

Health and Recreation Committee Meeting Minutes

*The meeting was held at 6:45 pm on May 29, 2018
in the St. Theresa Auditorium.*

Purpose:

To discuss the request from the Mariemont Swimming Pool Manager to Temporarily Suspend Section 95.06 of the Mariemont Code of Ordinances to Allow for the Use of Alcohol at the Mariemont Community Pool Between the Hours of 6 pm to 10 pm on June 15, July 13, and August 17, 2018.

Attendance:

In attendance were Mariemont Swimming Pool Manager Jordan Schad, Mariemont residents Rob Bartlett, Linda Bartlett, and Bill Brown; Mayor Dan Policastro; Council Members Kelly Rankin and Maggie Palazzolo; Committee Member Mary Ann Schwartz; Committee Vice-Chairperson Eric Marsland; and Committee Chairperson Troy Hawkins.

Minutes:

Troy Hawkins opened the meeting and described the request from the Mariemont Swimming Pool Manager to temporarily suspend Section 95.06 of the Mariemont Code of Ordinances to allow for the use of alcohol at the Mariemont Community Pool between the hours of 6 pm to 10 pm on June 15, July 13, and August 17, 2018 for night swims/pool parties.

Mayor Policastro provided copies of an updated agreement pool party attendees should sign prior to using alcohol at the pool to indemnify the Village for liability related to their use of alcohol at the pool. He also provided copies of an email from the Village Solicitor Ed McTigue stating that the agreement is sufficient for our purposes. Copies of the agreement and the email from the Solicitor are provided as attachments to these minutes.

The Mayor emphasized the importance of making sure everyone consuming alcohol at the pool sign the waiver. Jordan Schad reassured the Committee that she would be personally present during the evening events and would make sure everyone consuming alcohol had signed the waiver.

Eric Marsland asked if the plan this year was similar to past years and if there had ever been a problem. Jordan indicated the plan was the same as in past years and that there have never been problems in the past.

Troy Hawkins asked Jordan to confirm the dates, and she confirmed the events would be held on June 15, July 13, and August 17, 2018.

After conferring briefly, the Committee agreed that they would recommend Council approve the Swimming Pool Manager's request.

The meeting adjourned at 6:55 pm.

RELEASE AND WAIVER AGREEMENT

THE UNDERSIGNED, *for valuable consideration, the receipt and adequacy of which is hereby acknowledged*, agrees to defend, pay on behalf of, indemnify, and hold harmless, the Village of Mariemont against any and all *claims, demands, suits, losses*, including all costs connected therewith, for any damage which may be asserted, claimed or recovered against or from the Village of Mariemont, its elected officials and appointed officials, employees, volunteers, or all others working in behalf of the Village of Mariemont by reason of any injury, bodily or property, or any other injury whatsoever, including all loss that may result therefrom, which arises out of any alleged or perceived negligence of the Village of Mariemont in connection with the allowance of alcoholic beverages being consumed on the grounds of the Mariemont Swimming Pool. This release is freely and voluntarily signed with full knowledge of the consequences thereof.

Printed Name

Signature

Printed Name

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Printed Name

Signature

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Date: Tuesday, May 29, 2018 11:17 AM
From: Ed McTigue <ejmctigue@cincilaw.net>
To: joanee@marimont.org <joanee@marimont.org>
Subject: Release and Waiver Agreement

Joanee,

I have reviewed the Release and Waiver Agreement. I believe that for our purposes this should be sufficient. However, we always have to remember that we cannot contract away our negligence. If a representative of the Village actually does something negligent, we would still be liable. I am sure that Dan knows this. However, this would certainly give people pause for initiating any type of legal action in the event there are incidents at the pool on the nights when alcohol is served. Again, I think this will be sufficient for our purposes.

I hope that this helps. However, if you have any questions, or if you would like to discuss this further, just give me a call.

Edward J. McTigue

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Facsimile: (513) 241-1572
Email: ejmctigue@cincilaw.net

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