

VILLAGE OF GREENHILLS
SPECIAL COUNCIL MEETING
AUGUST 14, 2012
MINUTES

A special meeting of the Council of the Village of Greenhills, Ohio was called to order on August 14, 2012 at 7:00 p.m. by Mayor Fred Murrell. Present were: Mayor Murrell and Messrs. David Adams, Glenn Drees, Jeff Halter, Greg Hermes, Bud Wolterman and Mrs. Maria Waltherr. Also present were: Municipal Manager Evonne Kovach and Clerk of Council Kathy Lives.

NEW BUSINESS

1. **ORDINANCE NO. 2012-37-S&S**

Authorizing the Municipal Manager to Enter Into a Contract with Mt. Pleasant Blacktopping for the Winton Road Rehabilitation Project and Declaring an Emergency

Note: *Ordinance No. 2012-37-S&S was read for the first time at the August 7, 2012 regular Council meeting.*

Ordinance No. 2012-37-S&S was read for the second time by Mr. Adams.

Mr. Adams moved, seconded by Mr. Drees, to retain the emergency clause.

Adams – The emergency clause is necessary to complete said project by October 19, 2012.

Drees – The condition of Eswin Street is a public safety liability for the Village.

Waltherr – Prefers the separation of the Winton Road project and the Eswin Street resurfacing.

Motion carried by a show of hands. Voting as follows: “Aye” – Adams, Drees, Halter, Hermes and Wolterman; “No” Waltherr. Motion carried 6-1.

Mr. Adams moved to adopt, seconded by Mr. Drees.

Adams – The Winton Road project was combined with the resurfacing of Eswin Street in the bidding process to obtain the lowest and best price. It is important to take advantage of the grant funding for the Winton Road project.

Kovach – This ordinance authorizes a contract with Mt. Pleasant for the Winton Road Rehabilitation Project; Eswin Street was included as an Alternate in the bid.

- Assessments are typically done for projects like new sidewalks where an entire street of maybe 25 to 100 property owners are assessed a small portion of a project cost. In this instance, there is only one property to assess.
- Assessments are only a viable financing option if they are actually paid. In this case, the property is tax delinquent, and in fact, will be part of a tax lien sale this October. Future amounts collected go toward the tax liability – not to assessments.
- Assuming the assessment would be paid, typically landlords pass costs on to tenants, so an assessment will likely be passed on to some of the few businesses in Greenhills – and they are all struggling right now.
- The Village is working with the current property owner to attract a new owner/developer to the shopping center. The identification of grant dollars is in process to help lower any costs a potential new owner may have. Adding the burden of an assessment on this property is counterproductive to the village's current efforts.
- Recommendation to Council remains the same: to proceed with the Winton Road project and include Alternate #1.

Halter – Provided and explained a flow chart for the entire project. Noted a new developer would be responsible for the tax liens, and that assessments are set up for a group, not individual owners.

Hermes – There were three bids that were fairly close in pricing.

Adams – If the assessment path is followed, it would delay the project significantly.

Waltherr – If Council would have acted in February when it was first brought up, the process would have already begun. Quoted Section 5721.192 of the Ohio Revised Code which would have allowed the Village to recoup some of the cost for the Eswin Street repairs.

Adams – Streets and Services Committee reviewed the assessment proposal and decided not to follow that path.

Halter – There are a number of aspects of a corporation that can allow the owner of the shopping center not to pay part or all of the road repair costs. Their percentages are very strong that the owner will not pay the repair costs. Section 5721.192 of the Ohio Revised Code is moot in this instance if the corporation goes to foreclosure. Also, the Village has not maintained the property well and it poses a risk. The assessment process is actually set up for a group, not an individual owner.

Hermes – The Village is responsible for the condition of the streets; not willing to go the assessment route.

Waltherr – There is an assessment policy in place as she was assessed for sidewalk repairs. Essentially, what is happening with this project is that the Village is subsidizing

the shopping center in that the Village is giving away \$82,577 for the parking lot resurfacing which benefits the shopping center owner.

Wolterman – It is unfortunate that the assessment route was not followed earlier in the process for the Eswin Street repairs. The assessment process is a viable tool, especially for sidewalk repairs, etc. However, the Eswin Street repairs are sorely needed for aesthetic and liability reasons.

Drees – Applauded Ms. Waltherr for researching alternative funding sources. Explained in detail the assessment process for sidewalk repairs. If the shopping center is assessed, the owner is subject to a double taxation in that the Village is collecting tax funds for street repairs and an assessment is an additional tax on the property owner.

Halter – the owner of the shopping center is not showing signs that an assessment would eventually be paid. There is a time for assessments; this is not one of them.

In answer to a question posed by Mr. Wolterman, Ms. Kovach stated the CDS engineering fee is not included in the bid process. It is a separate bill of about \$22,000 and OPC will pay a part of this fee.

Voting as follows: “Aye” – Adams, Drees, Halter, Hermes and Wolterman; “No” Waltherr. Ordinance No. 2012-37-S&S adopted 6-1 by roll call vote.

With no further business forthcoming, the meeting adjourned at 7:36 p.m.

Fred Murrell, MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/