

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
JANUARY 14, 2013**

Mayor Policastro called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the flag. The following Council members answered present to roll call: Mr. Andrews, Ms. McCarthy, Mr. Miller, Mr. Scheeser, Mr. Stelzer and Mr. Wolter.

Ms. McCarthy moved, seconded by Mr. Scheeser to approve the minutes as written for December 26, 2012. On roll call; five ayes, no nays. (Mr. Andrews abstained due to absence)

The following communications were read by Mayor Policastro:

From Police Chief Hines: December 2012 Monthly Report. Mr. Wolter said he would like for Council to consider filling the position of the 10th Police Officer. The department has been short for three years. The budget from last year turned out better than expected and he believes we will be able to maintain that in the future. Police Chief said it has been a struggle and has caused staffing problems. Mayor Policastro referred the matter to the Finance Committee.

From Assistant Fire Chief Feichtner: December 2012 Monthly Report

From Superintendent Scherpenberg: December 2012 Monthly Report/2012 Annual Report. Mr. Scheeser complimented Superintendent Scherpenberg on his annual report. Mr. Wolter thanked the Maintenance Department for picking up the honeysuckle that was cleared from the Beech Grove. We are getting rid of the honeysuckle and Kudzu Vine so the Beech Trees will be able to get light and grow. Mr. Andrews thanked the Maintenance Department for cleaning up the accident in the median at Wooster Pike and Indianview.

From Building Commissioner Malone: December 2012 Monthly Report/2012 Annual Report

From Tax Administrator Judd: December 2012 Monthly Report/December 2012 Waste Report/2012 Annual Report

From Police Clerk Maupin: Mayor's Court Statement November 2012

From Superintendent Scherpenberg: Memo Dated January 4, 2013 re: Bids for Outsourcing Mowing and Trimming 2013. He said the State changed the amount for going out to bid which allowed us to "soft bid" the contract eliminating the need for formal bids and the cost of advertising. He met with Mr. Scheeser, Chairman of the Public Works & Service Committee, and sent requests to contractors who we have already dealt with. We received bids from Grass Cor, Blue Sky, Lawncapers and Swisher Landscaping. He recommends going with Grass Cor who had the contract in 2011. Mr. Scheeser moved, seconded by Mr. Miller to accept the Bid of Grass Cor of \$42,720. On roll call; six ayes, no nays. Solicitor McTigue said he will prepare the contract which will include two one-year options.

From Hamilton County Municipal League: Membership Meeting Notice January 29, 2013

From Clerk/Treasurer Borgerding: December 2012 Monthly Report. Mr. Andrews said last year the decision was made to push some expenses into the next year and asked if that was done again. Clerk/Treasurer Borgerding said yes it was the same process. We have four quarters of expenses with disbursements. The same bills were left unpaid as they were last year. He will have the annual report prepared for discussion at the next Council meeting.

From Engineer Ertel: Memo Dated January 10, 2013 re: Street Rehabilitation. Mayor Policastro said last year we did not get the bid process out till March and he is hoping to get it out earlier this year so we get more competitive bids. Engineer Ertel said included in the packet is the recommendation for work to be done for 2013. It includes Cambridge Avenue from Rowan Hill Drive to Grove Avenue and Mariemont Avenue (Industrial) from Trade Street to Railroad and Railroad to East Terminus. Last year it was recommended, but not added to the list, to add a new sidewalk at Wooster Pike - East Street to Indianview. In addition, there was a manhole out of alignment at Springhill and Wooster Pike which he plans to add to the list of work. He estimates it should be \$4,000. Ms.

McCarthy said there is a hole in the sidewalk going towards Dale Park parking lot. Engineer Ertel said if it is just one piece of concrete - the Maintenance Department should be able to repair it without putting it on the bid list. Mayor Policastro said he hopes this spring to put a plan together for the south part of Pocahontas Avenue which is a mess. He wants to get everyone on the street together and figure out what we can do with the drainage problems. He is going to ask the Engineer to put the plan together. Mr. Scheeser said he sent the Engineer an e-mail about the section of Murray Avenue by the Trolley Turn Around Park and putting in a sidewalk on the south side of the road. Mayor Policastro said that should go under the Safe Routes to School project. He said 8 years we tried to put in a sidewalk but met with opposition because the residents in the area park along there. Mayor Policastro said he would like the Committee to meet to discuss the recommendations so we can pass the Ordinance to go out to bid as quickly as possible. Last year we only got three bids where we usually get six or seven. Clerk/Treasurer reminded Council that we usually only bring in \$120,000 in the Street Fund a year so to do all this work would require using funds from the Permanent Improvement Fund.

