

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
OCTOBER 11, 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. Black, Mr. Miller, Mr. Scheeser, Ms Sullivan and Mr. Wolter.

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

Mr. David Zack presented Council with Mariemont Preservation Foundation's Vision 2021 Phase I Plan. The Committee members included: Frank Raeon, Don Keyes, Dick Adams and Millard Rogers. He presented a summary of their findings. He reminded Council of the previous Council's Resolution of support that MPF received in 2009. The Resolution points to the fact that MPF was encouraged to play a proactive role in creating a roadmap which upon adoption could be used to help guide Mariemont's future during the next 20-25 years. MPF recognizes that a meaningful comprehensive Vision Plan must not only involve elected officials but must also be enthusiastically supported by them. The Resolution states that Council supports the efforts of the Mariemont Preservation Foundation to create a Vision Plan which involves Village residents, local organizations, local business people, local property owners, local public elected and appointed officials, Village Staff, local school officials, Board of Education members, students attending Mariemont schools and persons which live outside of the Village but have an interest in being involved in helping create a long term vision for Mariemont. They met with several groups including ARB, Boy Scouts, Eastern Hills Chamber of Commerce, Kiwanis, MariElders, Mariemont Civic Association, Mariemont Community Church, Mariemont Tennis Association, Parks Advisory Board and the Planning Commission. They also met with several large property owners, current and former elected officials and several previous advisors to the Village Council. They created a questionnaire which included: (1) Questions, endorsements, issues, needs and concerns of those in the Village (2) What people perceive as the strength and weaknesses of Mariemont (3) If people felt the preservation and continuation of the Town Plan by John Nolen was of importance (4) What can be done to improve the quality of life in Mariemont (5) What is most memorable about Mariemont. From the questionnaire they came up with a number of themes which is identified on page three of the Vision Plan of the 21 priorities. Four of the priorities are included in the document which was designed to be used for open discussion. They would like to have a Committee of the Whole meeting scheduled to discuss further the contents of the document.

Ms. Sullivan said this is an excellent start and feels it really captures some of the spirit of the Village. In recent Council discussions they have discussed the deep need for an economic initiative. She is hopeful that Council and MPF can work together. Mr. Zack agreed citing that it is of mutual interest.

Mayor Policastro said he is putting together an Economic Development Committee with different citizens, merchants and Village organizations. Ms. Sullivan begged to differ and it was clear among Council that Council wanted to be part and have ownership of the economic development plan. It was not to be an Ad Hoc Committee but an actual Committee of Council. Mayor Policastro said he will make that decision when the time comes but in the meantime he is putting together this group of important people in the Village that will serve on the Committee.

Mr. Black asked how the list is being developed and indicated that he wished Mr. Andrews was present. Mayor Policastro said Mr. Andrews wants to be a part of the Committee and he will, as well as all of Council. He definitely would want Mr. Spinnenweber and Mr. Greiwe on the Committee. It should also include the Building Commissioner, Carl Stich, Chairman of the Planning Commission, and most of Council. It should be a group that will look at things that the Village can do. One thing that we are really going to have to look close at in the next year is Dale Park Jr. High School. We need to figure out where to go with it because it is a great opportunity. It would certainly help out in the Historic District which is his number one thing right now. If we can take that building and find an architectural firm perhaps we can do the same at the school as what was accomplished with the Barn. He believes the list will include 12 people.

Ms. Sullivan said she disagreed and again stated it should be a Committee of Council who would invite other members of the community to the meeting but the ownership should be Council's. Mayor Policastro said he agrees to disagree. He believes it is important for people in the Village to get involved in this. All information from this body will go to the correct Council committee and of course Council will make the final decisions.

Mr. Black asked what will be the overriding objective of the Economic Development Group. Mayor Policastro said he wants the people to come up with the plan. Mr. Black asked if MPF's Vision Plan will be part of the Economic Development Committee or is it going to be 'as opportunities' come up. He asked if this would be a reactive Committee. Mayor Policastro said this group will have to search out and find ways to change - we only have about three acres of open land. We have to find areas where we can do things. He is working with Jack Hodell and the library regarding the land behind the library and possibly putting in an office building and bike trail.

Ms. Sullivan asked if Council could make a motion to create a Committee of Council. Solicitor McTigue said yes. Right now our Code of Ordinances has the number of Committees that we have established. If Council decided to add a Committee they would have to amend the Code of Ordinances to create a 7th Committee.

Mr. Wolter said it is important to have people who have skin in the game on this Committee and also people who are visionaries. It should also include individuals who put the Vision Plan together. All of the perspectives need to be part of this. Mayor Policastro said we can have a Committee of Council but we also have to have a Committee of the people that have the resources to do things in the Village.

Ms. Sullivan said someone has to have the vision and be responsible for it. A collective Committee of the Village cannot be responsible for that vision. She would like to take the document from MPF and go through bullet point by bullet point and discuss in Council where it belongs in our economic development.

Mr. Scheeser said MPF has talked to anyone who would listen so they have been able to compile a broad base vision plan. He believes Council already has the roadmap. He is in favor of putting a Committee together of Council. The people have spoken and he said we should use the vision plan as a starting point.

Mr. Zack said there is a lot of opportunity in the Village, especially in the Historic District. Natalie Lucas, Treasurer for Mariemont Schools, wants MPF to form a Committee to address the issue of Dale Park. Mayor Policastro said that is a number one project. He would like to see MPF find grants for the owners in the Historic District.

Ms. Sullivan made the motion to create a Committee of Economic Development within Council. Mr. Scheeser seconded. Solicitor McTigue said the motion would need to amend the specific section of the code to create a 7th Committee of Council. He stated that anything that MPF or an Ad Hoc Committee would do no decision would ever be made until it is presented to Council. He is not sure a 7th Committee is needed.

Mr. Black said he believes Council should first start with a Committee of the Whole meeting. The issue of adding/retiring a Committee can be addressed. It is the best first step. Mayor Policastro said we need to go over the Vision Plan because a lot of what is in there is not going to happen. It is important to have the people weigh in and help us obtain those goals. Mr. Scheeser said if you look at the list of people who participated those people are the same people who created the priorities listed in the Vision Plan. Ms. Sullivan said you cannot hand select the people we want to participate. People have spoken and that is why she feels Council should now take ownership.

Mayor Policastro said it will be important to see what type of plan Mr. Spinnenweber puts together before Council can do anything on the square. He is also concerned that we may lose the theater which is something he does not want to lose. He would like to add more screens and parking. A lot of things are coming together and we need to take it step by step.

It was agreed that the first step would be to refer the matter to the Committee of the Whole. Mr. Zack said MPF is working on a timeline pursuant to grants so at the meeting a timetable will need to be established.

Mr. Scheeser moved seconded by Mr. Wolter to accept the minutes as written for September 27, 2010. On roll call; five ayes, no nays.

Mayor Policastro read the following e-mail dated October 10, 2010: "Dear Chief Hines: Just wanted to compliment the crew of FF Lewis and PM Hurley for an exceptional job well done. They brought a patient with a neurological complaint to Jewish Hospital on 10-7-10. Their ambulance was clearly and legibly written and their assessment was one of the most thorough I have ever seen. They documented a good solid stroke exam that would make any physician proud. They clearly take a tremendous pride in their work and it shows. The patient likewise shared with me how satisfied he was with the crew and how professional they were. Please encourage them to keep up the good work. Sincerely, Baruch Fertel". Mayor Policastro said it shows the positive leadership our fire department now has.

The following communications were read by Mayor Policastro:

From Superintendent Scherpenberg: September 2010 Monthly Report. Mr. Scheeser asked about leaf season and if there was any flexibility in the schedule. Superintendent Scherpenberg said the main reason leaf season was pushed back was due to the fact that the department has to water the trees due to the summer drought. If we get significant amounts of rain we can possibly move the start date forward. There is only a two week difference in the start date presently. The leaf vacuums are ready to go and Minute Men are lined up as well. He does not see a major problem starting later - the majority of the leaf pickup is in the 3rd-5th week.

Mr. Black commented that he had an offer to drag the ball fields. Superintendent Scherpenberg said presently the schools use their own fields. He gets a schedule from the Recreation Association and tries to coordinate accordingly. Once the season stops they really do not do anything. The Recreation Association does all the fertilizing and seeding.

Superintendent Scherpenberg said the new trees are doing well. They lost one tree in Hopkins Park and one on Beech Street that is questionable. Natrop's is to come and look at all the trees.

From Building Commissioner Malone: September 2010 Monthly Report

From Tax Administrator Judd: September 2010 Monthly Report/Waste Fee Collection Report

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

From Hamilton County Auditor: 2nd Half Inheritance Tax Settlement \$63,757.68. Mayor Policastro said we budgeted \$250,000 and all together we collected approximately \$314,000. We need to remember the State Senate and House of Representatives are working to eliminate this tax. Clerk Tontillo said for the current year this is a nice bonus for our budget. This year's amount is still in the range that we have seen over the years. \$250,000 is a nice average but we cannot bank on high inheritance tax to fund deficit spending.

From Building Commissioner Malone: Memo dated October 2, 2010 re: Lights in the Old Town Center. Mayor Policastro said he and the Building Commissioner went to look at the lights. He referred the matter to the Public Works and Service Committee. He is hoping the Committee can get some estimates and work with the Building Commissioner. Once we know what the cost will be he is hoping to get a letter to the Emery Memorial to see if they would help with the expense. Ms. Sullivan said she did not realize that the Mayor was going to speak with the Building Commissioner regarding the matter. She contacted Chief Hines and asked him to look from a safety point of view to see what he thought was needed. She appreciates the Building Commissioner's work however she does have a concern that 16 new lane lights and 20 new street lights would flood the Historic District and it would be Paul Brown Stadium. People move to the Historic District for the ambiance and she does not think we need to flood the area with light. She believes we need to strategically place lights. Moving forward she would like to work with a lighting expert and the police chief to find good safe lighting. Mayor Policastro said the lights that are there are historic type lights and do not produce much light. Ms. Sullivan said you have to be mindful that it is a gaslight area. Mr. Scheeser said what is being proposed is fifty percent more candle power. He said it is going to be a high cost and the thought was to nibble at it year by year and work our way towards our goal. We might get to a point when we say we have plenty of lights and we don't want to overdo a good thing. Ms. Sullivan said we need to be mindful of the character of the area while adding additional safety. Mr. Wolter said the first thing to be mindful of is the safety. If there is an inconvenience because there is more light that would be better than having a safety issue. We should rely on the police chief's input. Ms. Sullivan said it is a fine line that we need to walk on this project.

From Terry Gaines: Letter dated September 22, 2010 re: Intent to Retire December 31, 2010.

From Frank Uehlin: Letter dated October 1, 2010 re: Thank you for Oktoberfest Block Party

From Mayor Policastro: Letter dated October 8, 2010 re: Response to letter received from Frank Raeon

Mr. Scheeser moved, seconded by Mr. Black to pay the bills as approved by the Mayor, Clerk and Chairman of the Finance Committee. Mr. Black said he noticed the payment for the deductible for the lawsuit. Mayor Policastro said we have reached the \$10,000 coverage for attorney fees. From here on out we will have to pay any additional attorney fees. On roll call; five ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Beggar's night will be Sunday October 31, 2010 from 6:00 p.m. to 8:00 p.m.

Leaf pick up will begin Monday November 1, 2010 and will end Monday December 20, 2010.

Tree Lighting Ceremony/Luminaira will be Saturday December 4, 2010 5:30 p.m.- 8:00 p.m.

Resolutions:

"To appoint Lisa Gordon as a Member of the Parks Advisory Board to fill the unexpired term of Mike Benson for the calendar years of 2010 and 2011" had a second reading.

"To appoint Darla Michaels as a Member of the Parks Advisory Board for the Calendar Year 2011" had a first reading.

"To appoint Don White as Magistrate to fill the unexpired term of Terry Gaines for Calendar Year 2011; To set Compensation" had a first reading. Mr. Scheeser asked for a resume. Solicitor McTigue said Don White's bio is pretty impressive and the Village is lucky to have him as a replacement for Terry Gaines.

"To accept the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor; and to declare emergency" had a first reading. Mr. Miller moved, seconded by Mr. Black to suspend the rules to allow for the second and third readings. The Resolution had a second reading. Clerk Tontillo said this is an annual process we go through. We receive from the county auditor the amounts we should expect as tax revenue for 2011. The County presents to us what they think we will get and we have the opportunity to check and review and confirm that is what we are expecting. We have to submit a Resolution to the County indicating that this is what we expect to receive. He reminded Council that we will have three years in a row of levy renewals beginning in 2011. The Resolution is due to the Auditor by mid-October. The Resolution had a third reading. Mr. Wolter moved, seconded by Mr. Scheeser to adopt the Resolution. On roll call; five ayes, no nays. Ms. Sullivan moved, seconded by Mr. Wolter to invoke the emergency clause. On roll call; five ayes, no nays. Resolution No. R-20-10 was adopted.

Assistant Chief Travers said in recognition of breast awareness month he purchased a helmet with his own money and asked for everyone to sign it. Donations are accepted. He has received approximately \$400 so far. He will post it on E-bay and all proceeds will go to breast cancer survivors. Also, the department is purchasing pink t-shirts out of their own money to support breast awareness month. They plan to wear them the rest of the month.

Ordinances:

“Ordinance amending Chapter 151, Appendix A, of the Mariemont Zoning Code” had a third reading. Mr. Black moved, seconded by Mr. Miller to adopt the Ordinance. Mr. Scheeser said he wanted to preface his no vote by saying Mr. Wright spoke to Council at the last meeting and he believes exceptions are dangerous. If this contingency zoning is the right thing to do then it should go to Rules and Law Committee and rewrite the zoning code. He is also going to vote no due to the precedent it would set. He believes this will open the Village to questions of unfair treatment. Mr. Spinnenweber is a pillar part of the community and a good developer but he feels we are opening ourselves up to undue distractions. Mayor Policastro said Mr. Spinnenweber has done so much for the Village and he knows whatever plan he comes up with he will work with the Village and he will have respect for the neighborhood. On roll call; four ayes, one nay. (Mr. Scheeser dissenting) Ordinance No. O-20-10 was adopted.

“To amend Ordinance No. O-5-04; To increase membership in the Parks Advisory Board from seven members to eight members and to have said Board report to the Mayor” had a second reading.

“To amend Section 51.17 of the Mariemont Code of Ordinances, fees for garbage and refuse pick up” had a third reading. Mr. Scheeser moved seconded by Ms. Sullivan to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-21-10 was adopted.

“To amend Mariemont Code Section 78, Schedule III of the Mariemont Code of Ordinances” (Nolen Circle) had a third reading. Mr. Wolter moved, seconded by Ms. Sullivan to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-22-10 was adopted.

“An Ordinance authorizing application and contracting with the Ohio Public Works Commission” had a third reading. Mr. Miller moved, seconded by Mr. Scheeser to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-23-10 was adopted.

“Authorizing the purchase of new breathing apparatuses and turnout gear for the Mariemont Fire Department using the State of Ohio Purchasing Program; To declare emergency” had a first reading. Mr. Wolter moved, seconded by Mr. Miller 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. Wolter said there was a Safety Committee meeting regarding the progress of the Fire Department. He asked what would best be done for attitude improvement in the department and Assistant Chief Travers immediately responded they have to have good equipment. We will not get good people to work here without it and we are putting our fire personnel at risk. He feels this is a major priority. Instead of 10 sets we will be getting 13 sets and we should expect them within 3-4 weeks. The Ordinance had a third reading. Mr. Wolter moved, seconded by Mr. Scheeser to adopt the Ordinance. On roll call; five ayes, no nays. Mr. Scheeser moved, seconded by Mr. Miller to invoke the emergency clause. On roll call; five ayes, no nays. Ordinance No. O-24-10 was adopted.

The meeting adjourned at 8:23 p.m.

Dan Policastro, Mayor

Paul Tontillo, Clerk