

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
DECEMBER 16, 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, Mr. Miller Mr. Scheeser, Ms. Schwartz, Mr. Stelzer and Mr. Wolter.

Mr. Andrews pointed out that in the paragraph referring to the proposed change to the leash law the word 'leash' is printed 'lease'. Mr. Andrews moved, seconded by Mr. Wolter to approve the minutes as amended for November 25, 2013. On roll call; six ayes, no nays.

The following communications were read by Mayor Policastro:

From Police Chief Hines: November 2013 Monthly Report. Mr. Stelzer said the average mph over the speed limit is 15 when officers stop a vehicle and clearly they are not stopping vehicles 2 or 3 mph over the speed limit. He asked what streets are primary for speeding vehicles. Chief Hines said Wooster Pike, Madisonville Road, Plainville Road and mostly Miami Road where vehicles travel down the hill. Officers do not write tickets for just a few mph over the speed limit. However they do remain strict in a school zone. Mayor Policastro said the Village is not a speed trap – safety is our main concern.

Chief Hines said for the fourth year in a row the department has won the Platinum Award from AAA for traffic safety. The Village along with six other communities were the only ones to win the Platinum Award in the Tri-State area. It is given for OVI arrests, education in the schools, seat belt enforcement, etc. He wished everyone a Merry Christmas.

From Assistant Fire Chief Feichtner: November 2013 Monthly Report

From Superintendent Scherpenberg: November 2013 Monthly Report. Mr. Scheeser asked if the remaining trees planned to be planted this year will in fact be planted. Superintendent Scherpenberg said yes his plan is to have them all planted before the end of the year. Most of them will be planted in the park areas. Natrop's donated one tree for each park to local communities. They then offered the trees left over for \$50.00 each (normally the trees are \$200 each). Mr. Miller asked if leaf pick-up has been extended. Superintendent Scherpenberg said it will continue this week and they might try to do one more sweep of the Village next week. It all depends on the weather and if they have to equip the trucks for snow removal. Mr. Wolter thanked the department for the good job picking up the leaves and the efficient snow removal. Superintendent Scherpenberg thanked the Fire Department for their help during the last snow removal. They went out in a truck and helped plow.

From Building Commissioner Hodulik: November 2013 Monthly Report

From Tax Administrator Busam: November 2013 Monthly Report/Waste Collection Fee Report. Mr. Stelzer said State Representative, Peter Stautberg, was present at the meeting and asked him about House Bill 5 passing with a 56-41 vote. He assumes it is now in the State Senate and asked if there was any estimated time of when there may be a vote. Representative Stautberg said originally they wanted to look at it before the end of the year but he has not heard of any updates. Mr. Stelzer said he has had long conversations with Representative Stautberg about this issue and asked if there could be any relief coming from the State for the negative impacts from the passing of this bill for local communities. Mayor Policastro asked if there had been any talk about getting our government funds back. Representative Stautberg said there has been a lot of discussion about improving the local government. There may be something in 2014 to help local governments but nothing in concrete yet.

From Mayor Carson Shelton: Letter Dated November 27, 2013 re: Eastern Corridor Project. Mr. Stelzer said it may be a little late because of the new process that is going to be followed with the Eastern Corridor.

From Joanee Van Pelt: Thank you – Kroger Gift Card

From Clerk/Treasurer Borgerding: November 2013 Monthly Report/Trend Report. Mr. Andrews asked about the laddering of the CD's. Clerk/Borgerding said it is not completed yet but it is in progress.

Mr. Scheeser moved, seconded by Mr. Miller to pay the bills as approved by the Mayor, Clerk and Finance Chairman. Mr. Andrews questioned the payment of \$2500 for the Village Indian prints. Mayor Policastro said that is for the painting done by Mary Lou Holt. We are having 275 signed and numbered prints made which will be sold for \$95.00 each. Half of the cost has been reimbursed by the Mariemont Civic Association and half of the proceeds will be given to the Village to help offset legal fees associated with the fight to stop the Eastern Corridor from going to the South 80 acres. He gave his credit card for the deposit and the company ending up charging the whole cost to his personal account. We have sold approximately 20 of the prints to date. Mr. Stelzer said Dr. Lewis is going to hold a fundraiser to try to buy the original oil painting for Council

Chambers. The painting portrays life in the South 80 acres in the 1600's with Native Americans farming and children playing. There is a lot of historic accuracy. The Framer's Guild is offering a 15% discount on framing these prints. Mr. Andrews asked if there were any tax complications etc. from the Village making a profit. Solicitor McTigue said no as long as the money is used for General Fund purposes. Mayor Policastro said the painting shows that it is an historic area which ODOT is trying to wipe out. There is a parallel with the passenger pigeons and the Carolina Parakeet which are now extinct and ODOT wanting to make our park go away. On roll call; six ayes, no nays.

Ms. Schwartz moved, seconded by Mr. Wolter to accept the recommendation of the Safety Committee which met on Monday December 9, 2013 at 6:00 p.m. in Council Chambers to discuss revisions to our leash laws. Present at the meeting were Safety Committee Chairman, Dennis Wolter, Committee Vice-Chairman, Cortney Scheeser, Committee Member, Joe Stelzer, Mayor Dan Policastro, Police/Fire Chief Rick Hines and Council Member Mary Ann Schwartz. After much discussion, the Committee voted 2:1 to recommend that the Village change animal control Ordinance section 90.01 to require that dogs be under positive leash control when not on their owner's property. The Committee recommends that we allow dogs to run off-leash at Ann Buntin Becker Park, Dogwood Bell Tower Park, the Concourse, the Lower 80 Acres and the practice field by the Waldorf School. We would require that dogs be on leash at all times in the Tot Lot area of Dogwood Park as well as in the sports field area of Dogwood Park and the practice field by Waldorf School during sports activities.

Mr. Wolter said it is pretty obvious what the purpose is and surprisingly most residents already believed we had a leash law. He does not think it will be a pyridine shift in general on how residents will manage their dogs. He believes it will be an enhancement in safety in the Village.

Mr. Stelzer said he did some research and basically our law is similar to what the ORC calls for which is that a dog must be under reasonable control of the owner. The problem with that is defining what 'reasonable control' is. Several communities throughout Ohio have adopted leash laws such as, Upper Arlington, City of Montgomery, and Montgomery County, etc. It is helpful to the person approaching a dog if it is on a leash because the dog is clearly under control of the owner. We are trying to establish a happy medium by allowing dogs to be off leash in some parks. This is a reasonable solution to a problem that has reared its head a couple of times recently.

Mr. Wolter said this will make it easier on the police department because a leash defines control. Our mission is not to bust people for having their dogs out in the community but to clarify the rule and to make it possible for the police to enforce. We will give warning tickets unless there is a blatant offender. He heard on the news that a woman is fighting for her life due to a dog attack. On roll call; five ayes, one nay (Mr. Scheeser dissenting).

The Mayor read the following miscellaneous announcements:

Village Offices will be closed Tuesday December 24, 2013 and Wednesday December 25, 2013 in Observation of Christmas

Village Offices will be closed Wednesday January 1, 2014 in Observation of New Year's Day

Ordinances:

"Resolution Adopting the Hamilton County Natural Hazard Mitigation Plan" had a first reading.

Ordinances:

"To Supplement Ordinance No O-1-13 Annual Appropriation Ordinance" had a first reading. Mr. Andrews moved, seconded by Mr. Scheeser to suspend the rules to allow for the second and third readings. On roll call; six ayes, no nays. The Ordinance had a second reading. Clerk/Treasurer Borgerding said it may look like a lot of money but not every line item was over budgeted. This is to allocate where we were under budget to areas that need reallocating. The Paramedic Fund was under budget \$40,000 in salaries but in the Fire Department we were \$33,000 over. We added an additional police officer which was an additional expense. We have done a lot of OVI work which involves overtime but also brings in money. Police/Fire Pension is now required to be paid monthly instead of quarterly. He underestimated healthcare for most of the categories. Overall we are approximately \$200,000 over budget. This should be enough to cover any expenses we may have until the end of the year. This will bring us into compliance with County and State regulations.

Mr. Wolter asked if there are any unseen hits coming for the next year. Clerk/Treasurer said we never know about health insurance but he does not anticipate any additional hiring of employees. We are doing more in house work due to the help given by our Fire Department with vehicle maintenance and support for the Maintenance Department. In addition, he estimated income taxes fairly flat instead of the normal five percent increase. The Ordinance had a third reading. Mr. Miller moved, seconded by Mr. Wolter to accept the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-27-13 was adopted.

Mayor Policastro thanked Mr. Stelzer, Mr. Andrews and Mr. Scheeser for their service on Council and wished everyone a Merry Christmas and Happy New Year.

Mr. Andrews said for the new Council members he has the last four years of Council material scanned and saved in a searchable manner. He would be happy to share with anyone should they want access to archived data. He believes it would be a valuable tool for the new Council members.

The meeting adjourned at 7:30 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk