

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
SEPTEMBER 10, 2012**

Mayor Policastro called the meeting to order at 7:30 p.m. with the Pledge of Allegiance to the flag. The following Council members answered present to roll call: Mr. Andrews, Ms. McCarthy, Mr. Miller, Mr. Stelzer and Mr. Wolter.

Mr. Wolter moved, seconded by Ms. McCarthy to excuse the absence of Mr. Scheeser. On roll call: five ayes, no nays.

Mr. Miller moved, seconded by Mr. Stelzer to approve the minutes as written for August 27, 2012. On roll call: three ayes, no nays. Mr. Andrews and Mr. Wolter abstained due to their absence from that meeting.

The following communications were read by Mayor Policastro:

From Police Chief Hines: August 2012 Monthly Report

From Assistant Fire Chief Feichtner: August 2012 Monthly Report. Mayor Policastro asked Asst. Fire Chief Feichtner if there was any update on the new truck. Asst. Chief Feichtner said the estimated delivery date is now set for April, which means it is ahead of schedule.

From Superintendent Scherpenberg: August 2012 Monthly Report

From Building Commissioner Malone: August 2012 Monthly Report

From Tax Administrator Judd: August 2012 Monthly Report/Waste Fee Collection Report. Mayor Policastro said Mrs. Judd is doing a great job in her part-time position. According to Treasurer Kulesza, the income tax is coming in very well, with a 22% increase from last year.

From Ken Tankersley: Letter re: Eastern Corridor Project Study. Mayor Policastro said Dr. Tankersley's study should be of great benefit to us with our Eastern Corridor problem we have.

From Joe Stelzer: e-mail dated August 29, 2012 re: Eastern Corridor Project. Mr. Stelzer said residents Doug Welsh and Karen Sullivan distributed comment forms on the Eastern Corridor to residents in the Village and they have collected over 200 of those comment forms that were sent to ODOT objecting to the selection of the preferred route of the Eastern Corridor. We had the period of time to submit those objections extended by seven days. They had only given us 30 days to respond and we did not feel this was fair due to the magnitude of the decision they had reached and the fact that the maps and information were not shared with the public until August 2, 2012. Mr. Stelzer said he is very proud of the way the people of our community have come together to object to this project that would be detrimental to our South 80. Mr. Welsh and Mrs. Sullivan did a good job getting the comments together.

From Michelle Balz: e-mail dated August 29, 2012 re: Residential Recycling Incentive. Mayor Policastro said we are #1 in the county for the first half of the year and hopes we will be #1 at the end of the year.

From Paul Imhoff: e-mail dated August 31, 2012 re: Tax Abatement Mariemont Theatre

From Solicitor McTigue: Letter dated September 5, 2012 re: Village Council Election. Mayor Policastro said that resident, Jerry Vianello, had asked if the way Mr. Stelzer was voted into Council was done correctly. No law was broken. Solicitor McTigue looked into it, and as his letter shows, Mr. Black did have the right to vote. The process was correct.

From Solicitor McTigue: Letter dated September 5, 2012 re: Tax Abatement for Mariemont Theatre. Mayor Policastro said there will be a resolution for a tax abatement to enlarge the Mariemont Theatre, which is probably one of the most important things we will do this year.

From Clerk Borgerding: Expense Report January 2012-June 2012

Mayor Policastro asked Service Department Superintendent John Scherpenberg to explain how the Public Works and Services Committee came to a decision about what to include in the grass-cutting contract. Mr. Scherpenberg said that we had two options for a contract. The first option

would have been to ask for a flat rate for cutting all areas once per week. As a possible way to save money, they considered the second option of asking for a price to cut irrigated areas more often and non-irrigated areas less often, with the Village getting money back if the weather allowed the contractor to cut the grass less often. We used this option when Grass Cor had the contract and they gave us a credit of \$1400 for the Municipal Building and \$500 for Dale Park, but then we had them to extra work during leaf season, so it ended up balancing out. Last year, since the bids came in around \$5000 less than in previous years, we decided just to ask for a flat rate. It's been his experience that most contractors take into consideration that there will be two or three weeks in the heat of the summer or in the case of a drought that they will not have to cut and they factor that into their bids. When Mr. Scherpenberg met with Mr. Scheeser last week, they discussed the 'flat rate' option and an option to list each individual parcel and have the contractors submit a bid to cut each parcel once per week and give the Village a credit if hot and dry weather eliminated the need for cutting that often. It was decided that it would be too hard to police the work, because we would constantly have to check each area to see when it was cut and how often and keep a running record of the expenses, so they decided to just get bids with one flat rate. Mayor Policastro asked if we could include something in the contract that in case of a drought where they have to cut less often, they would help us with the leaves. Mr. McTigue said we have to provide specific bid specs to the contractors and that would be hard to include in those specs. Mr. Scherpenberg said you can pretty much count on there being a dry spell in July or August, but most of the contractors already calculate that into their bids. To be competitive, they base their bids on being able to skip a couple of cuttings because of dry weather. Our contract calls for 36 weeks of cutting, but the contractors usually base their bids on 34 weeks, because they are counting on not having to cut during dry spells. Mayor Policastro said he would like the contract to included cutting twice a week before the Memorial Day parade, because this year the Village did not look good. Mr. Scherpenberg said what they had done was to spell it out in the contract that the areas along the parade route have to be cut on the Thursday or Friday before the Memorial Day holiday. Mr. Andrews asked why the figures on the Quarterly Financial report show us being well under budget for lawn services this year. Mr. Scherpenberg said he had not provided Mr. Borgerding with the correct updated figures yet, and that estimate would increase with the updated figures.

Mr. Andrews moved, seconded by Mr. Wolter to pay the bills as approved by the Mayor, Chairman of the Finance Committee and the Clerk. On roll call; five ayes, no nays.

Mr. Wolter said the Safety Committee has printed maps out and will provide them to the appropriate people so they can tie up their plan for the coyote problem by the end of next week. He said the committee will have a meeting about the signs needed for Lane A to try to control the trucks on the lane. They are also getting a second quote for the cost to repair the "throw over" switches for the emergency generator, because the first quote seemed pretty high.

Mr. Stelzer said the Finance Committee is continuing to investigate the energy aggregation agreement. They have made contact with other communities who have entered into agreements or are currently considering doing so. They did reach out to Indian Hill for advice because they were the first community to sign an aggregation agreement. They have also spoken with the City of Cincinnati since they just entered into an agreement. The committee is benefiting from communicating with other communities. They are also speaking with representatives from Duke Energy. There are a lot of things to consider here. There are different types of aggregation agreements and we need to understand all the pros and cons and the possible savings for residents. There is still a lot of homework to be done before they can make a recommendation to Council. They have also discussed the radios requested by the Maintenance Department and will have another Finance Committee meeting to discuss a recommendation.

Mayor Policastro said he was in receipt of an e-mail from Mr. Scheeser regarding possible savings the Village could see by entering into a new contract with Cincinnati Bell. He referred the matter to the Finance Committee.

Mayor Policastro read the following miscellaneous announcement:

Porsche Rally will be held 10-7-12

There are several Village organizations that will be setting up tables or booths at the rally because of the number of people expected to attend. Mayor Policastro said if there was any group that was interested in having a table at the rally, they should contact us.

Resolutions:

"To Authorize Clerk to Advertise for Bids for Waste Collection; To Pay for Advertising and To Declare and Emergency" had a second reading. Mr. Miller moved, seconded by Ms. McCarthy to

suspend the rules to allow for the third reading. On roll call; five ayes, no nays. The Resolution had a third reading. Mr. Wolter moved, seconded by Mr. Andrews to adopt the Resolution. On roll call; five ayes, no nays. Mr. Wolter moved, seconded by Mr. Andrews to invoke the emergency clause. On roll call; five ayes, no nays. Resolution No. R-16-12 was adopted.

“Resolution Modifying Resolution No. R-19-07 Regarding the Percentage of Tax Exemption for Certain Commercial Real Property Within the Community Reinvestment Area; and To Declare Emergency” had a first reading. Mr. Andrews moved, seconded by Mr. Miller to suspend the rules to allow for the second and third readings. On roll call; five ayes, no nays. The Resolution had a second reading. Mayor Policastro explained that about eight years ago, we put a 'fence' around a certain area of the Village as a reinvestment area where if \$50,000 or more is spent, they get a 50% abatement and the theatre is in that area. Mr. McTigue clarified that the abatement is only on the increase in the value of the property. Mayor Policastro said we have been working hard to add two more screens to the theatre. It is going to cost around \$1.5 million dollars for all new technology plus the building. The theatre asked for a 100% abatement. We went to the school board who approved it right away. Mr. McTigue said it is legal to do this. We created the Community Reinvestment Area in 2007 and that automatically allows for a 50% exemption on the increased value of property. These abatements are primarily driven by the school board, because the school board receives the vast majority of the taxes that are generated. When we took this to the school board, their lawyers wanted to tweak a little bit what we wanted to do. We agreed with that and the school board did approve it and that is why we are here now to ask Council to go ahead with this. Mr. McTigue said where we may be losing a small amount in real estate taxes, this should generate an increase in earnings taxes because the theatre will have to hire more employees. Building Commissioner Dennis Malone said the Village gets about 11% in real estate taxes while the school gets about 66%, so it is a relatively small impact on the Village. Mayor Policastro said this should be helpful to bring a restaurant to the Square and it will also help Mr. Greiwe with developing his third and fourth condominium projects in the Village. Mr. McTigue said this is certainly legal to do, but more than that, in his discussions with the school board's lawyers, it seems it will be a good deal for the Village. What we included in the resolution is that if they don't use that property for a theatre, the exemption would go back to 50%. Mayor Policastro stressed the exemption is just on the new part of the theatre. Mr. McTigue said the owner of the building, Dan Spinnenweber, would be spending about \$800,000 in improvements, and the theatre owner, Gary Goldman, would be spending about \$600,000 into the new screens and technology. Mr. Wolter says this shows a real commitment from Mr. Goldman that he plans on being here for a long time. He asked what the normal time is for these types of abatements. Mr. McTigue said it is generally 15 years for residential property and 12 years for commercial property. Mayor Policastro said Mr. Goldman has been offered a good deal on the equipment as long as he can have it put in by March, which means the building has to be ready by March, which is why we need to pass this as an emergency. Mr. Stelzer said that Mr. Goldman was very open about the financial situation of the theatre and it was not good. They are projecting a 50% increase in attendance at the theatre. This would translate to more business for the restaurants in the Village. The theatre did a marketing study that showed that almost 50% of the theatre patrons go to a restaurant in the Village when they come to see a show at the theatre. Mr. Wolter said they really need the screens to be able to get some of the good movies to show and stay competitive. The Resolution had a third reading. Mr. Wolter moved, seconded by Ms. McCarthy to adopt the Resolution. On roll call; five ayes, no nays. Ms. McCarthy moved, seconded by Mr. Andrews to invoke the emergency clause. On roll call; five ayes, no nays. Resolution No. R-17-12 was adopted.

The meeting adjourned at 7:58 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk