

**MINUTES OF THE COUNCIL  
VILLAGE OF MARIEMONT, OHIO  
REGULAR MEETING HELD IN COUNCIL CHAMBER  
SEPTEMBER 13, 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. Miller, Mr. Scheeser, Ms Sullivan and Mr. Wolter.

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

Mr. Andrews moved seconded by Mr. Miller to accept the minutes as written for August 23, 2010. On roll call; four ayes, no nays. Ms. Sullivan abstained.

The following communications were read by Mayor Policastro:

From Police Chief Hines: August 2010 Monthly Report. Mr. Wolter commented that another car was broken into while it was parked beneath a street light. While residents were surprised that the car was broken into right under the street light the problem is the rest of the area is so poorly lit that criminals will feel safe if they can move away from the street light because they become difficult to see. He suggested that we take a look at the lighting in the Historic District area. We could encourage the residents to leave on porch lights both front and back. Ms. Sullivan said a lot of the units do not have any porch lights. Mr. Wolter said the streets that need lighting are Maple and the alleys behind, Oak and Chestnut. Mayor Policastro said he would check with Duke Energy. They may put the lights in and the Village pays the electricity or if they do not pay for them, he is not sure we can afford to do it right now. He asked the Building Commissioner if Duke would bring in historic looking lights. Building Commissioner Malone said he did not know but if it is more expense to them he does not believe Duke would. The lights Rick Greiwe put up at Jordan Park were approximately \$2500. He said ARB would need to be involved. Mayor Policastro said once he gets some answers he will assign the matter to the Public Works & Service Committee. Treasurer Borgerding said the funds could come out of the Street & Highway Fund. Clerk Tontillo said the Village receives approximately \$100,000 per year.

From Assistant Fire Chief Travers: August 2010 Monthly Report. Mayor Policastro said Assistant Chief Travers has been doing inventory and found that we have some problems with our air bottles. It is very important that we do something as soon as possible because if we had a fire it could be a real problem. Assistant Chief Travers said the problem was noticed this past Saturday while doing May Day joint training. The purpose of May Day training is to help find someone who has gone down and the procedures to get them out. During the training one of our firefighters had a malfunction in their mask which could have resulted in a perishable situation. The present equipment needs to be destroyed in 2011. The last service date was June 15, 2005. They need to be serviced annually. It is scary when you put people in harm's way without the proper equipment. They need to be bench tested every year and service tested on an annual basis. He cannot explain why it was not done in the past. National Fire Protection Association mandates that aluminum bottles be hydrostatically tested every five years. They are only good for 15 years from the date of manufacture. We put the equipment into service in 1997 but they were manufactured in 1996. Three of the packs the Village did not pay for but instead got them from Springfield Township. A lot of places put a plan in place where they purchase a few each year. Clerk Tontillo reminded Council of the Permanent Improvement discussion. At the recommendation of Matt Morgan Council did set aside money for ten bottles this year out of the fleet of 15 at approximately \$75,000 and 10 sets of turn out gear at \$20,000. His point is we are not starting out with a blank sheet of paper. There has been a significant amount of money budgeted. Assistant Chief Travers recommended using MSA because that is what the contiguous departments use. Mayor Policastro referred the matter to the Safety Committee. Chief Travers said application was submitted in May for grant money for the purchase. He is also going to submit a 4.5 million dollar facility grant. Mr. Scheeser suggested putting equipment like this on a staggered plan. Assistant Chief Travers suggested that Council continue to set aside money each year for these large purchases. Clerk Tontillo said it is no different than what Council has done in planning for the new ambulance and fire truck. Assistant Chief Travers pointed out that he did update the correction in the Vision Mission.

From Superintendent Scherpenberg: August 2010 Monthly Report.

From Building Commissioner Malone: August 2010 Monthly Report. Mr. Scheeser asked if we are seeing more activity than a year ago. Building Commissioner Malone said Emery Park will bring in a major amount of permit fees in addition to the three major renovations/additions going on in the Village. But overall construction in the Village is flat. Mr. Andrews asked if this increase would help with the Village deficit. Clerk Tontillo said the permit fees are credited to the General Fund but they are not a big enough line item. He cannot tell if it is a net help to our deficit.

From Tax Administrator Judd: August 2010 Monthly Report/Waste Collection Report

From Swim Pool Manager Beck: August/September 2010 Monthly Report

From Mariemont Preservation Foundation: Meeting Minutes June 24, 2010

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

From Dusty Rhodes: 2<sup>nd</sup> Half Real Estate Tax, Permanent Improvement Tax, EMS Tax, MariElders Tax. Clerk Tontillo said he and the Treasurer are going to go over and reconcile the amounts against what was expected. They were in the ballpark but looked slightly lower than what we received in the spring. Treasurer Borgerding said sometimes the Auditor holds some funds back and sends a second check in the fall. Clerk Tontillo said it is of specific interest to him because over the next several meetings he will be coming to Council with the legislation that confirms our understanding of next years receipts for 2011.

From Mariemont Parks Advisory Board: Meeting Minutes September 1, 2010

Mayor Policastro said he talked with Louise Schomburg, President of the Mariemont Parks Advisory Board, and informed him that Mike Benson has resigned his appointment. He would like to appoint Lisa Gordon to replace him. In addition, she recommends increasing the Board to eight members. Darla Michaels would also like to be part of the Board. Ms. Schomburg does the majority of the physical work and she could use some help. Council did not have a problem with increasing the Board to eight members. We will have to change the legislation.

Mr. Jerry Vianello, 6570 Wooster Pike, was granted permission to address Council. He said there has been some discussion on the proposed roundabout. He can see how some people would like to have it but he is concerned how a roundabout is going to help the situation at all. He sees it more as openings to roads that currently exist. It would also entail a lot of property the Village would have to give up. With everything Council has done to reduce spending it is very costly. It might be a good idea in concept but when you put it into play with the cost he would encourage Council to really take a hard look at it before you spend money that is needed elsewhere.

He said he provided some information to Mr. Wolter regarding the speed/safety issue on Homewood Road. For clarification the number of children on the street includes four college students. Mr. Wolter thanked Mr. Vianello for all the work he has put into this. There was a meeting to put together a plan on what to do with the entire traffic situation on the north side of Wooster Pike using Homewood Road as a model. They came up with a lot of great ideas. He is planning on having a Safety Meeting and then bringing the ideas to Council. Mr. Vianello brought him a schedule of homes, driveways, number of cars, number of young children and the topography of the homes. They are trying to put together criteria to figure out what streets have the most critical need for attention. His gut feeling is if Council puts into place some of these ideas we will probably end up doing them on most of the streets. If it enhances safety let's do it to make them as safe as we can within reason of cost and the imposition of the passage of traffic. It will take some time.

Solicitor McTigue said the Ordinance referring to the installation of the stop signs will need to be amended to enhance the safety at Homewood and Hawthorne not to reduce speed. The same will apply with the Ordinance for stop signs on Nolen Circle. It is against the law to install stop signs to reduce speed but they can be put up to enhance safety.

Mr. Vianello asked if the intention was to put the parking restrictions back when the stop signs are uncovered. He asked if the foliage would be cut back as well. Superintendent Scherpenberg said the curbs will be painted yellow 25' from the stop sign. Mr. Wolter said the topic of foliage will be discussed at the Safety Committee meeting.

Ms. Sullivan moved, seconded by Mr. Scheeser to pay the bills as approved by the Mayor, Clerk and Chairman of the Finance Committee. Mr. Scheeser asked if the Village would be reimbursed for the damage to the fire hydrant. Mayor Policastro said we will be reimbursed by the insurance company. Mr. Andrews asked about the alterations to the stairs on Pocahontas. Mayor Policastro said that is for the ramp next to the steps and we should be reimbursed by Mrs. Prevey. On roll call; five ayes, no nays.

Mr. Wolter moved, seconded by Ms. Sullivan to accept the recommendation of the Health & Recreation Committee which met on Thursday, September 2, 2010 to review the Village trash ordinance and program. In attendance were Committee members Kim Sullivan, Cortney Scheeser and Jeff Andrews. Also in attendance were Clerk Paul Tontillo and Tax Administrator Darlene Judd. After discussion the **Committee recommends:** 1. Maintain the current requirement that each bag or container of trash shall not exceed 32 gallons or 50 pounds of weight. 2. Revise the ordinance in the following areas: A. section 51.03 - remove the words "galvanized iron" B. section 51.04 - remove the sentence "Before being deposited in waste containers, parcels of household garbage shall be drained of moisture and wrapped in paper or other combustible material." C. section 51.17 part A - Change the word "apartment" to "unit" so as to read "...and a \$45 annual service fee for each householder occupying a unit in a building which has multiple dwelling units that are serviced at a common collection point..." D. section 51.17 part A - Modify the sentence "This section shall not apply to the businesses in the village." to clarify "businesses" as non-householder or nonresidential businesses. The Committee requests this recommendation be approved by Council. Mayor Policastro asked if we are going to leave it at 32 gallon cans what we are going to do with the larger cans out there. Clerk Tontillo said the idea is one of education reminding people of compliance. It can be done through multiple means such as the Mayor's Bulletin and the Village website to remind people of the 32 gallon container. If people choose the convenience of a bigger can they can put two stickers on the can. Mr. Andrews said they did not have any data to say what Rumpke's limit is or what was allowed. Mr. Andrews said the standard trash can is 32 gallons. The toters hold 64-96 gallons and the cans

you can purchase at Home Depot are 44 gallons. The question the Committee had was what weight the larger cans hold. If data supported that 44 gallon cans are not over the 50 lb limit they would not have a problem changing the size of the can. The Committee was not against going with a larger can but they felt they did not have enough data information to make a change to the regulations. Mayor Policastro said the weight is not so much the issue as the size of the can. Mr. Scheeser said this could be a topic of discussion at the proposed education class about trash/compost/recycling. Mr. Andrews suggested getting Rumpke's advice and input. Solicitor McTigue suggested having the first reading of the Ordinance and he will prepare an amended Ordinance to be read at the next Council meeting. Clerk Tontillo said by educating residents they will know what the fairness issue is. Mr. Wolter said the precarious issue is enforcement would be done by those picking up the garbage. He believes if the can is too heavy to lift the can will simply be left. He believes the enforcement issue may be difficult. Mayor Policastro said we are doubling the cost of the sticker and would like to give the residents a break by allowing them to have a larger container. Clerk Tontillo said the current stickers say 32 gallons which would mean we would have to reprint stickers. Mr. Andrews said that is a good point and we need to be consistent. He asked how many stickers were in inventory. Clerk Tontillo said he would find out but he thinks we have a couple months worth. Mr. Andrews said right now if someone has a trash can larger than 32 gallons they should be putting two stickers on it or the Village should find a way to hold them in compliance. We cannot legislate compliance - it has to be done by personnel in the Village. Whatever gallon number you have there are going to be those who have cans over that size. How are you going to police that? It is a percentage of what householders are breaking the rule. Mayor Policastro said we will talk to Rumpke and get their feedback on what the average size of the can is. Mr. Andrews said 2a and 2b are intended to just clean up the Ordinance. 2c is driven by the common collection point therefore the lower fee. D is meant to clean up the whole question of who pays. The definition of a householder is clear in the Ordinance. The one sentence that says this section shall not apply to businesses in the Village is what has lead to a lot of confusion. This is meant to clean up that sentence. On roll call; five ayes, no nays.

