

**VILLAGE OF MARIEMONT  
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS  
NOVEMBER 12, 2018**

Mayor Policastro called the meeting to order at 7:04 p.m. with the Pledge of Allegiance to the flag. The following Council members answered present to roll call: Mr. Bartlett, Mr. Brown, Mrs. Graves, Ms. Palazzolo and Mrs. Rankin.

Mayor Policastro read a letter from Ms. Schwartz requesting her absence be excused. Mrs. Rankin moved, seconded by Ms. Palazzolo to excuse the absence of Ms. Schwartz. On roll call; five ayes, no nays.

Mr. Bartlett moved, seconded by Mr. Brown to accept the minutes as written for Regular Council October 8, 2018, Committee of the Whole October 22, 2018, Council Meeting October 22, 2018 and Special Meeting of Council October 25, 2018. On roll call; five ayes, no nays.

Mayor Policastro read the following communications:

From Police Chief Hines: October 2018 Monthly Report

From Assistant Fire Chief Kiefer: October 2018 Monthly Report

From Service Superintendent Scherpenberg: October 2018 Monthly Report. He said that some of the part-time workers did not come back for leaf season now that the leaves are heavier so they are a bit behind. There are three trucks running but with only one person instead of two. Next week will be a short week due to Thanksgiving. The following week they will be busy with the Christmas lights for the Tree lighting and they still yet have to plant 15 trees. The trees donated by MPF will be planted in December by Natorp's. They have not been able to dig them out yet due to all the rain. The trees will be planted along Oak, Cherry and Center Street. There are signs posted saying this is a future site of the tree planting.

Mr. Brown asked how compliance is going as far as leaves in the street versus being held back in the yard. Superintendent Scherpenberg said the same as always. Mrs. Rankin asked how the Village enforces that. Mr. Brown said it is put in the Mayor's Bulletin. Superintendent Scherpenberg said a lot of residents do not want the leaves on their yards. Mrs. Graves asked if the Village contacted contractors who work in the area to let them know to rake to the curb. Superintendent Scherpenberg said yes he contacted them and also stopped at any residence who had an outside company do the work. Some contractors will bag or haul the leaves away for the resident for an extra charge. He said as a reminder that leaves cannot be dumped on Village property.

Ms. Palazzolo asked about the progress of the dead trees along Miami Bluff. Superintendent Scherpenberg said there are 10 more on the list that need to come out. After that the stump crew will come back and grind the stumps down.

From Building Administrator Keyes: October 2018 Monthly Report

From Tax Administrator Busam: October 2018 Monthly Report

From Robert Humbert, Shamrock Enterprises: Letter Dated October 3, 2018 re: Village of Mariemont Pool and October 15, 2018 re: Village of Mariemont Slide and Required Pool Repairs. The diving board is obsolete and there is not much the Village can do. We cannot put in another board as there is not enough clearance according to code. We have to come up with another plan. Mayor Policastro referred the matter to the Health and Recreation Committee.

From Ryan McEwan: Email Dated October 30, 2018 and Memo From: Assistant Fire Chief Kiefer re: Hamilton County Multi-Hazard Mitigation Plan Resolution

From Assistant Fiscal Officer Wendler: Fiscal Officer's Monthly Report October 2018. Fiscal Officer Borgerding said he heard some inaccurate statements that the Village will have two million dollars in the General Fund at the end of the year. That is not the case. When he did the 2019 budget in July the General Fund will be trending up because of the new safety services levy that was passed last year. Year 2022 we are expecting to have

close to two million but it will then continue to trend downwards as we keep up with salaries for Police and Fire over the next ten years or so. We do not want to have to go out for another levy in five years. With all the projects going on we can only pay so much out of the Permanent Improvement Fund because it only brings in so much money. We may have to take some of that money out of the General Fund to pay for some of the Capital Improvement Projects. We are not going to have a big slush General Fund and may not reach the two million mark in 2022 the way things are going. Mayor Policastro said the monies generated from the safety services levy can only be used for Police and Fire. Mayor Policastro said next year we have to do Madisonville Road which will be \$100,000 out of the Permanent Improvement Fund, the fire department needs a new ambulance, the Service Department needs a new truck and we are going to have to fix the storm sewer at the south end of Pocahontas. We are going to do the work on Homewood Road. He asked Mrs. Rankin where the cost of the project was at this time. Mrs. Rankin said the cost of the work right now is approximately \$300,000. We need to do work along Albert Place and Mt. Vernon which about ten houses that flood bad. Also, we need to do work along upper Miami and south Miami. He could go on and on about the problems the Village has had with the 100 year rains. We have to watch our money. We are not even going to be close to two million.

From Tom Carroll: Email Dated October 16, 2018 re: First Suburbs Research

From Superintendent Scherpenberg: Outsourcing Mowing and Trimming: Mayor Policastro referred the matter to the Public Works and Service Committee.

Mr. Jerry Vianello, 6570 Wooster Pike, was granted permission to address Council. He was glad to hear some of the talk about being financially fiscally responsible. He is concerned about Homewood Road and has heard a bunch of things that we are going to put it off and that the Village bought a lot of materials from the original contractor. He is disappointed that it was put off. He is not against a multi-purpose bike trail but he is concerned when he starts to hear the Village is going to spend \$40,000 for a study for that stretch of Murray Avenue. He urges Council to look at our "wants" and our "needs". Our needs are the street projects. One home on Homewood floods up to 4' of water in their basement every time there is a major storm. He asked Council to place themselves in that resident's position. He believes that project should come before a desire to have a multi-purpose trail and a study on matching funds. He also would urge Council to get beyond this process for a new Solicitor. He would like Council to recommend that Mr. McTigue be reappointed for the next term and put this nonsense behind us. We would appreciate if it was done this evening.

Mr. Don Slavik, 3717 Homewood Road, was granted permission to address Council. He read on behalf of Will and Brittany Gruber, 3715 Homewood Road, a letter addressed to Council:

Dear Council,

First, I would like to thank my neighbors (both those that are also affected and those that are not) for their continued support in fixing the Homewood drainage (flooding) issue that has impacted our street. I apologize for not being able to attend tonight's council meeting in person; however, my wife had a previous commitment, and I need to be home to put our small children to bed, which I know many of you can empathize with.

As depicted in Don Slavik's photo shared with Council and the community, Homewood Road has a severe flooding issue caused by inadequate drainage (piping size; no. of inlets) and the use of improper (window-less) inlets. As it has been told to me by several people and officials, this issue is not new but rather one that has plagued our street for years / decades and is a significant safety hazard to motorists, pedestrians, and residents that travel and/or live on the street. The property damage caused to my home as well as other homes on Homewood due to the water overrunning into garages, basements, and cars is of significant concern; however, the risk of severe injury and even death is far more alarming.

The amount of water that floods our roadways causes a significant risk to all driving on the streets. Especially late at night, the flood waters can be hard to see, and a car can easily lose control and wreck into a tree/telephone pole, parked car/truck, or even a pedestrian on the sidewalk. If someone walking was to slip or trip on an obstruction not visible by the high waters – as I have done in the past, they would risk severe injury from the fall or could drown if knocked unconscious. The water is above the curbs on the street (at least 6" deep), above my feet on the sidewalk (at least 2-4" deep), and fills my driveway (3-5 FEET deep), garage (2-3 FEET deep), and basement (1-4" deep) with water. If my 4-year-old daughter was to open the door to our garage during a storm, she would be hit by so much water that she would be severely injured and – again – risk drowning in the high water. As my neighbors, the Mariemont PD,

and I can attest to, the act of working to bucket water out of my driveway is also a significant and dangerous risk to all that have put their time, lower backs, and safety on the line to help.

This issue is not going away. By my records, it is only becoming more frequent and more severe with every passing year. Since moving into our home in January 2016, I have lived through over a dozen severe floods (3 in 2016, 4 in 2017, and 6 in 2018). With each flood, I must clear my garage and (finished) basement, clean or throw out various possessions, and then put everything back together again. This isn't my home's issue as I have my basement waterproofed and TWO sump pumps including one in the garage; it is a Village issue for trying to drain an entire street's rain water as well as every home's rain water (as many plumb their gutters to the street) to x4 small, inadequate drains.

The flooding and Village's lack or delay in action has already resulted in several residents leaving Homewood in just the past 2-years and is beginning to create a stigma around the street. I should not fear every time it rains that my car may flood while parked on the street (has happened), my car may flood parked in my driveway (has happened), my house may flood (has happened), or my family may be injured due to the floods...does this have to happen next?

I also want to be clear that everything stated is solely in focused on those severe floods that have overrun our drainage systems and resulted in water having nowhere else to go. This doesn't count the "pooling" that occurs and still poses a significant issue. This "pooling" in the streets happens monthly (+/-) and is managed by private citizens that stay vigil through sleepless nights to block the street, clear the drains, or put out sandbags to keep the water "between the curbs". Although these storms do not get the same attention, they still pose significant risks to property and person.

I have full confidence that Council will do what is right and immediately act between now and January to rebid the Homewood drainage project and have bigger pipes, additional inlets, and updated inlets with windows installed prior to the Q1-2019 deadline when the Wooster Pike repaving project commences. I believe the voice of the street, the testimonial of the Mariemont PD, and the pictures taken are evidence enough that this is not an issue that can be left alone. As I see our name ("the Grubers") mentioned specifically in past meeting minutes, I am very grateful that you are putting a family to this issue and making it known that this is something personal and not just a box to check or not check on a list of 'To Dos'; however, I would state that we are not the only household impacted. There are several houses on Homewood and even more passersby that are directly impacted by the drainage issues.

We look forward to you doing the right thing, and not let politics or rumored alternative options get in the way. Thank you.

Best Regards,

Will Gruber (+ Brittany, Norah, & Asher)

Mr. Slavik said it is not a minor inconvenience they are dealing with. The residents on Homewood want this fixed quickly and properly. We would like this done before the next major storm.

Ms. Joan Donnelly, 3713 Homewood Road, was granted permission to address Council. She has been a resident since 1996 and understands the concept of 100 year floods but there has been a fair amount of flooding on Homewood Road since the late 1990's. Her hope is that Council will follow through even though the expense is much more than was planned.

Mr. Dennis Wolter, 3804 East Street, was granted permission to address Council. He distributed to Council the following letter dated December 29, 2015:

Ms. Summer Jones  
Transportation Alternatives Coordinator - OKI  
720 East Pete Rose Way, Suite 420  
Cincinnati, OH 45202

Subject: HAM-Murray Av Bike Path (PID 99816)

Dear Ms. Jones:

The Village of Mariemont respectfully declines to participate in the HAM-Murray Av Bike Path (PID 99816) project.

We would be glad, however, to let ODOT use our land and we would allow the bike path to come through our Village despite the fact that it would be of no advantage to our community. The citizens of Mariemont do not need the bike path and will not use it. They use the path along the Little Miami River.

The Village had selected a consultant for design of the project. However, the cost of the design proposal was quoted at \$88,732. That is twice what was anticipated for the bike trail project that has an estimated construction cost of \$356,026. We cannot justify that expense for a project that would really have no benefit to the Village and/or our citizens.

We want to help you be successful with your bike path program by letting you use our land, but I can only use Village tax dollars for the people of Mariemont.

However, if the Safe Routes to School program is ever funded using only Federal funds, without the requirement of a local match, as it was in 2011, the Village will re-apply for funding for this project.

Please contact Chris Ertel of my staff at 352-3295 should you need any additional information regarding this request.

Sincerely,

Dan Policastro  
Mayor  
Village of Mariemont

CC: Chris Ertel  
Scott Brown (ODOT)  
John Otis (ODOT)

Mr. Wolter said it is important to get some clarity from the history because last week a resident was given inaccurate information by Mayor Policastro. October 2015 Council voted to pursue a grant for study of the multi-purpose trail. We won the grant and with no official communication to Council the Mayor sent the letter to Summer Jones basically saying the Village does not want the grant. There are a lot of people in the Village who want the bike path/multi-purpose path. To slam the door in the face of an entity that we may have to petition later for funds was a big mistake. At the last meeting Mayor Policastro told resident Merret Collister that he did not turn away the grant. He has a problem with that. It is not fair to the Village and it is not fair to the state that is trying to help Mariemont be a better place. Like it or not, the younger folks want bike paths/multi-purpose paths. Residents have come before Council saying they are walking their kids in the street and on inadequate sidewalks with lighting problems. It is time to rethink this and reposition this administration to be friendly to that idea and to be fair to those people who want consideration. We may not end up with it but Council needs to give it a fair shot.

Mayor Policastro said in rebuttal the Village did not have the money but the Village did offer the land to put a path through. **Mr. Bartlett said for clarification the general powers for the legislative body (Council) control the financial matters per the code book and as such Council should be involved in the ultimate decision making.** In this case that does not appear to have happened. It would be good to have the whole team working together instead of one unilaterally making the decision. Mayor Policastro said he was hoping to get them to do it but the Village not pay for it. Engineer Ertel said the cost right now is \$140,000 to \$170,000. Mayor Policastro said the matter is in committee right now. Mr. Brown said he fully intends this to be a fair, open and honest hearing. The meeting is scheduled for next Monday evening at 6:00 and it will be fully discussed. He has no bias whatsoever. All the facts will be reviewed. Priorities are going to have to be considered but he wants to get all the facts and numbers to make a fair, honest and open decision. Mr. Bartlett said there are individuals interested in raising funds. Mayor Policastro said that will be the key. Mayor Policastro said he got notification today that Kellogg is trying to sell their cookie business which could be harmful.

Mr. Brown moved, seconded by Mr. Bartlett to pay the bills as approved by the Fiscal Officer, Mayor and Chairman of the Finance Committee. On roll call; five ayes, no nays.

Ms. Palazzolo moved, seconded by Mr. Brown to accept the recommendation of the Finance Committee which met November 8, 2018 at 6:00 pm in Council Chambers to discuss the five responses to the Request for Qualification for Village Solicitor. Present at the meeting were Finance Committee Chairman Rob Bartlett, Finance Committee Members Bill Brown and Kelly Rankin. After some discussion, it was agreed to set up individual interviews with Mr. Ed McTigue, Donnellon, Donnellon and Miller, Frost Brown Todd, and Wood & Lamping for some time after Thanksgiving. On roll call; five ayes, no nays.

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the recommendation of the Safety Committee which met on October 15, 2018 at 6:30 p.m. Present at the meeting were Committee Chairman Avia Graves, Committee members Maggie Palazzolo and Kelly Rankin, Council member Rob Bartlett, Village Engineer Chris Ertel, Chief Rick Hines, Village Superintendent John Sherpenberg and Mariemont resident Ron Ross. The Committee recommends that we not apply for the Safe Ways to School Grant at this time due to the need to hire a consultant and complete a new routes study to re-apply for the grant. At this time we will look for other means to put in approximately 4 new lights in the historic district. This can always be revisited should there become other needs that might also warrant applying for this grant. The Committee recommends we change the title of this on the agenda to Lighting in the Historic District and revise the date to October 2018. Mr. Brown asked for the reason for the date change. Mrs. Graves said it was originally on the agenda as part of the Safeway's to School grant and one thing that came from that was the need for additional lighting in the Historic District. The timeframe for the grant has passed. Mayor Policastro said it sat in committee for five years. Mrs. Graves said the Village would have to reapply and spend thousands of dollars. Engineer Ertel said the Mariemont Safeway's to School Travel Plan expired. It was done in 2010. It has to be used within five years of the application date. The Village would have had to have applied by 2015 which we did not. Mrs. Graves said the likelihood of the Village getting the grant was pretty slim. On roll call; five ayes, no nays.

Mrs. Graves moved, seconded by Mrs. Rankin to accept the recommendation of the Public Works & Service Committee which met on October 30, 2018 at 6:00 to discuss the proposal submitted by Choice One for the drainage improvements in the area of Albert Place, Mt. Vernon and Miami Rd. In attendance were the Committee Chairperson Kelly Rankin, Committee Members Bill Brown and Avia Graves, Mayor Dan Policastro, Engineer Chris Ertel and resident Don Slavic. The proposal is for a topographical survey and design storm sewer improvement services for the above referenced area. The benefit of proceeding with the proposal is to be able to include the work necessary in the bid for all street work projects (Homewood, Madisonville Rd. and Albert Place) in January 2019. This will potentially allow for significantly better pricing for the 3 projects. The committee recommends accepting the proposal from Choice One, at a contract price of \$19,910.00. Mayor Policastro said his heart goes out to the 5 or 6 houses where the basements floods terribly. He believes that is where our money should be going. Mrs. Graves said she spoke with residents who expressed the need and their concern. Mayor Policastro said the antiquated drain pipe is clogged and busted. On roll call; five ayes, no nays.

Mr. Bartlett moved, seconded by Ms. Palazzolo to accept the recommendation of the Public Works and Service Committee which met on October 30, 2018 at 6:00 to evaluate the decision to proceed with the rebidding of the Homewood Rd. In attendance were the Committee Chairperson Kelly Rankin, Committee Members Bill Brown and Avia Graves, Mayor Dan Policastro, Engineer Chris Ertel and resident Don Slavic. There was follow up discussion in this meeting after the decision at the Special Council Meeting on 10/25 to terminate the current contract with Rack & Ballauer and to rebid the project in January 2019. The main topic was to consider scheduling a special meeting to involve the residents on Homewood Rd. to determine the actual scope of the flooding problem. The Committee recommends to not proceed with the additional meeting with the residents and no change in the decision to move forward with the rebidding of the project on Homewood Rd. Mayor Policastro said if we get the bids out early he anticipates getting 10 bids. We will be adding additional work to the bid such as the Albert Place/Mt. Vernon work. Engineer Ertel said Choice One should have the plans to him by the second week of January. He could have the bid documents ready by the third week of January. The bid will include Homewood Road, Madisonville Road, Albert Place/Mt. Vernon, and catch basins at Miami Road/Rowan Hill and the drive by Mercy St. Theresa. On roll call; five ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Leaf Season will end the week of December 17, 2018.

Village Offices will be closed Thursday and Friday November 22, 2018 and November 23, 2018 in observation of Thanksgiving. All Council packet information needs to be in the office by 11:00 a.m. on Wednesday November 21, 2018.

Annual Tree Lighting and Luminaria will be December 1, 2018 5:30 p.m. -8:00 p.m.

The Council meeting in December will be December 17, 2018 at 7:00 p.m.

Resolutions:

“To Appoint Eric Marsland as a Member of the Parks Advisory Board for the Calendar Year 2019” had a third reading. Mr. Brown moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-37-18 was adopted.

“To Appoint Marcia Duval as a Member of the Parks Advisory Board for the Calendar Year of 2019” had a first reading.

“To Appoint Joan Vago as a Member of the Parks Advisory Board for the Calendar Year 2019 and 2020” had a first reading.

“To Appoint Andrew Seeger as a Member of the South 80 Trails, Gardens, and Park Advisory Board for the Calendar Year of 2019” had a first reading.

“Resolution Adopting the Hamilton County Multi-Hazard Mitigation Plan” had a first reading.

Mayor Policastro referred to the Safety Committee to look at the need for a crosswalk at the bend on Madisonville Road and suggested signage stating it is state law to stop.

Ms. Palazzolo said at the last meeting it was discussed that one of the changes Council would like to make is to add a second date to assigned committee assignments with projected finish date on the agenda. Mayor Policastro said Council can always make a verbal report. Mr. Bartlett said it may take two meetings to access how long the Committee will need. Mrs. Van Pelt suggested each Council member give to her their projected target dates and she will place it on the agenda.

Mr. Bartlett moved, seconded by Mr. Brown to refer to the Rules and Law Committee to review the language that is currently in the Ordinance regarding the process of Committee assignments/reports. On roll call; five ayes, no nays.

Mr. Bartlett said the Mayor brought up several large projects that will be coming up and asked if there was a meeting that Council will try to lay out those projects. Ms. Palazzolo said there is a Committee of the Whole meeting usually in January to discuss the Permanent Improvement Fund and upcoming needs. Mr. Bartlett said it would be good to let people know so they can attend the meeting with any needed data. Mayor Policastro said Council should come up with the date to hold the meeting at the December 17, 2018 meeting.

The meeting adjourned at 7:49 p.m.

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Dan Policastro, Mayor

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Anthony Borgerding, Fiscal Officer

