

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
JULY 12, 2010**

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, Ms. Sullivan and Mr. Wolter.

Ms. Sullivan moved, seconded by Mr. Andrews to excuse the absence of Mr. Scheeser. On roll call; five ayes, no nays.

Mayor Policastro introduced Mr. Paul Smith, Vice-President Duke Energy Retail Sales. Council had been given information on the Preferred Supplier Program which offers discounts to residences and small businesses. Solicitor McTigue said from a legal standpoint one of the concerns Council had was if there was an escape clause in the agreement in case it does not work out or if another provider would offer greater savings. Mr. Smith said the program is with the residents not the Village. What the Village would do would be to endorse the program so they can send out letters advising residents and small businesses of the program. It will enable them to use the Village's name, logo and endorsement of the program. Those who wish to participate can terminate the program anytime they wish therefore there will not be a termination with the Village. They have found that there is more participation when the program is endorsed by the community thus allowing for an additional 3% savings to those who join. Residents also have the choice of taking a low price fixed rate of 6.93 cents if that is their preference. The program also protects the residents should they offer another community a higher price. The prices will be in effect until December 2011 which is when they are due to be reset. Some communities who participate are Sycamore Township, Batavia Township, Fairfield, Reading and Madeira. When endorsed by a community the enrollment rate is close to 30% compared to 5% when not endorsed by the community. It adds a level of credibility to the offer in addition to a level of comfort to residents that they can save money.

Mr. Wolter said the Village would be allowing Duke to use their name as an endorsement but it does not mean that we are excluding another company from coming in if a resident wants to use another provider. Mr. Andrews said he read that the contract would exclude the Village from entering into another contract with another provider. He said he strongly discourages the Village from entering into partnership like this because he believes it is not the governments place to get involved in something that is free enterprise based. If Duke wants to increase market share in the Village through a pricing strategy then offer 18% to the residents and see what impact it has. He does not believe Council should be spending their time on reading through contracts and paying the Solicitor to review the contract. Ms. Sullivan said she would second that and she has concerns with the Village endorsing a corporation. Mr. Wolter said he does not see it as an endorsement but since there is an exclusive time period that it really becomes an endorsement in function. He believes with the other issues Council has facing them, fiscally and the needs of the building, is what they were elected to do. It is a great program but it could be marketed getting the point across whether it has the Village's logo or not. He does not want residents to feel Council made a decision that the residents could make open and freely. Mr. Andrews said it is ironic that Duke Energy is regulated by the State and PSC sets the rates. Duke Energy Retail was set up with the exact purpose being able to not be under those regulations and be able to set market based rates yet Duke Energy Retail is the one coming to the government asking for sponsorship. Mr. Miller said there are residents who could use the additional savings over the next year and a half. Mayor Policastro asked for the vote. Mr. Andrews, Mr. Black, Ms. Sullivan and Mr. Wolter voted no with Mr. Miller voting aye.

Ms. Sullivan moved, seconded by Mr. Wolter to accept the Council Minutes of June 28, 2010 and the Budget Hearing June 28, 2010. On roll call; five ayes, no nays.

Mayor Policastro read the following communications:

From Police Chief Hines: June 2010 Monthly Report. Ms. Sullivan asked about the stolen car on Chestnut. Chief Hines said the car was stolen and has been recovered and processed but no arrest has been made. Mr. Andrews asked for an update on the bank robbery. Chief Hines said the scene was processed with the help of Cincinnati Police Robbery Task Force. Evidence is waiting to be processed.

From Assistant Fire Chief Travers: June 2010 Monthly Report. Ms. Sullivan said she read with great interest the priorities listed and commented that there was some heavy stuff. She said she was interested in how he plans to implement these priorities and what does his schedule look like during the day and how is he working with the men and women of the fire department. She said it is a lot to take on. Assistant Chief Travers said it will be a year long process. Collaboratively we are working on the core values and mission statement as he believes this is where the department needs to start. The plan for implementation is to start with the core values and mission statement. Ms. Sullivan asked what his action plan was. Assistant Chief Travers said his action plan is to work collaboratively within the fire department and other fire departments to come up with what they feel are the important things in regards to mission and core values. It will be everyone's voice. There are a couple of rough drafts should Council want to see them. Ms. Sullivan asked how his day is structured and is he meeting one on one with the department personnel. Assistant Chief Travers said they are meeting one on one and in small work groups. They have purchased fire software which gives them the ability to send out e-mails and post comments in a discussion forum. He belongs to the Hamilton, Clermont County and East Side Collaborative where he is also

gathering input. He said for those who know, don't know or don't care he does work full time at Great Oaks and he does spend a great deal of time doing that job. However with that job comes a great deal of flexibility. He works a 220 day contract but he is available during the day, nights and weekends. He knows there may be concerns with that but he plans to deal with it hands on. In the past we had an individual who worked Monday 8 hours, Tuesday 8 hours and Wednesday 24 hours. In his opinion based on how the schedule works that individual would never have contact with certain crews but four times a year. That individual had very little impact or interaction from a technical skills standpoint or a mastery learning standpoint. He was a great guy but it was not the best use of time necessary to the job he thinks needs to be done. Working days, nights and weekends have given him a chance to work with the various shifts. This has turned out to be better than he thought. The goal is to be transparent and to involve everyone. They are working hard with respect to rebuilding relationships that were shattered for whatever reason with our local neighbors. They have some mutual training planned when they tear down the school. It is important that we all work together and respect each other. Ms. Sullivan said one of her main concerns is the morale of the fire department because there has been so much transition and she would hope that Assistant Chief Travers would spend some time getting to know the personnel. She would also like to see a concrete action plan. Assistant Chief Travers said he knows most of the personnel really well simply by working the shifts. Anytime you are involved in a promotion you either lose or gain friends simply by the virtue that someone else was not promoted. Morale is an interesting thing. There are going to be some things done in regard to scheduling that are not going to be the most popular thing in the world. He appreciates the time people have served in the Village and he will facilitate what he can to have people work here but the bottom line is we have a job to do and if someone cannot work their scheduled shift and is constantly calling off he will do what is best for the community. If that means that we cannot use an employee who has 30 years experience he is sorry. We will find someone who has the experience and who wants to do the job. It is not always a popular decision. Right now the policies and procedures are from 1997 - he is not slamming the former administration - but chief directives from that long ago need to be improved. He thinks morale is good and he is a fair person. By virtue of the job firefighters and paramedics like structure on the job and in the past we did not have structure.

Mayor Policastro said one of the neat things about Assistant Chief Travers was that he was a commander with the Fire Department for four years. Assistant Chief Travers said he did not work assigned shifts and therefore he was able to get to know everyone. He said Marshal Feichtner has been great with his efforts to bring him up to speed. It is his job to understand how people learn and adapt to what works best to educate them. Mr. Wolter said going through the job interview candidates and talking with other fire personnel one frequently heard concern was the minimalist nature of our current operations manual. We have manuals from other departments that are more in depth than ours. It is a priority to get a standard operations manual together. It will take time but this is a great starting point. Assistant Chief Travers said he is not sure who put the present manual together and he does not want to insult anybody but portions of it were copied and pasted. He is not sure where they came from because it references equipment and streets that do not apply to the Village. Jobs in the Fire Department are para militaristic and we operate by rules and policies and that is definitely a priority.

From Superintendent Scherpenberg: June 2010 Monthly Report

From Building Commissioner Malone: June 2010 Monthly Report

From Tax Administrator Judd: June 2010 Monthly Report. Mrs. Judd reported that we are still down approximately 10%.

From Swim Pool Manager Beck: June 2010 Monthly Report

From Duke Energy: Duke Energy Sales and the Village of Mariemont

From Superintendent Scherpenberg: Memo regarding garbage cans. Mayor Policastro said at the last Council meeting he asked Council if they wanted to save \$8,000 and use the existing garbage cans in the parks. Last year we bought new cans for the square. He would like to use the present cans until they become obsolete. He said it was brought up if we could recycle at the parks and use the old cans for recycling. Superintendent Scherpenberg said there is only one good can left. You really do not want to use garbage cans for recycling. If you want to promote recycling you want to have a different color can so people know that it is made for recycling. He spoke with Rumpke and they can supply us with recycling totes (that will be marked 'recycling') for \$5.00 each per month. There would be a total of 12 and Rumpke would pick them up during their route. We would use them April through November. The cost of the replacement cans will continue to go up each year. Mr. Black said we have already budgeted for the items and suggested that Council go ahead with the purchase of 10 this year and 10 next year. They will need to be replaced at some point anyway. Mayor Policastro said he will sign the purchase order and then Superintendent Scherpenberg can go ahead and make the purchase.

From Charles Kroncke: e-mail dated June 30, 2010 re: Speed bumps. Mayor Policastro said the Safety Committee can discuss the issue in their meeting.

From Parks Advisory Board: Meeting Minutes June 9, 2010

From Tina Smith: e-mail dated July 5, 2010 re: Complaint about Homewood speed bumps. Ms. Sullivan said the Committee has talked about this issue several times over the past years. Mr. Wolter said we are going to use the first street as a test for both political aspect and the functionality. A stop sign in the middle of the street is also a consideration to get people to slow down. The concern is if we get that street to slow down then people figure out that they can use the next street over and that gets them to the same spot with no speed bumps.

From ODOT: Letter dated July 6, 2010 re: Speed limit on US 50. Mayor Policastro said the Safety Committee approved the request and he thought Hans Jindal was on board with it. He referred the matter back to the Safety Committee with input from the Village Engineer. Mr. Andrews commented that the letter stated you have to have a traffic study but it amazes him that the 35 mph speed limit is in front of the Elementary School. We can't use common sense to move the speed limit - we have to use government money. Mr. Wolter said he was surprised by the letter because Mr. Jindal said we could do whatever the Village wanted. Hopefully Engineer Ertel can find out what the law really is.

From Nap Emery Park LLC: Development Agreement

From Police Clerk Maupin: Mayor's Court Statement May 2010

From ICRC: Summer Meeting Notice

Mr. Rick Greiwe, Nap Emery Park LLC, was granted permission to address Council. He wanted to go over the development agreement with Council to make sure there were no questions. The architects had to spend enough time on the construction documents so we could codify how we are responding to the Residence D requirements. All of the requirements have been met. They met with the sub-contractor to discuss how the project was going to be built, construction techniques etc. He also met with the Building Commissioner, Chief Hines, Engineer Ertel and Superintendent Scherpenberg to go through each point to balance the requirements to get the building built in an expeditious manner and address the Village's concerns. They are going to start with Emery Park first. The building and work plans are being finalized. The units will range from \$295,000-\$470,000 with one and two bedroom units with a lot of nice amenities. Nolen Park will consist of bigger units ranging from \$450,000-\$750,000 with the possibility of a few one million dollar units. The highlights of the building agreement include the need to close West Street from Thorndike to Madisonville Road for 12-14 weeks. It was decided to close the street to handle safety issues with crossing the children to school. Tractor Trailers will be delivering pre-fabricated planks. He thinks it will be safer to have the street closed than have a patrolman directing traffic. The trucks will come in from Plainville Road onto Madisonville and turn left on West Street. A construction worker will guide the truck into the fenced area. After the truck is unloaded it will exit through West Street by Thorndike to Murray and back out on Plainville Road. The sidewalk for the children will be fenced off and open all the time. He has been in contact with the Elementary School and they are going to place the crossing guard on the other side of the street. For the duration of the period after the first 12 weeks they will have West Street one way for approximately ten months. We need to stage the project somewhere and they will do so in an orderly way on West Street. If there is an occasional closure that is out of the ordinary we will hire the Police Department to help with the postings and closings. They will notify residents 48 hours in advance. They will be using one of the apartment buildings that is empty as the construction office. They want to put up a project sign at the corner of West and Madisonville announcing Emery Park and Nolen Park. We want to make sure that the construction workers do not impact parking for Mr. Spinnenweber's properties or the Elementary School parking lot and more importantly the residents. The plan is to use the Village's right-of-way along Murray for the construction workers to park. They own an apartment building along there and he plans to add a parking lot on the grass area to increase the capacity. They plan to use the Community Reinvestment Area again which is already in place. They will use the proper environmental remediation techniques when the buildings are torn down. The dust will be kept to a minimum and the site will be cleaned every evening. The whole perimeter of the construction site will be fenced. He hopes to have construction completed in one year.

Mr. Wolter thanked Mr. Greiwe for making the investment in the community. Mr. Greiwe said he will contact the Fire Department to see if they want to set up any training in the buildings before they are torn down.

Mr. Dan Spinnenweber, 6880 Wooster Pike, was granted permission to address Council. He asked when West Street is blocked off completely how the apartment buildings will be serviced between Thorndike and Madisonville Road. Mr. Greiwe said they will be serviced through Lane K. Mr. Spinnenweber said once the Village establishes the principle of blocking West Street what is going to happen when the school comes and makes the same request to close West Street on the opposite side. Once the precedent is set closing West Street between Madisonville Road and Wooster Pike will hurt his businesses terribly.

Chief Hines said there was no decision to have construction workers direct traffic during deliveries. In fact he said he made it real clear in the meeting that he is not comfortable with construction workers manning the intersection. With it being such an important intersection we need police officers there. He understands that Mr. Greiwe may not be wild about paying for the detail but from a safety standpoint he is not willing to give in on that. Mr. Greiwe said the agreement states if it is determined that it is necessary for safety purposes they will be using a police officer but they are going to cut a deal with their pre-cast company to start deliveries after the children are in school. They can talk about when it would be required to have the police present. There is a provision that the Police Chief can make that determination with the Building Commissioner. Chief Hines said from his standpoint when Jordan Park was under construction there were times when the police needed to be there when they were not. Madisonville Road is a lot more vital and important and to control the traffic by calling the police when we think we need them is not acceptable to him. Mr. Greiwe said there is a section in the Development Agreement which he and the Building Commissioner wrote to give the Police Chief the kind of flexibility he wants. Mayor Policastro said the Police Chief will be in charge and whatever he feels needs to be done is what will be done.

Mr. Spinnenweber said he hopes there is a business district left after all of the construction. If Mariemont becomes an area that is difficult to get in and get out of the lunch business will go away and the rest of the businesses will follow. It is a risk we are taking. He is concerned that you will have your residential buildings

but you will have an empty business district. We have already lost 20% of our occupants in the strand due to the school situation. Mr. Greiwe said during the last project the workers loved having lunch in the Village. He believes the Village will see some economic benefit from the construction workers being in the Village. Mr. Spinnenweber said the Village is setting a precedent by closing West Street and he is worried about what will happen with the school project. Mayor Policastro said we will have to cross that bridge when we come to it.

Mr. Spinnenweber said tomorrow will be four months to the date that we requested the zone on the two lots and to date he has not heard a word on it. Building Commissioner said the Solicitor is in the process of preparing the Ordinance which should be ready for the next meeting.

Mayor Policastro said he has had questions regarding the safety cones surrounding the sinkhole on Madisonville Road. Superintendent Scherpenberg said he contacted MSD who came out and videotaped it last week but he has not heard anything back from them yet. They are aware of the situation and he will follow up with MSD.

Engineer Ertel said he contacted Paul Imhoff with the Elementary School to get their construction schedule. They will start June 2011 with completion by August 2012. The application for the resurfacing of Plainville Road from Chestnut to Murray was originally going to start April 2011. He asked Ohio Public Works Commission if we could delay the funding of the work and project until the school was finished. He was told the project could only be delayed one year. We could delay the work but that would risk losing the grant funding of \$42,000 or we can go ahead and do the work prior to the work being done by the school. He imagines the school work will impact the road in some way but his recommendation is to go ahead and do the work next spring. Mr. Wolter said his feeling is we can do a lot of repair work for \$42,000 and would rather go ahead and get the work done. Ms Sullivan said she feels Council should go ahead with the work. It was unanimously voted by Council to go ahead and do the work in spring 2011.

Mr. Wolter moved, seconded by Mr. Black to pay the bills as approved by the Mayor, Clerk and Chairman of the Finance Committee. Mr. Andrews asked about the bollards for the Village square. Superintendent Scherpenberg said they were to replace the ones that were damaged when a car ran into them. On roll call; five ayes, no nays.

Mr. Andrews said Cincinnati Public Radio asked if the Village would want to participate in the program "Play Me I'm Yours". The pianos have been placed all around the world and they want to place one in Mariemont. The Health and Recreation Committee met to discuss the placement of the piano at the square as opposed to by the theatre. They did not want to offend people who were having dinner at the quarter. He made a motion to place the piano at the square by the fountain beginning the first week in August seconded by Ms. Sullivan. It was voted unanimously by Council.

Mr. Miller moved, seconded by Ms. Sullivan to accept the recommendation of the Finance Committee which met on Tuesday, July 6th in Council Chambers to review the Center for Local Government 2010-11 medical and dental insurance renewal rates provided by USI Insurance. The meeting began at 7:45 p.m. and concluded at 8:20 p.m. Committee members Andy Black and Jeff Andrews were present with Kim Sullivan's absence excused. Clerk Paul Tontillo, Mayor Dan Policastro, Administrative Assistant Joanee Van Pelt, Police-Fire Chief Rick Hines and David Rinderle from USI Insurance were also present. Mr. Rinderle opened the meeting and presented members with the 2010-11 medical and dental insurance rates. These rates are available to the village as part of The Center for Local Government agreement and are as follows: Medical insurance monthly accrual amounts will increase 19.34% and dental insurance rates will increase 2.0%. (Rates are scheduled for renewal on August 1, 2010.) Members accepted Mr. Rinderle's renewal rates with the understanding that these rates will still provide a net savings of \$25,404 to the village when compared to the 2009 medical and dental insurance plans formerly offered by Anthem. Committee members also appointed Mayor Dan Policastro to represent the village on The Center for Local Government Benefit Pool Board for 2010-11. Finally, members voted to provide the first Health Savings Account distribution for January 2011. Clerk Tontillo said we already built in an expected premium rate into the economics when we made the decision back in the spring. The renewal rate is higher than expected but it is still a net \$25,000 savings. On roll call; five ayes, no nays.

Ms. Sullivan moved, seconded by Mr. Andrews to accept the recommendation of the Finance Committee which met on Tuesday, July 6th in Council Chambers to review Fire Marshal Tim Feichtner's 2010 Ambulance Proposal. The meeting began at 7:05 p.m. and concluded at 7:45 p.m. Committee members Andy Black and Jeff Andrews were present with Kim Sullivan's absence excused. Clerk Paul Tontillo, Mayor Dan Policastro, Administrative Assistant Joanee Van Pelt, Police-Fire Chief Rick Hines, Assistant Fire Chief Jeff Travers, Fire Marshal Tim Feichtner and Rick Bell from Life Star Rescue were also present. Mr. Bell from Life Star opened the meeting and presented three options for replacing the existing ambulance, a 1998 Ford E-450 Horton; the first option was a 2010 Ford E-450 Braun Chief XL III demo model with approximately 250 miles. According to Mr. Bell this model (i.e. Braun Chief XL III) is currently in operation at the City of Cincinnati, Anderson Township and Colerain Township fire departments. Fire Marshal Feichtner and Assistant Fire Chief Travers have spoken with officials from other fire departments currently using the Braun ambulance, and because the unit is equipped with a diesel engine the reliability of this model is excellent. Mr. Travers added that reliability is especially important when we consider the fact that the current ambulance, which has over 55,000 miles, has already cost the village over \$7,700 in repairs this year alone. Furthermore because the current ambulance has been out-of-service for several weeks in 2010 the Village has been without an ambulance, where as under the proposal submitted by Mr. Bell the village would now have access to a loaner ambulance program and more accessible service center. Mr. Travers, Mr. Feichtner and Mr. Hines all recommended the demo unit proposed by Mr. Bell. Committee members then reviewed additional options presented in Mr. Feichtner's report: First, build a custom ambulance at

a cost of \$160,000 and second, purchase a new chassis and remount the current ambulance at a cost of \$85,000 to \$110,000. Committee members also reviewed financing options, which included three, four and five-year plans. Committee members unanimously agreed to the following: Purchase the demo 2010 Ford E-450 Braun Chief XL III at a cost not to exceed \$126,000. Committee members also agreed to allocate a sum not to exceed \$8,000 for striping, decals, radio and computer transfer and patient cot. Clerk Tontillo said the proposal would be for Council to pay cash for the entire purchase. We allocated half of the purchase for this year and half for next year. Next year we will need to allocate the other half for the 2011 Permanent Improvement Fund. Mr. Black said the emergency is needed because they are holding the truck for us. Solicitor McTigue said he will prepare the Ordinance for the next meeting. Mr. Wolter asked what the trade in for the ambulance is. Fire Marshal Feichtner said \$7200 which is actually a fair price. On roll call; five ayes, no nays.

Chief Hines said he is waiting for samples and materials for the first floor flooring and when available he will let the Committee members know so they can come view them and look over the proposals.

Mayor Policastro read the following miscellaneous announcements:

Mayor Policastro reminded everyone of the pool party Saturday July 17, 2010

Resolutions:

“Enacting Provisions for Competitive Video Service Authorizations; Establishing Fees, Defining Certain Terms and Authorizing the Mayor or his or her Designee to Provide Certain Notice to the Video Service Providers Offering Video Service in the Village of Mariemont Pursuant to State Authorization” had a third reading. Ms. Sullivan moved, seconded by Mr. Black to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-17-10 was adopted.

Ordinances:

Mr. Wolter moved, seconded by Mr. Black to table “To Amend Section 78.01 of the Mariemont Code of Ordinances Schedule IX and Schedule II Changing the Speed Limit on all of U.S. Route 50 through the Village of Mariemont from 35 mph to 25 mph”. On roll call; five ayes, no nays.

“To Amend Ordinance O-3-09 re: Swimming Pool Passes to Include Student Passes; and To Declare Emergency” had a first reading. Mr. Andrews moved, seconded by Mr. Wolter to suspend the rules to allow for the second and third readings. On roll call; five ayes, no nays. The Ordinance had a second reading. Mr. Andrews said this is an attempt to get student age kids to the pool and for them to have an opportunity to bring their friends. The Ordinance had a third reading. Mr. Wolter moved, seconded by Mr. Andrews to adopt the Ordinance. On roll call; five ayes, no nays. Mr. Miller moved, seconded by Ms. Sullivan to invoke the emergency clause. On roll call; five ayes, no nays. Ordinance No. O-14-10 was adopted.

The meeting adjourned at 9:04 p.m.

Dan Policastro, Mayor

Paul Tontillo, Clerk