

**VILLAGE OF MARIEMONT
STATE OF THE VILLAGE ADDRESS FOR THE YEAR 2010**

I. INTRODUCTION AND FINANCE

As we are all aware, our country is experiencing tough and perilous economic times. An article in the Ohio Municipal League magazine *Cities and Villages* states that, "A record 20 Ohio governments are on the Ohio's fiscal emergency list", and "Our State of Ohio now faces an estimated eight-billion-dollar deficit." Here in our little corner of the state, I am very proud to announce that despite the economy, the fact that our tax collections are down 3.7 %, the cost of the Emerald Ash Borer, the Altman lawsuit, and our ambulance breaking down causing us to purchase a new one in record time, our Village remains financially very strong and our fiscal future is bright.

For the tenth straight year, we ended the year with over one million dollars in the General Fund - \$1,026,525.26 to be exact – and we balanced the annual budget. These results did not happen by accident, and as I stated in my last bulletin, there were many individuals and organizations that contributed to our success in 2010. I would be extremely remiss if I failed to mention our Council, the exemplary citizens and organizations who made this possible. A special thank you goes to:

- 1.) The 2009 Village Council for making hard decisions concerning Village personnel
 - 2.) Last year's Council for continuing to make the hard choices that have cut waste, inefficiency and will bring in future income to our Village. Each Councilman deserves credit for their part.
 - A.) District 3 Councilman Andy Black, who is the Chairman of the Finance Committee of Council, was the catalyst with his Deficit Reduction Roadmap. This comprehensive strategy report made over \$300,000 in recommendations and ways to save our tax dollars. This plan was a key part of the balancing of our annual budget for 2010.
 - B.) District 1 Councilman Dennis Wolter, who worked tirelessly with Chief Rick Hines to organize the new Fire Department that keeps four men on a shift, does not cut services and saves the taxpayer over \$100,000 a year.
 - C.) District 2 Councilman Joe Miller, whose committee (Planning & Zoning and Economic Development) is working with Building Commissioner Dennis Malone and our important developers, Rick Greiwe and Spinnenweber Builders. The Madisonville Road condominium project will not only make the west wing of the Square much more attractive with English Tudor architecture, but will also bring in \$35,000 in property taxes for the Village and \$238,000 for our schools.
 - D.) District 4 Councilman Cortney Scheeser, who worked with Finance to join the Center for Local Government so we could tap into the self-insured pool for our employees' health and dental insurance which saved the Village a good sum of money.
 - E.) District 5 Councilwoman Kim Sullivan for the website work over the years and the education of the staff that saved the Village thousands of dollars
 - F.) Councilman Jeff Andrews, who gave his valuable time to rework and update our website last year.
 - 3.) Also many of our citizens and organizations that made contributions to our success.
 - A.) All the Village residents who gave donations for the Independence Day Fireworks
 - B.) Cincinnati Steel Treating's top donation of \$600 for fireworks
 - C.) The Mariemont Inn giving \$5000 for the new trees on the Square for our Emerald Ash Borer program
 - D.) Paul Jr. and Mary Prevey's contribution of over \$3000 to repair the steps and make a bike ramp so our kids can walk their bikes up and down the steps at the Prevey Bird Sanctuary
 - E.) Eagle Scout Sean Mathews and resident bird expert Don Hild for making all the bird houses and putting in bushes that attract birds at the bird sanctuary
 - F.) The Mariemont Civic Association's contribution of \$1000 for play equipment at Ann Buntin Becker Park and \$500 for the fireworks
 - G.) Louise Schomburg and her Parks Advisory Board for all the back-breaking work they do in our parks and the Square. I cannot put a dollar figure in my report, but it would be a huge amount.
 - H.) Co-Presidents Fran Turner and Mary Alice Maze's Garden Club for the tree donations
 - I.) Betty Rhodes and Don Hopkins for their Beech Grove work
 - J.) Denise McCarthy with her work with our Police Department's Operation Crime Watch program
 - K.) Pre-School Parents who will be contributing \$4000 for the new wrought-iron fence at the Tot Lot that will keep our little ones away from the street
 - L.) The Police Department coming in under budget, the Fire Department taking on several construction projects in the Village office and the Administration, Maintenance, and Tax Departments always going the extra mile to save our tax dollars and working as a team.
 - M.) Chris Ertel for his untiring effort to obtain a state grant worth \$42,000 to repave worn out Plainville Road
 - N.) Barb Anderson's MariElders who help our Senior Citizens
 - O.) Dr. Eric Marsland obtaining 10 good size trees for the Village from the Botany Department of the college he attended
 - P.) 40+ citizens who deliver the Mayor's Bulletin save the Village a ton of postage expense
 - Q.) And, finally, the excellent financial planning by Clerk Paul Tontillo and Treasurer Tony Borgerding. Unlike many other towns, cities, and villages, our financial future is on solid ground for many years to come and these two gentlemen deserve a lot of the credit.
 - R.) Mariemont Preservation Foundation's donation of the historic plaques.
- I think it's safe to say we know the meaning of team work here in Mariemont.

II. COUNCIL AND PERSONNEL

- 1.) Andy Black was elected by Council to be our Vice-Mayor for 2011
- 2.) At the last Council meeting, Kim Sullivan resigned from Council and will be missed after five years of excellent service. District 5 resident Denise McCarthy will finish out Ms. Sullivan's term, which will end on December 31, 2011.
- 3.) Mayor's Court Magistrate Terry Gaines retired this year and was replaced by Clermont County Prosecutor Don White.
- 4.) Sadly, Paul Tontillo announced that he accepted a transfer to Tennessee with Procter & Gamble, and had to resign his position as Clerk
- 5.) Treasurer Tony Borgerding is now our new Clerk and
- 6.) Andy Kulesza was appointed as our new Treasurer effective March 1st, 2011.
- 7.) After 30+ years, Lt. Rick Van Pelt retired in August and was given the Don Shanks Award for his excellent service to our Village.
- 8.) Earlier this month, Cameron Shaw, a graduate of the University of Cincinnati Police Academy, was hired by our Police Department to take the place of Rick Van Pelt.

III. BOARDS AND COMMISSIONS

- 1.) Louise Schomburg and Charlie Thomas were appointed to the Architectural Review Board to take the place of Jeanne Boone and Martin Koepke. Both Jeanne and Martin were on the board for over 13 years. We thank them for their long and outstanding service.
- 2.) In 2010, we welcomed three new members to the Parks Advisory Board. They were Ruth Varner, Lisa Gordon, and Darla Michaels. Mike Benson and Bev Kranitzky resigned last year. We are grateful for the time and hard work they gave to our Village.
- 3.) At the end of the year, Tara Scarborough and Joan Erhardt left the Swim Pool Commission after being involved in many wonderful changes and improvements. They were replaced by Scott McIntosh and Wes Iredale.

IV. HONORS AND AWARDS

- 1.) Highly decorated World War II Air Force pilot, General Doug Short, was named the Outstanding Citizen of the Year at the Memorial Day Parade. Congratulations, General!
- 2.) For the 19th year, I am pleased to state that we received the Tree City USA designation.
- 3.) In 2009, our Police Department won the AAA Traffic Safety Gold Award. I am very proud of our Police Department, because, in 2010, they were awarded the Platinum Award – the highest award possible! The program is based on traffic enforcement, reduced auto accidents, and public education on traffic safety.
- 4.) Plus talking about safety, the Village was given the Ohio Workers Compensation Outstanding Safety Performance Award.
- 5.) And, in 2010, the Village of Mariemont had the highest recycling rate of any of the 48 communities in Hamilton County. This outstanding effort from our Village citizens:
 - A.) Will conserve enough energy to power every home in Mariemont for three weeks
 - B.) Reduced more greenhouse gas pollution than if every household in Mariemont did not drive a car for two and a half months
 - C.) Saved 4,183 trees from being harvested

In addition, for the first half of 2010, we received a recycling award of \$8,873.72, and expect an equal or larger amount for the second half of the year.

V. LAWSUIT

I am going to try and explain this in layman's terms and not put anyone down. Last year, John Altman filed a complaint for a preliminary and permanent injunction, declaratory judgment, a writ of mandamus, civil forfeiture, and attorney's fees to be paid in the Hamilton County Court of Common Pleas against the Village, our Council, and the Mayor. Now that the suit is settled, I can go over the facts of this case because you, the citizens of our Village, have a right to know what this complaint was all about and why we settled it. The allegations contained in the complaint were that the 2009 Council went into Executive Session to discuss personnel issues. The Councilman who made the motion to go into Executive Session did not specifically state the exact words that are required under Section 121.22(O) of the Ohio Revised Code. In other words, he should also have said "to lay off two firemen and bring them back on the part-time list and to lay off a maintenance man." Even though the purpose was clear to all because this subject was discussed by Council, citizens attending the meeting, and the Plaintiff during the earlier regular Council meeting that evening. The complaint also states that it was incorrect for Council to lay off the employees during the Executive Session and, therefore, we violated the Sunshine Law. The correct way to lay off an employee is to discuss the subject in the Executive Session and lay the person off in open session. The 2009 Council did not do this because they laid the men off in the Executive Session, but at the time thought what they just did was proper and legally correct. Now why did we make these minor mistakes that did not damage anyone and why did we settle the case? The following reasons and points are why:

- 1.) The Council firmly believed what they did was correct because our Village attorney, who was in the meeting that night, advised them to state they were going into Executive Session for personnel reasons only and to make the lay off decisions in the Executive Session.
- 2.) This legal advice was incorrect, but was a decision based on compassion by our Solicitor. I will never forget what he said in the meeting. He said, "The three gentlemen's personnel files are private and we should lay them off in the private Executive Session so they do not learn about this decision on the 11:00 news with the rest of the city. Then, tomorrow, the Mayor should write a personal letter to each employee", which I did.
- 3.) One can see this was an honest mistake by the Village attorney. There was no malice, intent to harm anyone or intent to hide any information by the 2009 Village Council. The Council reasonably believed it was complying with the law. We could have proved this fact in the court room because our Village attorney is a very honorable man, and at the first hearing admitted the mistakes he made to Judge Cooper.
- 4.) I agree if a Council or a Board is found to be intentionally hiding information from the public or meets in secret, then they deserve to be punished. However, a careful review of this matter will show that was not the case here in Mariemont. The 2009 Council was only doing what they had been advised to do by a caring solicitor.
- 5.) So why did we settle this case before our day in court, especially when Judge Cooper may have chosen not to award attorney fees if she decided the Village Council reasonably believed they were complying with the Sunshine Law and they were serving for the good of the public interest? (Please note: The attorney fees would have been 80-90% of the judgment.)
- 6.) We settled this case out of court after I sat down with our Village Solicitor and we agreed that he made a compassionate mistake. Therefore, he needed to make a claim to his Errors and Omissions insurance company and we, the Village, needed to move on because there is so much more important work ahead of us. A few days after the claim was turned in, his insurance company advised us to settle the case and the insurance company would reimburse the Village. So, after about one and a half years, the case has been settled and it appears that the taxpayers will not have to pay a cent! In conclusion, a simple phone call by the plaintiff to our Solicitor could have taken care of the mistake.

As I close my report, I wish to remind all of our wonderful citizens that the future is now in Mariemont! We will have construction work in and around the Village like we have never seen before: the new grade school, the condos on Madisonville and Thorndike Roads, the rest of the ash tree removal and hopefully the addition of two or three more screens at the theatre to save it from leaving the Square. The theatre is the keystone of the Square and helps feed the other businesses. As you can all see, this is a very important project and I plan to work with Spinnenweber Builders to make sure this addition happens. Please be patient during this construction time because we will be much better off when all is completed.

May God bless our great country, our brave troops and our wonderful Village.