

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
MARCH 8, 2009**

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, Mr. Black, Mr. Miller, Mr. Scheeser and Mr. Wolter.

Mr. Black moved, seconded by Mr. Miller to excuse Ms. Sullivan. On roll call; five ayes, no nays.

Mr. Andrews moved, seconded by Mr. Wolter to accept the minutes as written for February 22, 2010. On roll call; five ayes, no nays.

The following communications were read by Mayor Policastro:

From Police Chief Hines: February 2010 Monthly Report. Mr. Black commented on the number of vehicles being broken into and keyed. Lt. Ostendarp said they have a detective working on it. Mayor Policastro said Chief Hines said the guy was caught. Lt. Ostendarp said only one was caught. Mayor Policastro said he will put it in the next Mayor's Bulletin of the importance of locking vehicles. Residents cannot continue to leave keys and valuables in unlocked cars. Mr. Wolter asked if the thought is it is a Mariemont resident. Lt. Ostendarp said it is hard to say at this point.

From Assistant Fire Chief Morgan: February 2010 Monthly Report. Mr. Andrews asked how response time is determined on mutual aid responses. Assistant Chief Morgan said when they run as mutual aid it will come in as an alarm drop. Or if another department is responding to Mariemont it is on a non-emergency basis. The primary responding unit will run lights and sirens. Once the responding unit arrives on scene they determine if they need to upgrade it as a fire. The response time may appear longer because we are going with the flow of traffic. The report indicates both mutual aid given and mutual aid received.

From Service Superintendent Scherpenberg: February 2010 Monthly Report. Mr. Wolter said it seems the Village will have a hard time with potholes. He asked if the Village does the repairs. Superintendent Scherpenberg said yes and he believes some of the repairs will be full depth repairs. He said he believes they will spend the same amount they normally would for a year. If the job is too big it will be put with the street repair work. The worst streets in the Village are: Belmont, Cambridge, Murray and the Industrial area.

From Building Commissioner Malone: February 2010 Monthly Report. Mr. Wolter asked if there have been any major renovation inquiries. Building Commissioner Malone said no that it has been quiet as all get out. It may be another down year.

From Tax Administrator Judd: February 2010 Monthly Report. Mrs. Judd said year-to-date they are down 7.1%. She can not determine if it is a timing issue but will have to wait and see what happens. She said the tax office will be moving to the third floor, Room #315, sometime this week. Mayor Policastro said he would put the information in the next bulletin. Mr. Black asked if she had the help she needed to move. Mrs. Judd said yes the Maintenance Department will move her. She also said Premier Internet is helping her check the cabling and they have indicated they will help if needed setting the system up in the new office. Mayor Policastro said the move should save \$5000-\$6000 per year. Mrs. Judd said the office is very small. Mr. Andrews said one way to minimize traffic in the office is since the website has been re-built it would not be difficult for us to take credit card transactions to pay things such as annual trash fees. There would be a reimbursement fee but it might be worth it to minimize traffic. Mrs. Judd said she may be looking at a different vendor for the credit card machine. The machine can be purchased rather than renting. She will have to wait until after the contract expires April 1st. Mr. Andrews suggested eliminating the machine and doing it all online. Mrs. Judd said she does have people walking in wanting to do it. Mr. Andrews said the office could simply pull up the web-site and let the resident complete the transaction. Mr. Scheeser said the convenience fee could be passed onto the resident. He does not think it is an unreasonable request. Mr. Andrews said in this Village people want convenience.

From Bob and Jeanne Naugle: e-mail dated February 19, 2010 re: Thank you Maintenance Department

From Mariemont Preservation Foundation: Meeting Minutes January 28, 2010

From Barbara Policastro: Thank you to Council for the get well flowers

From Mariemont Aquatic Club: Request to use the Mariemont Village Pool. Mayor Policastro referred the matter to the Health and Recreation Committee.

From Karen Koetzle: e-mail dated March 1, 2010 re: Thank you

From Michelle Blaz, Hamilton County Recycling: Mariemont Recycling 2009

From MariElders: Director's Annual Report**

From Hamilton County Emergency Management Agency: Letter dated March 2, 2010 re: Spring severe weather awareness week.

From Hamilton County Municipal League: March 2010 Meeting Notice. Mayor Policastro said if anyone wishes to attend please let Mrs. Van Pelt know.

From Police Clerk Maupin: Mayor's Court Statement for month ending January 2010

From Sue Zepf: e-mail dated March 4, 2010 re: Mariemont Tennis Association Requests. Mayor Policastro referred the matter to the Health and Recreation Committee.

Mayor Policastro said Council has been putting in ground rules for the anticipation of ICRC.

Solicitor McTigue said Mrs. Ferguson raised some nice points at the last meeting and since then he has consulted 10-15 solicitors from various municipalities to do some research on the law. He asked them what their ground rules or guidelines were for publicly addressing Council. Every single community does in fact have guidelines and rules for decorum in Council meetings. They all do have time periods that people are allowed to speak, the number of times they are allowed to speak and the fact that there is a particular location where they speak from. None of the rules the Mayor has introduced are re-inventing the wheel. A lot of Councils have a requirement that you have to sign in with your request to address Council. The three things that we want addressed were: (1) the length of time speaking at the podium (2) the number of times a person can speak and (3) speaking from the podium. Mr. Black said as far as ICRC is concerned there needs to be a designated area to speak from but it does not have to be a podium. He apologized if he misspoke. Solicitor McTigue said another reason he believes the podium is appropriate is that it brings people closer to the tape recorder and makes typing the minutes easier. It was suggested to invest in a better podium. Mayor Policastro said this was done years ago. The podium we had was so heavy and cumbersome they quit doing it. Lt. Messer is a good carpenter and he could probably make us one. Mr. Andrews said he is comfortable with the rules but he wants to make sure that the podium does not inch its way up. It needs to stay behind Council.

Mr. Wolter moved, seconded by Mr. Andrews to invoke a three minute time limit to address Council, one time at the podium per person and to actually stand at the podium when addressing Council, with the stipulation that the podium will not move closer towards Council. On roll call; five ayes, no nays. Solicitor McTigue suggested the Mayor list the new rules in the next Mayor's Bulletin.

Solicitor McTigue said interestingly to him some of the solicitors he spoke with were really opposed to ICRC and some were really in favor of it. He does not know if Council has really talked enough about the issue to vote on it. He has been told by one of the solicitors that with the presence of cameras it causes certain people to preen in their appearances and to be more theatrical in their presentations.

Mr. Andrews said he would like a couple weeks notice before voting on the ICRC issue to allow more time to have questions answered.

Mr. Black asked what information does Council want as far as ICRC. Mr. Scheeser said he is satisfied with what information Mr. Black has already submitted. Mr. Andrews said at the last meeting it was stated that the service is free. He believes to bring an entire crew in for every meeting there has to be a cost. He is not sure how we are paying for it but taxpayers are funding the organization. He supports the idea but he wants to understand the cost process. He wants to know what the viewer ratings are and will residents watch it. Is it worth whatever the cost may be?

It was decided by Council to have an ICRC representative at the next Council meeting to answer any questions Council may have prior to voting.

Ms. Jane Coffey, 4315 Joan Place, was granted permission to address Council. She said Council can be sure that she is not here to preen and the comments by Solicitor McTigue offended her. She appreciated the clarity on what residents are allowed to do and what they are not allowed to do in the allocated time. She thanked Clerk Tontillo for his weeks of preparation and his willingness to share with everyone his Fiscal Officer Office Hours. She was not able to make every one but she looks forward to more in the future. She said former Fire Chief Jack Phifer is doing well and is enjoying his retirement.

Mr. John Swisher, 6624 Wooster Pike, was granted permission to address Council. He said it was the third meeting in a row that he has been in talking about the issues with Rumpke. He has called into the Administration office and called the Mayor with his concerns. He does not know what the problem is with Rumpke. He distributed pictures of his dump truck successfully negotiating the turns in the area of Patriots Lane. Rumpke once again today drove up into the dirt area that the Maintenance Department repaired. His truck is 8' 4" and he is completely on the road. It is not an issue of not having enough room - it is an issue of not caring. This damage was done a little after 8:00 a.m. His wife saw the small Rumpke truck do the damage. The recycling truck did not have any trouble. He said Ms. Ruth Varner is upset as well.

Mayor Policastro said he wrote a letter to Rumpke which he will include in the next Council packet indicating that if this happens again he is going to approach Council with voiding their contract. Fairfax voided their contact with BFI and brought in Mr. Anderson. Anderson Waste is now merging with Forest Green Waste.

They came to his house and he talked with them. He indicated to them that Council may want to talk with them in the near future. Mr. Anderson may have made some mistakes but he did not destroy property. Mr. Swisher indicated that as a young child he used to ride around in the truck with Mr. Anderson. He said he was partial to Mr. Anderson and hated to see him go. Mr. Swisher said he also has pictures of damage along two other sides of the lanes.

Mayor Policastro asked Solicitor McTigue to look into the Rumpke contract and see if the Village can void the contract.

Mr. Scheeser asked Mr. Swisher how he would correct the mistakes. Mr. Swisher said he has been fired for less on service contracts because of repeated mistakes. He does not know all that is going on but it is frustrating that the same mistakes are happening in the same place time and time again.

Mr. Andrews asked if it was the same driver. Mayor Policastro said the problem with Rumpke is that they are so big and always sending new drivers would do not know the routes.

Solicitor McTigue said sometimes reckless conduct could constitute criminal offense. It could be that Rumpke be cited to Mayor's Court for one of the misdemeanor criminal damaging offenses.

Mr. Scheeser asked about having a police cruiser in Patriots Lane on a Monday. Mayor Policastro and Mr. Swisher said we would have no idea what time they would come through.

Mr. Wolter said having a witness is just as good as having a police car. Mr. Swisher said he now has installed a camera in his garage.

Mr. Miller said perhaps summoning Rumpke to Mayor's Court and imposing a fine might work. Mayor Policastro said he has sent them a bill for the damage repair.

Mr. Wolter brought a sample of what they use around the airport to prevent damage. They are virtually indestructible. Mr. Swisher said they do not look good. Mr. Wolter said you can put them in until the problem is resolved and then pull them back out. Mayor Policastro said we would want to talk with the people in the neighborhood to see if they would want them.

Mayor Policastro said Mr. Anderson and Forest Green Company are going to bid on this year's contract.

Mr. Wes Iredale, 6739 Wooster Pike, was granted permission to address Council. He can appreciate the need for ground rules and limits but one thing he thinks would serve us better is to have an opportunity to speak a second time given the wide range of topics that is often covered. A person may want to speak regarding what someone else has spoken about. He understands not giving them another three minutes but limiting them to one minute. It would be more satisfying to the citizens to have the opportunity to respond. Mayor Policastro said people can talk about more than one subject while at the podium. Mr. Iredale said another subject may come up after they spoke that they would like to address. Mayor Policastro said he does not want people arguing with each other. People are here to address Council not to argue with each other.

Mrs. Marty Bartlett, 3744 Indianview Avneue, was granted permission to address Council. She agreed with Mr. Iredale that after someone else has spoken it may prompt someone who has already spoken to think of a comment they would like to add to it. She believes it would be nice after everyone has spoken to give the opportunity for someone to speak a second time. She asked if the three limit time will be enforced. Mayor Policastro said yes if he needs to he will but he has never put a stop watch or enforced it on anyone in the past.

Mr. Andrews said he wants to make sure that the communication lines are open outside of just the Council meetings. He believes those might be the best way to influence Council by sharing opinions. Their websites are listed on the website and their phone numbers are available. He encouraged residents to leverage those opportunities as those influence ideas that get put before Council.

Mr. Wolter said beyond just influencing it allows all the parties to work on an idea and bring it to a good point by eliminating the bad ideas before they deal with them in Council. He feels Council tries to be open but the communication only goes one direction. He would welcome more phone calls and interface with residents. He is surprised is how few people call and talk about things. It would make Council's job a lot easier.

Mr. Balck said he feels like this is getting to a boiling point. He does not feel anyone is trying to stop anyone from coming to speak before Council. As a new Council they wanted to redevelop the website, get ICRC involved and try to open up so Council is more transparent. He supports the ground rules because we post the agenda as to what we are going to address. For us to continually go back and forth would turn this into a free for all. He supports residents contacting Council prior to meetings. He feels the podium issue is getting a bit carried away. No one is trying to stifle free speech. It just gives some broad based guidelines about making a ppoint for discussion. He does not want the podium issue to become contentious for such a small community where we already have contentious issues.

Mr. Iredale said he firmly believes in the need for ground rules. He wished he had been at earlier Council meetings. At times he has found it hard to find things on the website so he can preview prior to the Council meetings. Sometimes it is at the actual meeting when residents find out about something that is coming up. An example is Rick Hines taking over as Fire Chief. Nothing was available beforehand on the subject. He agrees

that it should not become a personal thing between people. This is to address Council not to rebut each other. He does not see speaking for one minute a second time as a back and forth thing.

Mr. Black said he does not have a problem with speaking for one minute a second time. He does not want situations where there is a contentious issue and it becomes back and forth. It needs to be a controlled environment.

Solicitor McTigue said it could be that Council moves and seconds the motion to allow for someone to speak a second time and take a straw vote of Council to see if it is aye or nay.

Mayor Policastro said he does not want situations where residents say what they feel and then are attacked by other residents. People have a right to say what they want to say but they do not have the right to attack somebody. He has seen that very situation so many times in the past.

After further discussion it was agreed by Council to implement the first and second motion for those wishing to speak a second time at Council meetings.

Mr. Scheeser moved, seconded by Mr. Black to pay the bills as approved by the Mayor, Clerk and Chairman of the Finance Committee. Mr. Scheeser asked about the replacement of the entrance sign on Wooster Pike. He asked if this will be reimbursed. Mayor Policastro said the damage was done by a hit and run driver. Our insurance will cover the damage minus the \$1000.00 deductible. Mr. Scheeser asked for an explanation of longevity for John Scherpenberg. He wanted to know how he should think about that for those employees who have a lot of tenure in the Village. Superintendent Scherpenberg said after five years of employment the employee receives \$200 and \$25.00 additional thereafter per year. It is paid in the pay period that contains the employee's anniversary date. Mr. Wolter asked if the Village purchases different salt for the sidewalks. Superintendent Scherpenber said yes because road salt will hurt the sidewalks. Mr. Andrews questioned the computer purchase by the Fire Department. Assistant Chief Morgan said it is a desk top model. When updating the Firehouse software it was determined that the computer being used to run the operating system was not big enough. He gave the new computer to the Supervisors. He was going to e-mail Mr. Andrews to find out about a possible upgrade to the computer he got so he can bring it into his office as well. Mr. Andrews asked if the purchase price was for a single computer. Assistant Chief Morgan said yes but it also included labor, transfer of files and parts/supplies for installation. The work was performed by Don Pennington who is familiar with their Firehouse Software, the Administrative software for payroll and finance. Mr. Andrews suggested having a point person to make sure if computers/maintenance is needed what is being requested is legitimate. He believes this amount seems high. Clerk Tontillo said in the past he does not believe there has been an individual with the background to provide that reasonability testing. Mr. Andrews suggested looking at what the anticipated needs are for the next year and access whether this is the right person to go with all these requests. He said he cannot do all the work because he travels too much but he could be somebody in the interim to review proposals. Assistant Fire Chief Morgan said he would forward a copy of the proposal to Mr. Andrews for his assessment. Building Commissioner Malone will forward his proposal to Mr. Andrews for his assessment as well. Clerk Tontillo said generally those types of requests are listed in the Permanent Improvement requests. This one was an emergency authorized by the Mayor. On roll call; five ayes, no nays.

Mr. Andrews moved, seconded by Mr. Miller to accept the recommendations of the Finance Committee which met on Monday, February 15th in Council Chambers. The meeting began at 7:05 pm and concluded at 8:15 pm. Committee Members Andy Black, and Jeff Andrews were present with Kim Sullivan's absence excused. Council members Dennis Wolter, Joe Miller and Cortney Schesser participated as did Mayor Dan Policastro, Clerk Paul Tontillo and resident Jenny Ferguson. Mr. Black called the meeting to order and opened with the agenda: Review village trash, leaf removal, lawn & landscaping services and discuss ideas for reducing the overall expense for each service. Mr. Black stated that each service will need to be dialed back a certain amount, either through the number of times the service is provided or by finding less expensive service providers in order to meet the objective of balancing the budget. Mr. Miller urged council members and residents to consider what makes Mariemont unique from surrounding communities, such as curbside leaf removal and to take into consideration that many residents are willing to pay a little extra to keep this type of service. Regarding trash services, the Finance Committee will consider the following options presented and make a recommendation in their final report in April:

- Adding a \$1.50 trash sticker for containers exceeding 50 gallons.
- Assessing an annual single home and rental property fee and eliminating the trash sticker program all together.
- Moving to a curbside pick-up.
- Utilizing vendor provided 90 gallon carts with curbside pick-up.

Regarding leaf removal services, the Finance Committee will consider the following options presented and make a recommendation in their final report in April:

- Eliminating village provided curbside leaf removal.
- Reducing the village provided curbside leaf removal from 10 weeks to 8 weeks.
- Reducing the seasonal staffing required to perform village provided curbside leaf removal

Regarding lawn and landscaping services, the Finance Committee will review the bids under the request for proposal guidelines established by the Public Works Committee.

Lastly, it was also recommended that committee members consider relocating the Village Tax Office to either the Municipal Building or erecting a small building adjacent to the Municipal Building as a way of eliminating the rental and networking fees currently incurred at the Executive Office Building. The third in a series of four meetings was held on Monday, March 1st at 7:00 pm in Council Chambers. The committee will work with department heads to identify cost savings opportunities within their respective offices.

Mr. Black said we already discussed the move of the Tax Department for a cost savings. The Service Department was able to determine a \$20,000 cost savings by eliminating the brush pick-up service in the Village. Rumpke will pick up sticks etc. that are bundled but if you have a larger item they will need to contact the Maintenance Department to schedule pick-up. That will eliminate them having to follow Rumpke thus freeing up labor and resources. On roll call; five ayes, no nays.

Mr. Black moved, seconded by Mr. Wolter to accept the recommendation of the Planning and Zoning Committee which met on Tuesday March 2, 2010 in Council Chambers to discuss the application from Spinnenweber Builders, Inc. for rezoning of two parcels of property located at 6928 Madisonville Road and 6927 Thorndike Avenue on the Village of Mariemont from Residence "B" to Business "A". The Planning and Zoning Committee recommends approval of Spinnenweber Builders request with the contingency that the plans must come before the Planning Commission and the Planning and Zoning Committee of Council for approval, and a Public Hearing before Council be scheduled. It is recommended that the Public Hearing be scheduled for March 22, 2010 at 6:30 p.m. Mr. Scheeser said this is step 4 of step 9 and asked what the next step would be. Building Commissioner said the next step would be the Public Hearing which would be advertised to those within 300' of the perimeter of the property. A formal recommendation would then be made to Council and the Planning Commission. Mr. Scheeser asked if there would be plans available at the meeting. Building Commissioner said there would not be plans available at the meeting. Mr. Scheeser said if there are nine emergency exits on an airplane we are welding four or five of them shut without having specificity which is concerning to him. We are eliminating options that are set up. We do not have plans and Mr. Spinnenweber does not own the property. He believes Council is being bold in going forward.

Mr. Wolter asked if Council has enough control in the last three steps of the process. Mr. Spinnenweber's intent at this point is to set the ground work in place so if he puts a lot of money into developing plans he knows the Village is of the mind to do this.

Building Commissioner Malone said Mr. Spinnenweber has committed verbally to the contingencies once he has the green light from the zone change.

Solicitor McTigue said he and Building Commissioner Malone are looking into research to see if there is some way we can use the verbal commitment to a written commitment with a covenant running with the land. It would make sense if we can do something like this. The property could only be developed once the proper plans are submitted and approved. It would have a sunset date on it which should give Council a better comfort level. On roll call; five ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Mayor Policastro said due to the lawsuit Council will not be able to go into Executive Session to discuss and nominate the Outstanding Citizen of the Year. He asked the Solicitor to look into the matter and therefore he is extending the deadline for nominations until April.

Solicitor McTigue said he cannot think of a way to go into Executive Session to discuss this but he is still waiting for a return call from the Ohio Municipal League.

Mr. Wolter suggested having another entity in the community vote on the Outstanding Citizen Award. It was suggested that members of Town Meeting vote on the Outstanding Citizen, among other ideas. Mayor Policastro said let's wait to see what the Solicitor finds out. The tradition has been that it be Council's decision.

Records Commission will meet at 7:15 p.m. Monday April 12, 2010.

Remind Council to turn into Mrs. Van Pelt packet envelopes and binder clips for cost savings.

Mayor Policastro referred to Public Works and Service the Trash Removal Contract Bids. Mr. Miller suggested going through the files in the basement to allow more room for the fire department. Mayor Policastro said when the weather gets nice they will start to go through them.

Resolutions:

"To Appoint Maria Borgerding as a Member of the Pool Commission for the Calendar Years 2010 and 2011" had a first reading.

"To Appoint Gretchen Thomas as a Member of the Pool Commission for the Calendar Year 2010" had a first reading.

“To Appoint Joan Erhardt as a Member of the Pool Commission for the Calendar Years 2010 and 2011” had a first reading.

“To Reappoint Tara Scarborough as a Member of the Pool Commission for the Calendar Years 2010” had a first reading.

“To Reappoint Shannon Gilmore as a Member of the Pool Commission for the Calendar Years 2010 and 2011” had a first reading.

Ordinances:

“Ordinance Amending Section 151 of the Mariemont Code of Ordinances” had a third reading. Mr. Wolter moved, seconded by Mr. Miller to adopt the Ordinance. On roll call; four ayes, one nay (Mr. Scheeser dissenting). Ordinance NO. O-3-10 was adopted.

“To Amend Ordinance No. O-18-07 To Create the Swim Pool Commission and To Increase Members from Five to Seven” had a first reading.

Mr. Black announced that the Finance Committee will meet Monday March 15, 2010 to discuss the Village deficit.

The meeting adjourned at 8:43 p.m.

Dan Policastro, Mayor

Paul Tontillo, Clerk