

**VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
JULY 20, 2015**

Mayor Policastro called the meeting to order at 7:05 p.m. with the Pledge of Allegiance to the flag. The following Council members answered present to roll call: Mr. Hlad, Mr. Miller, Ms. Palazzolo and Ms. Schwartz.

Mr. Hlad moved, seconded by Mr. Miller to excuse the absence of Mr. Marsland and Mr. Wolter. On roll call; four ayes, no nays.

Mayor Policastro said Police Officer Adam Geraci has successfully completed his 180 day probationary period. Officer Geraci was hired on December 8, 2014 and came to Mariemont from Xavier University Campus Police where he served from March 2010 until December 2014. He graduated from Norwood High School in 2006 and studied at Cincinnati State College. He is a 2009 graduate of the Great Oaks Police Academy. Chief Hines said Officer Geraci is doing a great job and is proving to be a huge asset to the Police Department. He serves as the department's IT person and is assigned to third shift. Ms. Schwartz moved, seconded by Ms. Palazzolo that Officer Geraci be removed from the probationary period and be made a Regular Employee with the Village of Mariemont. On roll call; four ayes, no nays.

Ms. Palazzolo moved, seconded by Mr. Hlad to approve the minutes as written for June 8, 2015. On roll call; four ayes, no nays.

Mayor Policastro read the following communications:

From Police Chief Hines: June 2015 Monthly Report. Chief Hines said Safety Services Night Out will be Tuesday July 28, 2015 from 6:00 p.m. to 9:00 p.m. He encouraged everyone to attend. They will have the police band "Most Wanted" along with Air Care (if they are available), police & fire equipment, food and ice cream.

From Assistant Fire Chief Kiefer: June 2015 Monthly Report

From Superintendent Scherpenberg: June 2015 Monthly Report. Ms. Palazzolo asked how long the area along Beech Street will be closed due to the work being done in the area. Ms. Schwartz said she just drove in that area. Mr. Hlad he and some neighbors are helping to clean up the Boathouse and noted that there are several dead trees in the area which may cause a safety concern. Superintendent Scherpenberg said there are a few on the list already.

From Building Commissioner Hodulik: June 2015 Monthly Report. Building Commissioner Hodulik said we had 64 permits the month of May with 133 for the quarter. It has been a busy month and consistent with last year.

From Tax Administrator Busam: June 2015 Monthly Report

From Swim Pool Manager Schad: June 2015 Monthly Report

From Police Clerk Maupin: Mayor's Court Monthly Report May 2015/June 2015

From Parks Advisory Board: Meeting Minutes June 2, 2015

From Building Commissioner Hodulik: Board of Building Appeals Agreement. Building Commissioner Hodulik said we are in the process of working with Hamilton County to have a Board of Building Appeals for residential applications. The Board of Appeals is strictly for building – it has nothing to do with zoning. It is an appeals process for someone who feels that the Building Department is not following state code for residential applications. This is done at no cost to the Village. It requires a signed agreement and the Resolution adopting approval.

From Assistant Fiscal Officer Eldridge: May 2015 Monthly Report/June 2015 Monthly Report and Trend Reports/ 2nd Quarter MTD/YTD Report

From Ohio Public Employees Retirement System: Letter Dated June 30, 2015 re: Earnable Salary Determination for David Tensi. Mrs. Van Pelt said after a recent review by OPERS it was determined that the "per inspection" payment schedule for Mr. Tensi is not considered "earnable salary". We averaged the last three year's salary to determine an average monthly salary. Once the Ordinance is passed we should be compliant with Ohio Revised Code.

From Alex Caffee (Niche): #1 Community in Ohio. Mayor Policastro said he is really proud of this. The survey was completed by Carnegie Mellon University.

From Jim Rettig: Letter Dated July 1, 2015 re: Bird Field Checklist. Mayor Policastro said we have a lot of birds and this is a great tool in helping with the fight against ODOT.

From Ken Tankersley: e-mail Dated Thursday July 9, 2015 re: UC Mariemont Gardens Excavation Next Year

From Frank Sefton: Letter Dated July 8, 2015 re: Letter of Recognition for Police Officer Steve Watts

From Engineer Ertel: e-mail Dated July 13, 2015 re: Hawthorne/Settle Resurfacing. Mayor Policastro said we should have added this to the Street Rehab work and now have an estimate of \$1500 to do the desired work. Mr. Miller moved, seconded by Ms. Schwartz to add it to the 2015 Street Rehabilitation work project and to authorize payment. On roll call; four ayes, no nays.

From Mayor Policastro: Ordinance No. O-16-11 re: Grass Cutting Times. Mayor Policastro referred the matter to the Public Works and Service Committee.

From Engineer Ertel: e-mail dated July 15, 2015 re: Murray Avenue Bike Trail Committee Assignment. Engineer Ertel said we have an 80% grant for extending the Murray Bike Trail from the terminus at Settle Road. We have to do a selection based process for the design consultant to put together plans to build the trail. Mayor Policastro referred the matter to the Health and Recreation Committee for further discussion.

Mr. Mike Manzler, 4034 Lytle Woods Place, was granted permission to address Council. He stated that one hour ago he e-mailed to all Council a six page letter outlining his concerns because he knew the three minute limit at Council is not going to be enough time. He is a 23 year resident and on their street is/was a garden island with a beautiful stone wall with flowers. A few months ago a couple of the neighbors started talking about wanting to make some changes to the island. The Mayor told all the residents along Lytle Woods to discuss the issue and reach a consensus as to what would be done. There was discussion and very clearly no consensus. Unfortunately three of the neighbors took it upon themselves to get a "up or down" vote on a petition which many of us had been told was a first draft of a starting point for discussion. Before anyone knew it there was an e-mail from the Mayor saying not that we are going to do this and not that we are going to do this a year from now when the street paving work is to begin, but we are going to do this within the next month. We are going to tear out the stone wall and we are going to leave it that way for a year. The end result is people are going to disagree on aesthetics – his main concern is the process that occurred. He is ashamed of the Village and the way the process played out. Three people, two of which have lived on the street for two years, moved in, got the Mayor's ear and railroaded this through. There was no reason this had to happen at all and no reason this had to happen now. At a very bare minimum of courtesy to our citizens he cannot think of any excuse under the sun why we could not have been given notice. We were told on paper that this would happen next month (August/September). Last Thursday a bulldozer shows up on the street and plows away the wall and half of the flowers with not one minute of notice. That was unacceptable. He and his wife have taken care of that circle for 15 years. At the time when the wall and plantings were put in the agreement with the Village was that the residents would maintain it. Most of the neighbors have changed over the years. Bottom line even two hours of notice would have allowed them time to replant some of the flowers. They have spent hundreds of dollars and hundreds of hours over the years taking care of the wall. He does not understand why this had to be rammed through. The Mayor said it was about the cost – he told the Mayor he would fix the wall himself for free. He did fix part of the wall just last week. We just heard that the Village's finances are in good shape. He cannot imagine that it would cost more than a couple of hundred dollars to fix the remaining part. He hopes that Council will look into this because this is not the way things should happen in a community.

Mr. Bill Brown, 4030 Lytle Wood Place, was granted permission to address Council. He has been a resident of the Village for 35 years and a graduate of Mariemont High School. He thanked the Mayor for his participation and patience with this project. There was fair, open and adequate discussion among the residents of Lytle Woods. There was a general plan that was arrived at that was committed to paper which was submitted to the Mayor and shared with the Building Commissioner. After that the Mayor suggested that there be a paper vote. That was done and there was a consensus majority reached at that time. There were dissenters and it was agreed that we would have further discussion. There was a meeting held at one of the resident's houses which there was a representative from every single household. The meeting lasted well over an hour. A summary of what was discussed was presented to Mayor Policastro. At that time the Mayor circulated a letter showing three examples of different curbing that the residents needed to decide upon. That was done and again the majority consensus was they wanted the wall out, sooner rather than later, for a number of reasons. It was unsightly. This is a classic example of basic democracy 101 in action regardless of what was said by Mr. Manzler. It was openly and fairly discussed. A vote was taken and a consensus was reached.

Ms. Kate Brown, 4042 Lytle Woods Place was granted permission to address Council. They have lived in the Village for four years and are no relation to Mr. Bill Brown. One of the points she wants to make is their neighbor at 4046 Lytle Woods Place had a fire in their residence this past spring. It was a scary moment pulling up to her house with her daughter in the car seeing fire trucks. The wall was mostly damaged because the new large fire truck could not put its supports down because there was not enough room in the street. Many times both the Mayor and the police have reminded us not to park on the street. As pretty as the current structure is it is a safety hazard and to her that is what should be considered. A fire truck and or other trucks cannot make it through the turnaround safely. She is appreciative of the efforts of her neighbors to make changes and she was happy to sign off on them for the sake of safety.

Ms. Deborah Brown, 4030 Lytle Woods Place, was granted permission to address Council. She has been a resident of the Village for 50 years growing up and going to school here. She thanked the Mayor for all of his time, effort, diligence and fortitude in seeing this wall come down. She sees it as a huge improvement. She distributed pictures of the area now that the wall is gone. The wall was old, damaged and it was time for it to come out. This, of course, is phase one. Once the street is repaved the residents will again talk to see how we want it to have it finally landscaped.

Mr. Mike Manzler began to speak. Mayor Policastro said you do not speak without permission and if he continued to do so he would ask him to leave Council chambers.

Mr. Miller asked who was going to volunteer to sweep up the mulch. Mr. Brown said with the amount of rain we just had the runoff of mulch was minimal. He said he and another neighbor will volunteer to keep the area clean.

Mayor Policastro said the main reason he did what he did was the fact that the wall is a major safety problem. Four families want slanted curbs as does the Fire Chief. We cannot afford to have damage to the \$750,000 fire truck as they almost did hitting the wall. He will not compromise when it comes to safety – he never has and he never will. The Service department also had a hard time plowing around the area. We do not have back and forth conversations. We do not fight we just get our ideas out in front of everyone.

Mr. Manzler commented that is a good way to lock people out and not give them a voice. Mayor Policastro shook his head and said never mind. Mr. Manzler said half of what was said was not factual. Mayor Policastro asked Chief Hines to escort Mr. Manzler from Council Chambers.

Ms. Palazzolo moved, seconded by Ms. Schwartz to pay the bills as approved by the Mayor, Fiscal Officer and the Chairman of the Finance Committee. On roll all; four ayes, no nays.

Ms. Hlad moved, seconded by Mr. Miller to accept the recommendation of the Rules and Law Committee. The Committee resolved to adopt new wording of the no solicitation ordinance to bring it into compliance. The current wording is not constitutional. The Committee unanimously recommends that Council adopt the new language as drafted by our Solicitor. Mayor Policastro said he was in Silverton and noticed a sign indicating that you must get a permit. Ms. Palazzolo said our current legislation is unconstitutional with the State Constitution. The Committee reviewed the hours during which you cannot solicit. They also discussed an “opt out” list where residents can register. However, they would also have to have it posted no soliciting on their private property. Solicitors will not be given a permit if they should have a violent crime or drug crime. There was nothing involving a property crime so they incorporated that into the Ordinance. It makes it a bit more stringent. If the solicitation is by a minor there does need to be an adult present with proper id. Mayor Policastro said the Solicitor should make the application for permit. On roll call; four ayes, no nays.

Mr. Hlad moved, seconded by Mr. Miller to accept the recommendation of the Finance Committee which met on July 6, 2015 at 4:30 p.m. in Council Chambers. Present at the meeting were Finance Committee Chairman Eric Marsland, Finance Committee Member Joe Miller, Mayor Dan Policastro, Administrative Assistant Joanee Van Pelt and Karie Novesl from Hylant Insurance. It was unanimously decided that the Village of Mariemont would continue their relationship with Hylant insurance and renew our policy as we have enjoyed many years of exemplary customer service and reasonable rates from their organization. It is recommended that the legislation be passed on an emergency basis so there is no lapse in coverage. On roll call; four ayes, no nays.

Ordinances:

“To Amend Section 78, Section I of the Mariemont Code of Ordinances to Include No Parking on Certain Streets within the Village (Flintpoint and Center) had a second reading.

It was discussed and agreed that Council would have a Special Meeting on Wednesday July 22, 2015 to read and pass the legislation that needs to be passed on an emergency basis.

The meeting adjourned at 7:45 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Fiscal Officer