Mr. Andrews moved, seconded by Mr. Miller to accept the recommendation of the Finance Committee which met on Thursday September 2 to review the Tax Department's request for a new server. The meeting began at 5:55 p.m. and concluded at 6:05 p.m. Present were Committee members Jeff Andrews, Kim Sullivan and Clerk Tontillo. The Committee reviewed the recommendation of Creative Microsystems Inc. (CMI) to provide and install a new Dell Workstation to replace the existing server, which has been in-service and under warranty for five years. After reviewing CMI's recommendation and the analysis prepared by Mr. Andrews members voted unanimously to authorize the renewal of a 12- month service warranty at a cost not to exceed \$500. Also, members recommend hiring InTrust Group, an IT consulting firm that currently works with CMI and other local municipalities to assist in the development of a more simplified, secure and cost-effective IT infrastructure strategy. Mr. Scheeser commented that he is good friends with the President of InTrust Group. Solicitor McTigue suggested that he abstain from the vote. Mr. Miller said hats off to the work that Mr. Andrews did. Clerk Tontillo said the important thing coming out of this is we are all aligned to the guiding principles. We are absolutely not going to give any sacrifice whatsoever on privacy. Privacy will be airtight through whatever proposal and whatever legal statues are also going to be a top priority. There are a lot of improvements that can be made and he believes InTrust Group will find a lot of opportunities to improve while not having to sacrifice a bit on anything. Solicitor McTigue said absolutely privacy is job number one. Clerk Tontillo said this is being done everywhere and the experts are going to come in and show us how to do it effectively, safely, securely and confidentially. On roll call; four ayes, no nays. (Mr. Scheeser abstained).

Mr. Scheeser apologized to Mr. Wolter for going off half cocked at the last Council meeting. He sprung an idea on the group not knowing that it would be uncomfortable and inappropriate. After stepping back and watching the video and reading the article in the Eastern Hills Journal he came across in a way he did not intend. The last thing he wanted to do was upend Mr. Wolter's process. He apologized for any distress. Mr. Wolter thanked and accepted Mr. Scheeser's apology. It is indicative of the quality of people we have in our Committees and our Council.

Mayor Policastro read the following miscellaneous announcements:

Barbeque at the Barn Saturday September 18, 2010 6:30 p.m. - 10:00 p.m.

Resolutions:

"To Appoint Ruth Varner as a Member of the Parks Advisory Board and to Fill the Unexpired Term of Bev Kranitsky for the Calendar Years 2010 and 2011" had a second reading. Mayor Policastro said she is very knowledgeable and holds a Masters Degree.

"Resolution Concerning Flood Prone Areas and Intent to Participate in the National Flood Insurance Program" had a first reading. Assistant Fire Chief Travers said the review process for FEMA grants is not due until the end of October. Solicitor McTigue said he will add the necessary language to the Resolution so it can be passed on an Emergency basis at the next Council meeting.

Ordinances:

"An Ordinance Authorizing an Agreement Between the Village of Mariemont and the Board of Hamilton County Commissioners Relative to the Rehabilitation of Plainville Road from Chestnut Street to Murray Avenue" had a third reading. Ms. Sullivan moved, seconded by Mr. Andrews to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-18-10 was adopted.

“To Amend Mariemont Code Section 78, Schedule III of the Mariemont Code of Ordinances” had a second reading. Mr. Wolter moved, seconded by Ms. Sullivan to amend the language to read ‘to determine the best alternatives to enhance the safety on Homewood Road’. On roll call; five ayes, no nays.

“To Amend Section 51.17 of the Mariemont Code of Ordinances, Fees for Garbage and Refuse Pick Up” had a first reading. Solicitor McTigue said he will incorporate the changes recommended by the Health and Recreation Committee for the second reading at the next Council meeting.

“To Amend Mariemont Code Section 78, Schedule III of the Mariemont Code of Ordinances” had a first reading. Mr. Wolter moved, seconded by Mr. Andrews to amend the language to read ‘to determine the best alternatives to enhance the safety on Nolen Circle’. On roll call; five ayes, no nays.

“An Ordinance Authorizing Application and Contracting with the Ohio Public Works Commission” had a first reading.

The meeting adjourned at 8:39 p.m.

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Dan Policastro, Mayor

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Paul Tontillo, Clerk