation for March 2023	26,105.93
Police	Ritze's Auto Service	Battery for Car #1	252.35
Police	Sam's Club	Consumables	58.23
Police	Sirchie Acquisition Company	Training Seminar (Rachel Hays)	650.00
Police	TransUnion	Data Subscription March 2023	75.00
Pool	A.B. Bonded Locksmiths	Fix Pool Lock and New Keys	170.05
Pool	Hamilton County Public Health	Pool Licenses for 2023 Season (Main, Baby, Lap)	1,094.00
Service	Abco Safety	Uniform Items	253.94
Service	Altafiber	Phone Service Monthly Charges	50.10
Service	Board of County Commissioners	Radio Service April 2023	130.00
Service	Bramble Mower	Parts for Mowers	51.98
Service	Davey Tree Service	Tree Work (Mariemont Ave, Mt. Vernon Ave, Alley D)	2,530.00
Service	Fleet Services/Wex Bank	Fuel for Village Vehicles March 2023	1,159.16
Service	H Hafner & Sons	Shredded Topsoil & Limestone	1,046.00
Service	Kaffenbarger Truck Equipment	Parts for New F450	220.13
Service	Spectrum	Cable Service Monthly Charges	49.75
Service	Valley Asphalt	Hot Patch	155.80
Tax	Woodhull	Copier Contract 2/28/23 - 5/30/23	278.33
Tax	Income Tax Refunds	Overpayment of Taxes	2,833.80
Tennis	Grainger	Parts to Repair Frozen Pipes/Fixtures	103.25
Tennis	H Hafner & Sons	Limestone for Tennis Court Drainage	78.00
TOTAL			280,349.78

VILLAGE OF MARIEMONT
BIWEEKLY PAYROLL ENDING APRIL 1, 2023

Police Department

Richard D. Hines, Regular	4465.60	Paul Rennie, Overtime	433.72
Nick Pittsley, Regular	3503.50	Adam Geraci, Comp	82.62
Adam Geraci, Vacation	495.72	Dave Roberts, Regular	812.50
Paul Rennie, Vacation	991.44	Paul Rennie, Comp	165.24
Dan Lyons, Sick	3304.80	Dave Roberts, Sick	2437.50
Fred Romano SRO, Regular	1423.20	Fred Romano, Vacation	474.40
Tom Ostendarp, Regular	3254.48	Rachel Hays, Overtime	922.50
Steve Watt, Comp	123.93	Adam Geraci, Regular	2726.46
Paul Rennie, Regular	2148.12	Dave Bailey, Overtime	165.00
Tom Ostendarp, Vacation	574.32	Matt Kurtz, Overtime	123.92
Nick Pittsley, Vacation	136.50	Adam Geraci, Overtime	185.88
Rachel Hays, Regular	2788.00	Rachel Hays, Sick	492.00
Rachel Hays, Overtime	430.50	Matt Kurtz, Regular	3304.80
Steve Watt, Regular	3180.87	Dorris Hallums, PT, Regular	162.00
Vikki Hill, Regular	1977.98	Judy Gerros, PT, Regular	195.02
Vikki Hill, Sick	13.28	Michelle Scales, PT, Regular	189.00
		Department Total	40762.82

Paramedics/Fire

Jim Henderson, Supervisor Pay	785.58	Keary Henener, PT, Regular	466.56
Tim Peaker, Supervisor's Pay	538.56	Ryan Brown, PT, Regular	213.84
Mike Washington Jr, Supervisor Pay	538.56	Robert Mercer, PT, Regular	1526.04
Bryan Young, PT, Regular	699.84	Mike Washington, Supervisor Pay	449.00
David Gray, PT, Overtime	320.76	Nick Guilkey, Holiday	318.69
Scott Ray, Supervisor Pay	269.28	Jack Berkowitz, PT, Regular	465.36
Rick Hines, Regular	475.39	Hunter Morgan, Overtime	1108.08
Evan Dunkleman, PT, Regular	1944.00	Donald Scarpinski, PT, Regular	466.56
Bryan Schmidlap, Supervisor Pay	673.20	Johnny Stewart, PT, Regular	933.12
Ethan Ramos, PT, Regular	716.16	Jason Williams, Overtime	1274.40
Joe Lowry, PT, Regular	699.84	Brandon Manor, Supervisor Pay	538.56
Matt Clark, Supervisor Pay	1346.40	Eric Freeland, PT, Regular	933.12
Matt Clark, Overtime	808.32	Craig Coburn, Supervisor Pay	269.40
Brayden Young, PT, Regular	1166.40	Jason Williams, Supervisor Pay	1817.20
Scott Ray, PT, Regular	252.72	Pat Dixon, PT Regular	213.84
Tim Linz, PT, Regular	759.20	Robert Mercer, Supervisor Pay	538.56
Brandon Manor, PT, Regular	816.48	Jeremy Burns, PT, Regular	311.04
Josh Watren, Supervisor Pay	628.32	Dan Copeland, Assistant Fire Chief	2884.62
Mark Hardin, PT, Regular	933.12	Nick Guilkey, Supervisor Pay	1132.80
David Huckleby, PT, Regular	856.24	Danny Alexander, PT,, Regular	179.04
Chris Miller, PT, Regular	1924.56	Cameron Young, PT, Regular	1104.08
Jordan Cochrane, PT, Regular	777.60	Jordan Cochrane, Overtime	349.92
		Department Total	34793.38

Maintenance Department

John M. Scherpenberg, Regular	2613.12	John Scherpenberg, Vacation	653.28
Ben James, Vacation	468.64	Jeremy Swadder, Regular	2040.00
Kevin Schmid, Sick	247.20	Mike Evanchyk, Comp	117.16
Ben James, Regular	937.28	Kevin Schmid, Regular	2224.80
Mike Evanchyk, Regular	2226.04	Department Total	12464.80

Administrative

Joanee B. Van Pelt, Regular	2783.25	Joanee Van Pelt, Council	125.00
Joanee Van Pelt, ARB	125.00	Allison Uhrig, Regular	1962.25
		Department Total	4895.50

Tax Department/Administrator

Chuck Barlow, Regular	2692.50	Chuck Barlow, Administrator	769.23
Patty Lenhardt, PT, Regular	1200.00	Department Total	4661.73

GRAND TOTAL **97578.23**

TO: Village Council and Mayor Brown
FROM: Health and Recreation Committee, Randy York - Chair
RE: Kleinger's Bid for the Dogwood Park Rehabilitation Plan
DATE: April 6, 2023

The Health and Recreation Committee met on Wednesday April 5, 2023 in the Council Chambers.. Present at the meeting were Health and Recreation Committee members Randy York (Chair), Susan Brownknight (Vice-Chair), Leah Geldbaugh (Member). Also in attendance were council member Dr. Marcy Lewis, Mayor Bill Brown, Village Engineer Chris Ertel, Administrator Chuck Barlow, and Fiscal Officer Rich Ford. The meeting commenced at 6:20 pm.

The purpose of the Committee meeting was to review the bid for the rehabilitation of Dogwood Park that was received on 3.16.23 from The Kleingers Group. This bid is part of the Centennial Capital Campaign.

The details of the bid proposal are as follows:

PROFESSIONAL SERVICES SCHEDULE OF FEES

Survey	\$9,200.00
Landscape Architecture	\$70,500.00
Civil Engineering	\$35,400.00
Public Input	\$4,200.00
Architecture (if authorized)	\$4,000.00
Geotechnical borings (2 borings) (if authorized)	\$8,000.00
Total Basic Services Fee	\$131,300.00

OTHER PROFESSIONAL SERVICES SCHEDULE OF FEES

Electrical Engineering Consultant (if authorized)	\$5,000.00
Concept Planning for Boathouse Access (if authorized)	\$7,850.00

The Committee recommended adding the Mariemont Preschool Parents Group, Mariemont Recreation Association, Mariemont Garden Club, Mariemont Park Board, Marielders, and the Mariemont Preservation Foundation as Village organizations who would be involved design review meetings. The Committee also reviewed accounting processes for Centennial Funding with Fiscal Officer Ford. A Capital Project Fund will be created, a certificate will be obtained from the County Budget Commission in the amount of \$206,149 and a document is needed that details proof that funds have been committed to these projects. The committee agreed that this can be accomplished before a third reading of the necessary legislation to approve the bid.

The Committee reviewed the proposal and recommends that the Village move forward with accepting this bid.

On roll call vote Ms. Brownknight, Ms. Geldbauch, and Mr. York voted in favor of this recommendation.

The Committee further recommends that the Solicitor prepare the necessary legislation.

The meeting adjourned at 6:40pm.

Respectfully Submitted,

Randy York, Chair

Susan Brownknight (Vice-Chair)

Leah Geldbaugh (Member)

VILLAGE OF MARIEMONT, OHIO

RESOLUTION NO. 0-_____-23

TO SET FORTH BUILDING PERMIT FEE SCHEDULE TO BE UTILIZED BY THE
VILLAGE OF MARIEMONT BUILDING DEPARTMENT

WHEREAS, Section 150.16 of the Mariemont Code of Ordinances sets forth the Building Permit Fee Schedule to be utilized within the Village of Mariemont; and

WHEREAS, The Public Works and Service Committee met to determine the appropriate fees to be charged by the Building Department and, as such, recommended certain changes; and

WHEREAS, Council for the Village of Mariemont believes that the changes as suggested by the Public Works and Service Committee are reasonable and should be adopted.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Mariemont, State of Ohio, two-thirds of the members duly elected thereto concurring:

SECTION I. That the fee schedule as set forth in the attached Exhibit "A" is hereby adopted by Village Council.

SECTION II. That this Resolution shall take effect at the earliest date allowed by law.

Passed: April 24, 2023

William A. Brown, Mayor

ATTEST:

I, Richard D. Ford, Fiscal Officer for the Village of Mariemont, Ohio, does hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 25th day of April 2023.

Richard Ford, Fiscal Officer

EXHIBIT "A"

- Residential Roofing:
- \$80 (gutters **or** roof),
- \$150 (gutters **and** roof) changes respectively
- Plan Review Costs: \$100/hr
- Tree Removal: \$25

VILLAGE OF MARIEMONT, OHIO

RESOLUTION NO. R- ____ -23

RESOLUTION CREATING A NEW CAPITAL PROJECT FUND FOR DOGWOOD PARK

WHEREAS, the Village is seeking donations and grants to renovate Dogwood Park; and

WHEREAS, the funds will be restricted for those renovations/improvements; and

WHEREAS, the Ohio Revised Code Section 5705.13(C) allows a Village, by Ordinance or Resolution, to establish a capital projects fund for accumulating resources for the acquisition, construction, or improvement of fixed assets; and

WHEREAS, the Village shall not accumulate money in a Capital Projects Fund for more than ten years after the ordinance or resolution establishing the fund is adopted.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, A MAJORITY OF THE MEMBERS DULY ELECTED THERETO CONCURRING:

SECTION I. That the Village establishes a Capital Project Fund for the Dogwood Park Renovations.

SECTION II. That once this resolution has passed, the fiscal officer will deposit revenue and make payments from this fund which are restricted for the Dogwood Park Renovations.

Passed: April 24, 2023

William A. Brown, Mayor

ATTEST:

I, Richard D. Ford, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 25th day of April 2023.

Richard D. Ford, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION R- -23

RESOLUTION DECLARING THE NECESSITY OF LEVYING A TAX IN EXCESS OF THE 10 MILL LIMITATION FOR CURRENT EXPENSES AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH

WHEREAS, the Council of the Village of Mariemont anticipates levying a tax in excess of the 10 mill limitation as described herein; and

WHEREAS, pursuant to Section 5705.03 of the Ohio Revised Code, this Council is required to certify to the County Auditor a Resolution requesting the County Auditor to certify certain matters in connection with such a tax levy, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, HAMILTON COUNTY, OHIO, TWO-THIRDS OF THE MEMBERS ELECTED THERETO CONCURRING:

SECTION 1. That pursuant to the provisions of Section 5705.19 (a) of the Ohio Revised Code, it is necessary to renew a tax in excess of the ten mill limitation for the benefit of the Village of Mariemont for the purpose of providing funds for current expenses at a rate not exceeding 3.08 mills for each one dollar of valuation, which amounts to \$.308 for each one hundred dollars of valuation. The term is for five years starting in tax year 2024 which includes tax years 2024, 2025, 2026, 2027, 2028. The Village of Mariemont has territory only in Hamilton County. The tax will be voted on and levied against the entire territory possessed by the Village of Mariemont.

SECTION II. Pursuant to Section 5705.03 of the Ohio Revised Code, the County Auditor is hereby requested to certify to this Council the total current tax valuation of the Village of Mariemont and the dollar amount of revenue that would be generated by the number of mills specified in Section I hereof, and the Fiscal Officer of the Village of is hereby directed to certify forthwith a copy of this Resolution to the County Auditor at the earliest possible time so that the County Auditor may certify such matters in accordance with such Section 5705.03 to be able to appropriately consider, pass, and file a Resolution of necessity for consideration at the November 7, 2023 General Election.

SECTION III. That this Resolution shall take effect at the earliest date allowed by law.

Passed: May 8, 2023

William A. Brown, Mayor

ATTEST:

Richard D. Ford, Fiscal Officer

I, Richard D. Ford, Fiscal Officer of the Village of Mariemont, Ohio do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, the intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 9th day of May 2023.

Richard D. Ford, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION R- -23

**RESOLUTION DECLARING THE NECESSITY OF LEVYING A TAX IN EXCESS OF
THE 10 MILL LIMITATION FOR RECREATIONAL PURPOSES OF THE
MARIELDERS, INC. AND REQUESTING THE COUNTY AUDITOR TO CERTIFY
MATTERS IN CONNECTION THEREWITH**

WHEREAS, the Council of the Village of Mariemont anticipates levying a tax in excess of the 10 mill limitation as described herein; and

WHEREAS, pursuant to Section 5705.03 of the Ohio Revised Code, this Council is required to certify to the County Auditor a Resolution requesting the County Auditor to certify certain matters in connection with such a tax levy, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT,
HAMILTON COUNTY, OHIO, TWO-THIRDS OF THE MEMBERS ELECTED
THERE TO CONCURRING:**

SECTION 1. That pursuant to the provisions of Section 5705.19(H) of the Ohio Revised Code, it is necessary to renew a tax in excess of the ten mill limitation for the benefit of the Village of Mariemont for the purpose of providing funds for recreational purposes of the MariElders, Inc. at a rate not exceeding **one mill** (1.00) for each one dollar of valuation, which amounts to \$.10 for each one hundred dollars of valuation. The term is for the five years starting in 2023 which includes tax years 2023, 2024, 2025, 2026, 2027. The Village of Mariemont has territory only in Hamilton County. The tax will be voted on and levied against the entire territory possessed by the Village of Mariemont.

SECTION II. Pursuant to Section 5705.03 of the Ohio Revised Code, the County Auditor is hereby requested to certify to this Council the total current tax valuation of the Village of Mariemont and the dollar amount of revenue that would be generated by the number of mills specified in Section I hereof, and the Fiscal Officer of the Village of is hereby directed to certify forthwith a copy of this Resolution to the County Auditor at the earliest possible time so that the County Auditor may certify such matters in accordance with such Section 5705.03 to be able to appropriately consider, pass, and file a Resolution of necessity for consideration at the November 7, 2023 General Election.

Passed: May 8, 2023

William A. Brown, Mayor

ATTEST:

I, Richard D. Ford, Fiscal Officer of the Village of Mariemont, Ohio do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, the intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 9th day of May 2023.

Richard D. Ford, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

RESOLUTION NO. 0-____-23

TO ACCEPT BID OF THE KLEINGERS GROUP FOR THE REHABILITATION OF DOGWOOD PARK;

WHEREAS, the Health and Recreation Committee has reviewed bid proposals for the rehabilitation of Dogwood Park as part of the Centennial Capital Campaign; and

WHEREAS, Council believes the bid of The Kleingers Group in the total amount of One Hundred Forty-four Thousand One Hundred Fifty and no/100 Dollars (\$144,150.00) to be the lowest and best bid; and

WHEREAS, in the opinion of Council, said recommendation should be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, HAMILTON COUNTY, OHIO, TWO THIRDS OF THE MEMBERS ELECTED THERETO CONCURRING:

SECTION I. That the bid submitted by The Kleingers Group in the total amount of One Hundred Forty-four Thousand One Hundred Fifty and no/100 Dollars (\$144,150.00) for the rehabilitation of Dogwood Park per specifications is accepted and the Mayor is herein authorized to enter into a contract with The Kleingers Group for said work.

SECTION II. That the Fiscal Officer be and is hereby authorized to pay to The Kleingers Group the sum of One Hundred Forty-four Thousand One Hundred Fifty and no/100 Dollars (\$144,150.00).

SECTION III. That this Resolution shall take effect at the earliest date allowed by law.

Passed: May 8, 2023

William A. Brown, Mayor

ATTEST:

I, Richard D. Ford, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembolt and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 9th day of May 2023.

Richard D. Ford, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -23

TO APPOINT BRAD LOCKHART AS A MEMBER OF THE PARKS ADVISORY BOARD FOR CALENDAR YEAR 2023

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to appoint Brad Lockhart to the Parks Advisory Board; and

WHEREAS, Brad Lockhart wishes to contribute his time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, OHIO, A MAJORITY OF THE MEMBERS DULY ELECTED THERETO CONCURRING

SECTION I. That Council confirms the Mayor's appointment of Brad Lockhart to the Parks Advisory Board for calendar year 2023.

Passed: May 8, 2023

William A. Brown, Mayor

ATTEST:

I, Richard D. Ford, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 9th day of May 2023.

Richard D. Ford, Fiscal Officer

VILLAGE OF MARIEMONT

ORDINANCE NO. O – – 23

**AN ORDINANCE AUTHORIZING APPLICATION AND
CONTRACTING WITH THE OHIO PUBLIC WORKS
COMMISSION, THE SOUTHWEST OHIO REGIONAL TRANSIT AUTHORITY AND
NATURE WORKS**

WHEREAS, Council desires to make applications for State Issue II funding, Transit Infrastructure Fund and Nature Works for roadways, storm sewers, sidewalks and other capital Improvements within the Village of Mariemont; and

WHEREAS, the program for State Issue II Funding Applications, the Transit Infrastructure Fund Applications and the Nature Works Applications require designated officials for applications and contracting execution; and

WHEREAS, the Mayor and Fiscal Officer are hereby authorized to sign and submit such documents.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF
MARIEMONT, OHIO, TWO-THIRDS OF THE MEMBERS DULY ELECTED THERETO
CONCURRING:**

SECTION I. The Council hereby authorizes the Mayor and the Fiscal Officer to enter into a project agreement with the Ohio Public Works Commission, the Southwest Ohio Regional Transit Authority and the Ohio Department of Natural Resources for any grants which may be received from State Issue II, Transit Infrastructure Fund and/or Nature Works funding.

SECTION II. The Council hereby authorizes Mayor William Brown and Fiscal Officer Richard Ford to make applications on behalf of the Village of Mariemont for OPWC, TIF and Nature Works funding and for all applications they shall be noted as the designated officials to submit, amend and review such applications.

Passed: April 24, 2023

William Brown, Mayor

ATTEST:

I, Richard D. Ford, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen day commencing on the 25th day of April 2023.

Richard D. Ford, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. 0-_____-23

TO AMEND CHAPTER 150.16, BUILDING PERMIT SCHEDULE OF FEES

WHEREAS, the Section 150.16, Building Permit Schedule of Fees; sets forth the fees to be charged for certain work that may be performed by the Village Building Department; and

WHEREAS, this code references that the fee schedule for the Village of Mariemont should be equal to the fee schedule for Hamilton County, Ohio; and

WHEREAS, it is difficult to sometimes to stay abreast with the Hamilton County Fee Schedule, and, more importantly, Village Council needs to charge fees that adequately compensate the Village for the time spent in issuing permits, and

WHEREAS, Council believes that it is in the best interest of the Village to adopt the fee schedule as previously determined by the Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, STATE OF OHIO, A MAJORITY OF THE MEMBERS DULY ELECTED THERETO CONCURRING:

SECTION I. Village of Mariemont Code §150.16, Building Permit Schedule of Fees, which as reads as follows:

§ 150.16 BUILDING PERMIT SCHEDULE OF FEES.

(A) Said fee schedule, which is hereby adopted and incorporated as part of this code of ordinances as fully as if set out at length herein, is adopted reflecting an increase in building permit fees to equal those of the county.

(B) This section shall take effect at the earliest date allowed by law.

is hereby amended to read as follows:

§ 150.16 BUILDING PERMIT SCHEDULE OF FEES.

(A) Said fee schedule, which is hereby adopted and incorporated as part of this code of ordinances as fully as set forth herein, shall be as may be determined from time to time by Council for the Village of Mariemont.

SECTION II. That this Ordinance shall take effect at the earliest date allowed by law.

Passed: April 24, 2023

William A. Brown, Mayor

I, Richard D. Ford, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 25th day of April 2023.

Richard D. Ford, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. O- -23

TO AMEND ORDINANCE O-6-23 OF THE MARIEMONT CODE OF ORDINANCES TO INCREASE PAYMENT FOR EMPLOYEES; AND TO DECLARE EMERGENCY

WHEREAS, Council has reviewed Ordinance O-6-23 known as the Amended Salary Ordinance and

WHEREAS, Council believes it is in the best interest of the Village to amend said Ordinance to update salaries for full time and part time employees; and.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, STATE OF OHIO, A MAJORITY OF THE MEMBERS DULY ELECTED THERETO CONCURRING:

SECTION I. That Ordinance No. 0-6-23 passed on March 13, 2023 is repealed and a replacement Ordinance enacted.

SECTION II. That the rate of pay for the following jobs be established as stated below, effective pay period beginning April 16, 2023:

SECTION III. – Salaries.

FULL-TIME

	<u>Minimum Wage /Top Wage</u>	
<u>Job Grade</u>		
Police Chief/Fire Chief (1)	\$74,133.74	\$132,324.63
Lieutenant (2)	\$49,870.23	\$102,541.99
Sergeant (1)	\$46,884.00	\$94,853.44
Patrolman (6)	\$45,745.57	\$88,496.19
School Resource Officer (1)	\$47,902.40	\$59,646.36
Police Staff Assistant (1)	\$27,277.92	\$60,351.00
Assistant Fire Chief (1)	\$49,869.10	\$75,000.00
Fire Marshal (1)	\$46,884.00	\$88,590.19
Maintenance Superintendent (1)	\$51,080.37	\$86,618.87
Labor Mechanic (1)	\$18.55/hr	\$32.34/hr
Service Department Labors (3)	\$15.48/hr	\$30.18/hr
Senior Administrative Assistant (1)	\$40,902.75	\$73,804.96
Administrative Assistant, Mayor’s Office (1)	\$27,277.92	\$49,874.66
Tax Administrator (1)	\$42,764.33	\$71,825.61
Assistant Tax Administrator	\$35,000.00	\$48,960.00
Staff Assistant, Tax Office (1)	\$27,277.92	\$46,089.85

PART-TIME

<u>Job Grade</u>	<u>April 17, 2022</u>	
Police Patrolman	\$16.00/hr	\$21.02/hr
Assistant Police/Court Clerk	\$15.50/hr	\$20.02/hr
Firefighter: EMT Step 1	\$10.10/hr	\$14.92/hr
Firefighter: EMT Step 2	\$10.10/hr	\$15.75/hr
Crossing Guards	\$10.10/hr	\$14.15/hr
Service Department Labors	\$10.10/hr	\$20.00/hr
Typist, Secretary	\$10.10/hr	\$13.81/hr
Tax Administrator	\$29.00/hr	\$32.30/hr
Staff Assistant, Tax Office	\$11.62/hr	\$21.00/hr
Custodian, Municipal/Tax	\$10.10/hr	\$13.87/hr
Firefighter: Medic Step 2	\$10.74/hr	\$20.22/hr
Firefighter: Supervisor 2	\$10.74/hr	\$23.46/hr
Firefighter: Lieutenant	\$10.74/hr	\$23.46/hr
Firefighter: Captain	\$10.74/hr	\$24.54/hr
Designated Supervisor, Fire Department	\$3.00 above hourly	
Designated Captain, Fire Department	\$4.00 above hourly	

SECTION IV. Overtime - Other than as provided in Section IV and Section VI, any hours worked in excess of 40 hours in any one week by full-time hourly rated employees shall be paid at the rate of 1 1/2 times the straight hourly rate for all work in excess of 40 hours.

No part-time employees shall be paid overtime without the Department Head first receiving prior written approval from the Mayor.

None of the above compensation shall be applicable to Department Heads, except that the Chief of Police/Fire shall be eligible to earn overtime pay when policing school athletic events and other special situations where the Village is reimbursed by a third party for the cost of any such overtime pay.

SECTION V. Overtime – Full time Fire Department personnel will change from a 21-day FLSA cycle to a 28-day cycle. Full time staff, exclusive of the Assistant Fire Chief will work 192 hours in the 28-day cycle at straight time; overtime pay for the full-time fire personnel in excess of 212 hours during the 28-day period shall be paid at the rate of 1 1/2 times their straight time hourly rate. Assistant Fire Chief will work 160 hours in a 28-day cycle. Overtime pay in excess of 171 hours during the 28 day period shall be paid at the rate of 1 1/2 times his/her straight time.

That overtime for full-time police personnel in excess of 160 hours in a 28-day period shall be paid at the rate of 1 1/2 times their straight hourly rate.

That all employees, except for full-time fire personnel, who so designate, may accumulate no more than 48 hours of compensatory time at any given time. The employee shall be credited with 1 1/2 hours for each hour worked, with the total accumulated never to exceed 48 hours. Full time fire personnel may accumulate no more than 48 hours.

Full-time Fire and Maintenance employees shall receive a minimum of one-hour pay for call-in situations.

SECTION VI. Court Pay - Members of the Police Department, when it is not during their regularly scheduled working hours, shall be paid for not less than three hours overtime pay for court appearances.

SECTION VII. Mandatory Meetings - Pay for attendance at mandatory meetings when it is not during their regularly scheduled work hours of full-time firefighters or police officers, shall be as follows:

(A) Firefighters shall be paid 1 1/2 times their regular hourly pay for each hour of the first four meetings per year and \$20.00 per meeting thereafter, not to exceed 24 meetings annually, providing that the time does not exceed F.L.S.A. guidelines;

SECTION VIII. Part-Time Employees - Part-Time firefighters and paramedics shall be paid at the rate of 1 ½ times their normal hourly rate for any hours actually worked on the following holidays: (1) New Year's Day; (2) Martin Luther King Day; (3) President's Day (4) Memorial Day; (5) Juneteenth Day (6) Independence Day; (7) Labor Day; (8) Indigenous Peoples' Day; (9) Veteran's Day (10) Thanksgiving Day (11) Christmas Eve, (12) Christmas Day and (13) New Year's Eve.

Crossing Guards shall be paid for any hours they would have otherwise worked when school is closed due to snow, up to a maximum of five snow days per year.

SECTION IX. Promotions - That the Mayor make recommendations to Council for the promotion of personnel from a lower grade to a higher grade. An employee who is promoted shall not be paid less than 100% of his/her former salary.

After being promoted, an employee shall be required to complete a 180-day probationary period.

SECTION X. Probationary Period for New Employees - That each employee of the Police, Fire and Maintenance Departments shall be considered to be on a probationary status for 12 months from the date of his/her employment. During the probationary period no employee shall be compensated for sick time, vacation time, or personal leave time. Thereafter, the employee shall be considered to be a full-time Village employee with full-service time retroactive to his/her date of employment.

That each employee of the Administration and Tax Departments shall be considered to be on a probationary status for the first 180 days from the date of his/her employment. During the probationary period no employee shall be compensated for sick time, vacation time, or personal leave time. Thereafter, the employee shall be considered to be a full-time Village employee with full-service time retroactive to his/her date of employment.

SECTION XI. Maximum Salary/Pay Increases - All employees new to a salary range will serve a minimum of three years in a grade before being paid the maximum allowable salary.

The salary level of employees may be adjusted in increments and time intervals as approved by the Mayor.

SECTION XII. Accident Policy - That the Village of Mariemont shall purchase an accident policy for each volunteer fireman and pay the cost thereof.

SECTION XIII. Vacation - That each full-time employee shall earn vacation as follows:

- (A) One-year anniversary date of continuous service – 2 weeks
- (B) Seven-year anniversary date of continuous service – 3 weeks
- (C) Fifteen-year anniversary date of continuous service – 4 weeks

Vacation time does not accrue from year to year.

For purposes of determining continuous service, layoffs of less than 2 years shall not be considered as breaking continuous service, although the period of layoff will not be used in calculating vacation.

Continuous prior service to the Village by a Part-Time employee will count towards the calculation of vacation time. The credited time will be calculated by using the number of paid hours worked per calendar year of service. Example: An employee worked 832 paid hours in 2002. They would receive a 40% credit (832/ (8-hour day times 5 days/week times 52 weeks) for a 80-hour per paycheck worker or the % equivalent for other pay cycles.

Unused vacation days, up to 5, can be carried over to the next calendar year.

SECTION XIV. Sick Leave - Effective January 1, 1980, each full-time employee shall be entitled to sick leave as follows:

- (A) All employees except those listed in (B) below shall receive 10 hours of sick leave for each month of service. Unused sick leave may be cumulative up to a maximum of 120 days.
- (B) The Fire Marshal shall receive 14 hours of sick leave for each month of service. Unused sick leave may be cumulative up to a maximum of 168 days.
- (C) For those Village employees accumulating the maximum number of sick leave hours allowable under Village code (960 hours, except 1,344 hours in the case of a fire marshal), the Village shall pay that employee for one-half of any sick time not used in that year up to a maximum of 60 hours per year (except for Fire Marshal which is a maximum of 84 hours per year), so long as that employee used 40 hours (or 48 hours in the case of a fire marshal) or less of sick leave during that year.

No sick leave may be granted to a Village employee upon or after his/her retirement.

The Mayor is hereby authorized to implement a policy for the continuation of wages for employees who sustain a job-related injury or illness. Employees will not be charged with the use of sick leave when off work under this provision.

A full-time employee shall be granted a maternity leave of absence to commence on a date determined by her physician. The employee shall use accumulated sick leave to be compensated for maternity leave. The Mayor is hereby authorized to implement a policy for the use of maternity leave.

SECTION XV. Medical and Dental Coverage - The Village of Mariemont shall pay the premium costs to provide dental coverage, life insurance and AD&D insurance for all full-time employees as set forth herein. Full-Time employees will be offered medical coverage with a shared cost dependent on employee choice of medical plan. Additionally, the Village shall participate in the employee's Health Savings Account (HSA). Funding these accounts will coincide with the calendar year versus the benefit year per IRS rules for HSA use and shall be set forth below.

		Platinum A	Gold A	Platinum C
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Employee premium share		13%	7.5%	5%
HSA Contribution Single		\$1,100	\$1,100	\$1,500
HSA Contribution EE+1		\$2,200	\$2,100	\$3,000

The July 2020 payment will be the balance of 2020. January 2021 will reflect one half of this amount. This will allow the employees to align their annual deductible costs to the IRS rules.

For those full-time employees requesting coverage other than single dental coverage, the Village shall pay ninety-four percent (94%) of the premium cost and the employee shall pay six percent (6%) of the premium cost of the difference between single dental coverage and the selected dental coverage.

In addition, HSA contributions by the Village will be prorated by months for new hire eligible for healthcare benefits. (Example: a person working 4 months in a year will receive equivalent contribution for 4 months)

SECTION XVI. Holidays – Police and Fire Departments - That all full-time members of the Police and Fire Departments shall receive the following 11 holidays:

(1) New Year’s Day; (2) Martin Luther King Day; (3) President’s Day; (4) Memorial Day; (5) Juneteenth Day (6) Independence Day; (7) Labor Day; (8) Indigenous Peoples’ Day (9) Veteran’s Day (10) Thanksgiving; (11) Christmas.

Full-time members may be given the day off, with pay, if scheduling permits. In the event a full-time member is required to work on a holiday, he/she will be paid an additional day’s pay over and above the employee’s regular pay. Rate of pay to be based on 260-day work year (52 weeks x 5 days). The employee’s base salary shall be divided by 260 to determine holiday pay. Payment is to be made on the payroll that contains the date on which the holiday falls.

If required to work on a holiday, the Chief of Police/Fire will be compensated as described above.

SECTION XVII. Holidays – Non-Police and Fire Employees - All full-time employees other than those in the Police and Fire Departments shall receive the following 11 holidays:

(1) New Year’s Day; (2) Martin Luther King Day; (3) President’s Day; (4) Memorial Day; (5) Juneteenth Day (6) Independence Day; (7) Labor Day; (8) Indigenous Peoples’ Day (9) Veteran’s Day (10) Thanksgiving; (11) Christmas.

In the event a full-time employee is required to work on a holiday, the employee shall receive 1 ½ the hourly rate for each hour worked in addition to his regular pay. Holiday work schedules are to be approved in advance by the Mayor. If the holiday falls on a Saturday, Friday shall be considered to be the holiday. If the holiday falls on a Sunday, Monday shall be considered the holiday.

If required to work on a holiday, a Department Head will be compensated in the same manner as Chief of Police/Fire.

SECTION XVIII. Personal Days - All full-time employees are to receive three (3) workdays of personal leave annually. Personal leave days do not accrue from year to year.

SECTION XIX. Swimming and Tennis Passes - That the Village shall provide family passes for swimming and tennis facilities for all full-time employees. Part time employees may purchase individual or family passes to the Village’s swim and tennis facilities.

SECTION XX. That the rate of pay and benefits established in this Ordinance be subject to review bi-annually. The revisions and/or additions made in the Ordinance shall apply to all employees as stated.

SECTION XXI. Incentive Pay - That the Village may provide incentive pay for those full-time employees who have shown by their effort and example outstanding ability in performing their duties.

- (A) Very Good \$350 to \$600
- (B) Exceptional \$600 to \$850

Council approved Holiday Pay up to \$500.00 for each Full-Time Employee in lieu of Incentive Bonus Pay

All performance ratings shall be approved by the Department Head and the Mayor. Incentive pay shall be awarded after completion of annual reviews.

SECTION XXII. Retirement/Severance Pay - Full time employees of the Village of Mariemont will be eligible for the following benefits when they retire under Public Employees Retirement System of Ohio, and Police and Firemen's Disability and Pension Fund.

- (A) One month's severance pay.
- (B) Full unused vacation for the year in which the retirement occurs.
 - 1. This may be taken in pay or days off, or a combination of each.
 - 2. Employees retiring on December 31st of any year will receive vacation for the coming year.
- (C) Accrued but unused compensatory time.
- (D) Accrued but unused personal days.

SECTION XXIII. Longevity Pay - Each full time Village employee shall receive longevity pay as follows:

- (A) \$200 base upon completion of 5 years of continuous service for full-time employees
- (B) \$25 incremental increase, plus the \$200 base for each additional year of continuous service for full-time employees

Continuous prior service to the Village by a part-time employee will count towards the calculation of longevity pay, as follows:

- (A) Rate to be calculated by number of paid hours per calendar year of service. **EXAMPLE:** An employee worked 832 paid hours in 2002. They would receive a 40% credit (832/(8-hour days times 5 days/week times 52 weeks) for an 80-hour per paycheck worker or the % equivalent for other pay cycles.

For purposes of determining continuous service, layoffs of less than 2 years shall not be considered as breaking continuous service, although the period of layoff will not be used in calculating longevity.

Longevity pay will be paid on the payroll that contains the employee's anniversary date. Any right to longevity pay terminates upon termination of employment with the Village for whatever reason.

Continuous prior service to the Village by a Part-Time employee will count towards the calculation of vacation time. The credited time will be calculated by using the number of paid hours worked per calendar year of service. Example: An employee worked 832 paid hours in 2002. The would receive a 40% credit (832/8 hr day time 5/week times 52 weeks) for a 80 per paycheck worker or the % equivalent for other pay cycles.

SECTION XXIV. Pay for Acting Supervisory Duties – An employee, acting as a supervisor during the extended temporary absence of a supervisor, may, with the prior approval of the Mayor, receive extra compensation, within the supervisory range, for a specified period of time.

SECTION XXV. This Ordinance is hereby declared to be an emergency for the immediate preservation of the public peace, health, and safety and should go into immediate effect upon passage. The reason for the emergency is to implement the new pay rate changes beginning April 16, 2023.

Passed: April 10, 2023

William A. Brown, Mayor

ATTEST:

I, Richard D. Ford, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporations as determined by the council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 11th day of April 2023.

Richard D. Ford, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. 0-____-23

TO UPDATE VILLAGE OF MARIEMONT CODE §154
AND TO DECLARE AN EMERGENCY

WHEREAS, Federal Emergency Management Agency (“FEMA”) guidelines have been updated for Floodplain Management to provide for certain new provisions; and

WHEREAS, these updated provisions have been reviewed and approved by representatives of the Ohio Department of Natural Resources (“ODNR”) as well as the Village Engineer; and

WHEREAS, Council for the Village of Mariemont believes it is necessary to incorporate these updated provisions in the Mariemont Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, STATE OF OHIO, TWO THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING:

SECTION I. Mariemont Code §154 is hereby deleted in its entirety, and replaced with the following:

§154: FLOODPLAIN MANAGEMENT

GENERAL PROVISIONS

§154.001 Statutory Authorization

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Council of the Village of Mariemont, State of Ohio, does ordain as follows:

§154.002 Findings of Fact

The Village of Mariemont has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

§154.003 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;

- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

§154.004 Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

§154.005 Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Village of Mariemont as identified in Section 154.006 including any additional areas of special flood hazard annexed by the Village of Mariemont.

§154.006 Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and/or maps are adopted:

- A. Flood Insurance Rate Map of (FIRM) and Flood Insurance Study (FIS) for Hamilton County, Ohio, and Incorporated Areas both effective June 7, 2023.
- B. Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of Mariemont as required by Section 154.052 Subdivisions and Other New Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Col. Donald L. Shanks Municipal Building, 6907 Wooster Pike, Mariemont, Ohio 45227.

§154.007 Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§154.008 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
 - B. Liberally construed in favor of the governing body; and,
 - C. Deemed neither to limit nor repeal any other powers granted under state statutes.
- Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

§154.009 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Village of Mariemont, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

§154.010 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE)

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor

See "Lowest Floor."

Executive Order 11988 (Floodplain Management)

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill

A deposit of earth material placed by artificial means.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM)

Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM)

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.

Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.

Zone AO:

Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS)

The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Floodproofing

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection Elevation

The Flood Protection Elevation, or FPE, is the base flood elevation plus two (2) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway

A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
4. Individually listed on the inventory of historic places maintained by the Village of Mariemont's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Letter of Map Change (LOMC)

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR)

A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest floor

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these

regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.

Manufactured home park

As specified in the Ohio Adm. Code 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

Mean sea level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP)

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New construction

Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the Village of Mariemont and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM [May 17, 2004], and includes any subsequent improvements to such structures.

Person

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Rev. Code §111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect

A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

Registered Professional Engineer

A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

Registered Professional Surveyor

A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

Special Flood Hazard Area

Also known as “Areas of Special Flood Hazard”, it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to the 'before damaged' condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance

A grant of relief from the standards of these regulations.

Violation

The failure of a structure or other development to be fully compliant with these regulations.

ADMINISTRATION

§154.025 Designation of the Floodplain Administrator

The Mayor and/or their designee is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

§154.026 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of

Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, variances, and records of enforcement actions taken for violations of these regulations.

- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

§154.027 Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 154.006, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

§154.028 Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of, these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

1. Floodproofing certification for non-residential floodproofed structure as required in Section 154.54
2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 154.053(E) are designed to automatically equalize hydrostatic flood forces.
3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 154.058(C).
4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevation, but no floodway as required by Section 154.058(B).
5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 158.058(A).
6. Generation of base flood elevation(s) for subdivision and other new developments as required by Section 154.052

§154.029 Review and Approval of a Floodplain Development Permit Application

A. Review

1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 158.028 has been received by the Floodplain Administrator.
2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

B. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain

development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

§154.030 Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

§154.031 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered professional surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- B. For all development activities subject to the standards of Section 154.035(A), a Letter of Map Revision.
- C. For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed *Floodproofing Certificate for Non-Residential Structures* completed by a registered professional engineer or architect together with associated documentation.

§154.032 Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section Appeals and Variances of these regulations.

§154.033 Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$2500.

§154.034 State and Federal Development

- A. Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.
- B. Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria, and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:

1. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
 2. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
 3. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- C. Development activities undertaken by a federal agency, and which are subject to Federal Executive Order 11988 – Floodplain Management.
 1. Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

§154.035 Map Maintenance Activities

To meet the National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Village of Mariemont’s flood maps, studies, and other data identified in Section 154.006 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 154.052.
2. It is the responsibility of the applicant to have technical data, required in accordance with Section 154.035(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and

- b. Proposed development which increases the base flood elevation by more than one foot in riverine areas where FEMA has provided base flood elevations but no floodway.
4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 154.035(A)(1).

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the Village of Mariemont and may be submitted at any time.

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Mariemont have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Mariemont's Flood Insurance Rate Map accurately represent the Village of Mariemont's boundaries, include within such notification a copy of a map of the Village of Mariemont suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village of Mariemont has assumed or relinquished floodplain management regulatory authority.

§154.036 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section Appeals and Variances.
- D. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity

must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

§154.037 Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data

A. Zone A:

1. Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall be reasonably utilized as best available data.
2. When all appeals have been resolved and a notice of final flood elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.

B. Zones AE, A1-30, AH, and AO:

1. BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
 - a. Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.
 - b. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.
2. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 154.058(B) since the data in the draft or preliminary FIS represents the best data available.

C. Zones B, C, and X:

1. Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

§154.038 Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C. Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 154.006, 154.036(A), or 154.037.

§154.050 Use Regulations

A. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the Village of Mariemont are allowed provided they meet the provisions of these regulations.

§154.051 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

§154.052 Subdivisions and Other New Developments

- A. All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- C. All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and

- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 154.035(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 154.052(D).

§154.053 Residential Structures

The requirements of Section 154.053 apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 154.037.

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (154.053(A)) and construction materials resistant to flood damage (154.053 4-4(B)) are satisfied.
- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage; and
 - 2. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - 3. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings

may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 154.053 4-4.

§154.054 Nonresidential Structures

The requirements of Section 154.054 apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 154.037.

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 154.053(A) – (C) and (E) – (G).
- B. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - 1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - 3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 154.054 (B)(1) and (2).
- C. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

§154.055 Accessory Structures

Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 154.053(E)(3);

§154.056 Recreational Vehicles

Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B. They must be fully licensed and ready for highway use, or
- C. They must be placed on the site pursuant to a floodplain development permit issued under Sections 154.027 and 154.028 and meet all standards of Section 154.053.

§154.057 Gas or Liquid Storage Tanks

- A. Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

§154.058 Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

A. Development in Floodways

1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section 154.035(A);
 - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;

- d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
- e. Concurrence of the Mayor of the Village of Mariemont and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - b. Section 154.058(A)(2), items (a) and (c)-(e).

C. Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bank full stage.” The field determination of “bank full stage” shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bank full flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bank full flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the Village of Mariemont specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 154.035(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

APPEALS AND VARIANCES

§154.070 Appeals Board Established

- A. The Village of Mariemont's Planning Commission is hereby appointed to serve as the Appeals Board for these regulations as established by Village of Mariemont code Section 151.024."
- B. Records of the Appeals Board shall be kept and filed in Col. Donald L. Shanks Municipal Building, 6907 Wooster Pike, Mariemont, Ohio 45227.

§154.071 Powers and Duties

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section 154.073 of these regulations.

§154.072 Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within thirty (30) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

§154.073 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the

public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A. Application for a Variance

1. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
3. All applications for a variance shall be accompanied by a Variance Application Fee set in the Schedule of Fees adopted by the Village of Mariemont.

B. Notice for Public Hearing

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

C. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variations shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variations, as it deems necessary to further the purposes of these regulations.

D. Other Conditions for Variations

1. Variations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variations may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 154.073(C)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§154.074 Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.

4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

§150.075 Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Hamilton County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506.

ENFORCEMENT

§154.090 Compliance Required

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 154.033.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 154.091.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 154.091.

§154.091 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, they shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form;
- B. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;

- E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

§154.092 Violations and Penalties

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense and shall constitute a minor misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Mariemont. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Mariemont from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Mariemont shall prosecute any violation of these regulations in accordance with the penalties stated herein.

SECTION II. That this Ordinance shall be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village of Mariemont. This Ordinance is an emergency measure as it needs to be enforceable by June 7, 2023, in order to meet FEMA guidelines.

Passed: April 10, 2023

William A. Brown, Mayor

ATTEST:

I, Richard D. Ford, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 11th day of April 2023.

Richard D. Ford, Fiscal Officer