Ms. McCarthy said she has had a couple of residents come to her with thanks regarding reviewing the property code. It was asked if Rules and Law could take up the issue of animals running at large and certain parking issues to give the police more power and hit people in the pocket book. Mayor Policastro said we already have ordinances in place and it is hard to prove roaming animals. Solicitor McTigue said if Ms. McCarthy wants non-property code issues addressed to put something in writing to the Mayor asking that it be referred to a Committee of Council at the next meeting.

Mr. Miller moved to nominate Mr. Stelzer as President Pro-Tem of Council. Over the last few months he has demonstrated outstanding work. He is very deserving based on his work on improving our park in the lower 80 acres. More people are using it now than ever before. In addition, his work, time and effort on the part of all of Mariemont on the Eastern Corridor have been exceptional. Mayor Policastro dittoed those remarks. Mr. Andrews seconded the motion, even though he feels there are several people who are deserving but he would agree with the remarks of Mr. Miller. On roll call; six ayes, no nays. Mayor Policastro said Mr. Stelzer goes downtown quite a bit for meetings on the Eastern Corridor and he thinks it would be give him more clout being Vice-Mayor.

Ms. McCarthy moved, seconded by Mr. Scheeser to adopt the Annual Appropriation Ordinance. Clerk/Treasurer Borgerding estimated a five percent increase over last year. On roll call; six ayes, no nays.

Mr. Andrews moved, seconded by Mr. Miller to pay the bills as approved by the Mayor, Chairman of the Finance Committee and the Clerk. On roll call; six ayes, no nays.

Mr. Andrews moved, seconded by Mr. Miller to accept the recommendation of the Safety Committee which brought the next five streets into compliance with Ohio Fire Code Appendix D, sections D101.1 thru D103.6.2 to insure safe access and egress for emergency equipment, per a Committee Report passed by Council on December 10, 2012. The streets are: (1) Cachepit Way - Install "No Parking" signs on east side between Mt. Vernon and Miami Bluff, paint corners of curbs at intersections to state standards for parking setback. (2) Murray between West Street and Grove Avenue - Due to the absence of curbs full length on both sides of the street, install three "No Parking here to Corner" signs, two at the intersection of West and Murray and one on the north side of Murray at the intersection of Grove. Also, install two "No Parking" signs on the north side of Murray. (3) Murray between Rowan Hill Drive and Lytle Woods Place - Due to the absence of curbs, a "No Parking" sign will be installed in the center of the block on the west side of the street and four "No Parking Here to Intersection" signs will be installed for the east and west sides of the street at all intersections. (4) Pocahontas (south side of Wooster Pike) - Due to the absence of curbs, two "No Parking" signs will be installed on the east side of the street. Also, a "No Parking Here to Corner" sign will be placed on both sides of the street near the intersection of Pocahontas and Wooster Pike. Install two "No Parking in Cul-de-Sac" signs in cul-de-sac. Keeping existing "No Parking" sign on east side of street. (5) Pocahontas (north side of Wooster Pike to Hiawatha Avenue) - Install a "No Parking" sign on the east side of the street in front of the library. Remove "No Parking Here to Corner" sign on west side of Pocahontas at the intersection with Hiawatha. Paint curbs yellow to standard state parking setback for intersections at Rembold and Hiawatha. Keep existing "No Parking Here to Corner" sign on east side of Pocahontas. (6) Lytle Woods Place - Due to the absence of curbs on the north side of the street and in almost all of the cul-de-sac at the west end of the street, a "No Parking Here to Corner" sign will be placed on the north side of the street near the intersection with Miami Avenue. Paint the curb on the south side of the street at the intersection with Miami to state standard for parking setback. Install three "No Parking" signs in cul-de-sac. Paint the partial curb on the south side of the cul-de-sac yellow from the west end of the partial curb to a point east that will insure safe passage of emergency equipment. Mr. Andrews said we had a Safety Committee where we talked about what needed to happen and the overall map. Mr. Wolter is e-mailing his thoughts and after exchanges with the Committee (which the Solicitor said was fine) notices are being distributed to the effected streets. Mr. Wolter said two weeks prior to the Council

meeting he circulates notices so residents are aware that it will be a topic of discussion. The main reason for which side of the street there will be parking is predicated by which side the fire hydrant is on - which is the side of the street that we want to keep open. The Village has narrow streets and the State actually says streets less than 26' shall have no parking on either side. But the code also allows for the parking at the discretion of the Fire Chief/Assistant Fire Chief of the municipality to decide how this is managed. In view of our narrow streets, Assistant Chief Feichtner drove with Mr. Wolter and measured every street and put a rough plan together. It is not an ideal situation but it is the best they could do to have reasonable parking for our residents. Mr. Scheeser said he feels the "what" is right on but he is concerned with the "how". He is worried about the aesthetics of the signs popping up and yellow curbs. Mr. Wolter said he is conflicted also because the signs distract from the quaintness of the Village. Our curbs are not ideal. Mr. Andrews has suggested "no parking" sign on the vertical side of the curb. All the curbs are not that way and you have to factor in snow and leaf cover. The yellow curb may not be the best solution but it does work. Mayor Policastro said this is a long time coming. We also have to plan for the larger fire truck that we will have delivered this spring. On roll call; five ayes, one nay (Mr. Scheeser dissenting).

Ms. McCarthy moved, seconded by Mr. Wolter to accept the recommendation of the Safety Committee which met on Monday December 10, 2012 at 7:00 p.m. to discuss the placement of a stop sign at the north end of Belmont Avenue at the intersection of Murray Avenue. The stop sign would cause traffic traveling north on Belmont Avenue to come to a complete stop before turning left (westbound) onto Murray Avenue. The Committee believes this will improve both vehicle and pedestrian safety at the intersection and recommends the stop sign be put in as soon as possible. Mr. Wolter said many people complain that kids and adults fly around that corner. Fairfax has a sign in the opposite direction so there is a real need for the stop sign. On roll call; six ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Village Offices will be closed Monday February 18, 2013 in Observation of Presidents' Day

Committee Assignments were distributed

Mayor Policastro referred the Salary Ordinances to the Finance Committee. Mr. Beck is going to cut back on his hours and the Assistant Pool Manager is now going to be the Pool Manager. We need to get in line a pay category for Mr. Beck.

Mr. Andrews moved, seconded by Mr. Wolter to appoint Mr. Miller as the Council Member to the Planning Commission. On roll call; six ayes, no nays.

Resolutions:

"To Appoint Dave Wuertemberger as a Member of the Parks Advisory Board to Fill the Unexpired Term of Jim Gerace for Calendar Year 2013" had a third reading. Mr. Scheeser moved, seconded by Mr. Andrews to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-1-13 was adopted.

"To Appoint Joan Vago as a Member of the Parks Advisory Board for the Calendar Years of 2013 and 2014" had a third reading. Mr. Wolter moved, seconded by Ms. McCarthy to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-2-13 was adopted.

Ordinances:

"Ordinance Creating Section 91.361 of the Mariemont Code of Ordinances" had a third reading. Mr. Wolter moved, seconded by Mr. Scheeser to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-2-13 was adopted.

"To Amend Section 78, Section III of the Mariemont Code of Ordinances to Include No Parking on Certain Streets within the Village" had a second reading. Mr. Scheeser asked if we could amend the Ordinance to strike the section and language on how we implement the no parking. He wants to get rid of the yellow curbs which is the part he has heartburn over. Solicitor McTigue asked what the point is to objecting to the section that specifically states how we are going to enact the Ordinance in terms of no parking. Mr. Scheeser said it allows for latitude for whoever is making the decision to choose a different path. Solicitor McTigue said the Committee Report indicated how it would be implemented. Mr. Andrews said his understanding of a Committee Report is accepting an accurate finding of the Committee meeting. Mr. Wolter said the debate is what do we do if we do not paint the curb yellow. Solicitor McTigue said who is the entity that has the final say as to how it is going to be implemented. Mr. Scheeser said when it was determined that parking would be prohibited on West Street south of Wooster Pike, it was the Mayor who decided that it would be implemented by signs. Solicitor McTigue

said the final arbitrator in the Village would be the Mayor. You need to be specific on how you are going to implement the Ordinance if you are not specific on how it is going to be done. Mr. Scheeser moved to eliminate Section I No. 6 that “All curbs at intersections be painted yellow to establish state standard parking setback” but after discussion withdrew his request. Solicitor McTigue said it can always be brought back up at a later date if a better way to enact it is established.

Mr. Stelzer said the community meeting with ODOT regarding the Eastern Corridor will be held January 22, 2013 at the Mariemont Elementary School. He has circulated a link to the Eastern Corridor Website that contains an updated report. It has a description of the alternative route. He encouraged everyone to come to the meeting. He and the Mayor met with an expert who has tremendous amount of experience dealing with highway projects involving ODOT and their recommendation is that public officials should not make comments during this public meeting. It is aimed for the Village residents’ comments, concerns and questions. The belief is that it will be a more effective meeting.

The meeting adjourned at 7:49 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk