

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

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: Mrs. Graves, Mr. Hawkins, Mr. Marsland, Ms. Palazzolo, Ms. Schwartz and Mr. Wolter.

Mayor Policastro asked the Police/Fire Chief Hines to update Council on the life they save the other day. He is very proud of our department. Chief Hines said it gives him the opportunity to brag on the heroic work of our firefighters/paramedics. He introduced Assistant Fire Chief Kiefer to bring Council up to date. Assistant Chief Kiefer said Mariemont Fire Department responded to a significant EMS detail on January 25, 2018. Crews were dispatched to Mariemont High School for a report of a patient unconscious on the football field. The crew consisted of Lt. Jim Henderson, Lt. Mike Washington, FF/Medic Jeff Ridge and FF/Medic Kerry Henkener. Upon arrival, the crew found a 16-year old male patient lying on the football field with an altered level of consciousness. The patient was part of a soccer team utilizing the field. Upon assessment, the patient was sweaty and nauseated. While attempting to get a history of what happened the patient lost consciousness and was immediately placed on a cot and put in the ambulance. There was no response to a sternal rub, patient became cyanotic and went pulseless with no respirations. At this point the crew followed Advanced Cardiac Life Support protocols and started assisting with ventilations. The patient had a life-threatening pulse of 242 beats per minute. The patient was cardioverted to shock his heart into a more viable perfusing rhythm. After delivering shock, his heart rate returned to a more normal rate of 70-80 beats per minute. Supportive care was administered while enroute to Anderson Mercy for stabilization. He was transferred to Children's Hospital. It was relayed to him that the patient was diagnosed with viral myocarditis and Influenza A two days after admittance. Had his crew not recognized what was going on it is his professional opinion it would have been a much more bleak circumstance. He would put this crew up against anyone in Hamilton County. This crew saved that boy's life. We are blessed to have them here and he wanted Council to be able to put faces to the names. Mayor Policastro presented a "Letter of Commendation" to each crew member.

From Kathy Chapman-Dick, Executive Director, MariElders. She said the MariElders' Board of Trustees request that the Village Council submit the renewal the recreational levy for benefit of The MariElders on the November 8, 2018 ballot. They request the renewal of a one mill levy which brings in approximately \$65,000. The group provided over 3,000 trips this past year. Mayor Policastro said it is a worthwhile organization.

Mr. Wolter moved, seconded by Ms. Schwartz to accept the minutes as written for the Council meeting from January 22, 2018. On roll call six ayes, no nays.

Mayor Policastro read the following communications:

From Police Chief Hines: January 2018 Monthly Report/2017 Annual Report. Mr. Wolter thanked the department for being \$53,000 under budget last year. Mayor Policastro said the department has a Traffic Enforcement Fund which we are going to use \$26,500 towards the purchase of a new police cruiser which will be a savings to the Permanent Improvement Fund which is very tight this year. Chief Hines asked for thoughts and prayers for the Westerville, Ohio officers families that were senselessly gunned down over the weekend. It is a quiet community. There were 8 officers throughout the county ambushed over the weekend.

From Assistant Fire Chief Kiefer: January 2018 Monthly Report/2017 Annual Report

From Service Superintendent Scherpenberg: January 2018 Monthly Report

From Building Administrator Keyes: January 2018 Monthly Report

From Tax Administrator Busam: January 2018 Monthly Report

From Fiscal Officer Borgerding: Annual Fiscal Officer's Report 2017. He said we had a solid year. He had budgeted a deficit of \$106,000 and ending with a deficit of \$90,000.

From Assistant Fiscal Officer Wendler: January 2018 Fiscal Officer's Report

From Wendi Van Buren: ODNR: Tree City USA Awards Program

From Swim Pool Facilitator Ed Beck: Purchase Order Request for Fiberglass Umbrellas for the Swim Pool. Mayor Policastro referred the matter to the Finance Committee.

From Clerk Maupin: Mayor's Court Statement for the Month Ending January 2018

From Dr. Ken Tankersley: E-mail Dated February 5, 2018 re: Letter Regarding 6610 Mariemont Avenue to Ohio Historic Preservation Office

From Lebanon Ford: Cost Overview and Breakdown for New Police Vehicle. Mayor Policastro referred the matter to the Finance Committee.

From Engineer Ertel: Mariemont Hillside Stabilization Plan. Engineer Ertel said they held the Pre-Construction meeting and the work should commence February 21, 2018.

Mr. Rob Bartlett, 3611 Mound Way, was granted permission to address Council. He said he would like to go back to the December 18, 2017 Council meeting because there was something important that was raised but never really addressed. Specifically, Mr. Marsland said that in order for Council to be able to do its job, it needs to have all the data. He went through all of the Council meeting notes and the video pre-dating when the gabion wall was built, and never once was Council told that the original cost estimate submitted by the Village of Mariemont for the work was \$225,000. Nor was Council told that Mariemont's share of the costs was \$150,000. He thinks everyone on Council is pretty smart and as such he is pretty sure if they knew that a geotechnical engineer had estimated it would cost \$225,000 to address the erosion issues, they would have asked a lot more questions when they were told it could be fixed for just \$20,000. Unfortunately, the original cost estimate and the funding agreement with Hamilton County were never shared with Council. This is not the first time that Council has not been given all of the information about this situation. The Mayor stated that 6610 Mariemont had lost 10% of its yard due to erosion, creating a sense of urgency to act quickly. However, after the gabion wall was built, a survey was finally done at the request of Council and it turns out there is still 15 feet between the erosion and the property line, which could have allowed more time to get the right solution the first time. As another example, the Mayor said multiple times on the record that the decision of whether or not to allow bicycles along Whiskey Creek belonged to the Architectural Review Board. However, at the June 26, 2017 Council meeting, the Village Solicitor, Ed McTigue, said the decision was Council's, not ARB's. Finally, there was Ordinance O-14-16 to maintain the historic and aesthetic character of the Village. The Ordinance was passed as an emergency measure on July 18, 2016, but Council was never told that, in an email sent to the Mayor on June 8, 2016, that concerning that specific legislation ordinances such as this are oftentimes considered vague and overbroad so they may not survive constitutional challenge. Knowingly passing ordinances that are not constitutional and thus can be overturned, leading to more cost to the Village is not something he thinks Council would have done if they knew about Mr. McTigue's legal opinion, or at least they would have come back and tried to address the issue. He could go on with more examples, but the point is when facts relayed to Council are incorrect or withheld altogether, it makes it very hard for Council to do its job, which in turn puts the whole Village at financial and legal risk which he believes needs to be addressed.

Engineer Ertel said we have been through this before. The application for the Hamilton County Storm Water District was \$225,000 which offered three different solutions. The Village could have done anyone of the three items to get to the \$225,000. The Village opted to build the gabion wall.

Mayor Policastro said he was told by Clem Luken that he lost a lot of his backyard. We did not know that he was using Village property. It's possible he had a prescriptive easement but he does not know. It was later that a survey was done and we found that the Village owned a good portion of the backyard. He also said the first opinion he received from Solicitor McTigue was that it was under ARB to hear the request for bicycles. After further review the Solicitor changed his opinion that it was a Council decision.

Mr. Bill Brown, 4030 Lytle Woods Places, was granted permission to address Council. He gave Council an update on the Municipal Building expansion. We are approximately one third complete. There have been some weather issues. As the weather improves he is hopeful that they will be able to make up some of the time. He estimates 4-6 weeks before they can break through the wall. He has told them we need at least a 10 day notice so we can schedule the work to start on a Tuesday after Council. It is going to be extremely dusty and dirty and it is possible we will have to hold a Council meeting offsite if necessary. The process, paperwork and procedure for obtaining the grant money is overly complicated. He thanked both Mrs. Singleton and Mrs. Van Pelt for their help in getting a lot of the information together. He just mailed the first payment application to the State to be reimbursed for the first draw (approximately \$75,000) paid to Perkins Carmack. This obligation was met with the construction loan money. The money will be deposited back into a special fund set up, however it will do nothing to offset the interest expense. There have been a couple of minor change orders due to the weather and issues with plumbing and the elevator. He attended a meeting with Bob Rich, Mayor Policastro, Rick Hines, Jason Kiefer, Joanee Van Pelt and Sue Singleton to discuss the interior finishes and furniture. Mr. Rich is going to provide prices and it will be further discussed in the Public Works and Service Committee. Mr. Wolter asked who in the Village is looking at the quality of work of Perkins Carmack. Mr. Brown said that Mr. Rich is providing some oversight. The documentation on every single thing that happens on the construction site is reviewed and tested. Most all have specification reports. He is also on site on a regular basis.

Engineer Ertel said he received notification that the Village made it to the second round of the application process for the grant for Madisonville Road. It is the part of the process where municipalities can make their application stronger with the Small Government Funds. The Village has asked for \$99,000 as a grant. If the Village asks for \$50,000 grant/\$50,000 loan it can increase the application strength by 10 points. It is an interest free loan for 25 years. It would then make it the number one priority project in Hamilton County. We would still have to compete with the other 88 counties in Ohio. Mr. Hawkins asked what the chances were to get the grant if we did not change the application. Mayor Policastro said in the past we have lost by one point two years ago on Belmont Avenue. Ms. Palazzolo said that Belmont is not as heavily traveled as Madisonville and would think that Madisonville Road would have more weight as a major thoroughfare. Engineer Ertel said Belmont had a 30 year life whereas Madisonville has a 20 year life. It will need to be resurfaced more often which can hurt. It is the time in the application process to put our best foot forward. Ms. Palazzolo asked if we continually take out these loans are we putting the Village in a bad budgetary place. Mayor Policastro said he sits on the board and he is convinced if we don't ask for the loan we will not get the grant. In this case we would be getting \$50,000 to use towards the project and can repay in the next couple of years. If we don't get the grant the expense is \$100,000 to the Village. Assistant Fiscal Officer Wendler asked if there were other areas the Village could concentrate on to get more points. Engineer Ertel said if the project is designed before it goes out to bid it may earn three out of five points. But he would recommend having the money before we build/bid the project. Ms. Palazzolo said we have so much infrastructure that needs repair and fears we will be doing this over and over again. Mayor Policastro said no we will have run out of roads. This grant money only applies to roads that connect municipalities. Ms. Graves said this is an important project to do because it is close to our school. Mr. Wolter moved, seconded by Ms. Schwartz to make the recommendation to change the application. On roll call; six ayes, no nays.

Engineer Ertel said he has a price for the storm water design on Homewood Road. The construction drawings are \$7400.00. Mayor Policastro said to submit the proposal for the next Council meeting.

Mr. Hawkins said he met with Duke Energy regarding the trees and landscaping along Murray Avenue. We are moving forward and working with the Parks Board to make a plan.

Mr. Wolter moved, seconded by Ms. Graves to pay the bills as approved by the Fiscal Officer, Mayor and Chairman of the Finance Committee. On roll call; six ayes, no nays.

Ms. Palazzolo moved, seconded by Ms. Schwartz to accept the recommendation of the Safety Committee which met on January 22, 2018 at 6:15 pm in Council Chambers to discuss the addition of a cross walk on the south side of Miami Road by the Trolley Turn-Around Park, a cross walk on the south side of Miami Road by the new condos being built and the extension of the no parking zone on the already established cross walk on West Street and Center Street. Present at the meeting were Committee Chairman Avia Graves, Committee Member Maggie Palazzolo, Council Member Troy Hawkins, Police Chief Rick Hines and Mariemont Resident Alandra Parchman (3847 Miami Road). It is the recommendation of the Committee that we place a cross walk on the south side of Miami close to the Trolley Turn-Around Park where the ramps already exist, to place a cross walk on the south side of Miami close to where the new condos are being built where the ramps already exist and to extend the no parking zone on the west side of Miami by the cross walk an additional 20 feet and that we re-evaluate the necessity of it after the construction of the condos is complete. It is recommended that the necessary legislation be passed as an emergency due to safety concerns. Mrs. Graves said after talking with the Village Engineer there are several areas in the Village that the ramps down but not the crosswalk. It is something the Committee wants to have the Engineer study. On roll call; six ayes, no nays.

Mr. Wolter asked that the matter of the Municipal Building Renovation be put into either the Committee of the Whole or Public Works and ask Mr. Brown to report to the Committee. Mayor Policastro said it is still in Planning and Zoning & Economic Development. It was asked to place it as a line item on the agenda.

Mayor Policastro read the following miscellaneous announcements:

Village Offices will be closed on Monday February 19, 2018 in Observation of Presidents' Day

Resolutions:

“To Reappoint Wes Iredale as a Member of the Pool Commission for the Calendar Years of 2018 and 2019” had a second reading.

“To Reappoint Susan Eberlein as a Member of the Pool Commission for the Calendar Years of 2018 and 2019” had a second reading.

“To Reappoint Laura Stith as a Member of the Pool Commission for the Calendar Years of 2018 and 2019” had a second reading.

“To Reappoint Maria Borgerding as a Member of the Pool Commission for the Calendar Years of 2018 and 2019” had a second reading.

“To Appoint Leah Tigner as a Member of the Parks Advisory Board for the Calendar Years of 2018 and 2019” had a second reading.

“To Appoint Bill Brown as the Native American Cultural Center Grant Coordinator for the Village of Mariemont” had a second reading.

“To Reappoint Chris White as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year of 2018” had a first reading.

“Resolution Declaring the Necessity of Levying a Tax in Excess of the 10 Mill Limitation for Recreational Purposes and Requesting the County Auditor to Certify Matters in Connection Therewith” (MariElders) had a first reading.

“Resolution Declaring the Necessity of Levying a Tax in Excess of the 10 Mill Limitation of the 10 Mill Limitation for Current Expenses and Requesting the County Auditor to Certify Matters in Connection Therewith” had a first reading. Fiscal Officer Borgerding said this levy is from 1941. It needs to be renewed every five years. It is for the General Fund.

“Resolution to Grant Authorization for Fiscal Officer to Open and Maintain PNCCM Account; and To Declare Emergency” had a first reading. Ms. Schwartz moved, seconded by Ms. Palazzolo to suspend the rules to allow for the second and third readings. On roll call; six ayes, no nays. The Resolution had a second reading. Fiscal Officer Borgerding said this will allow us to invest excess money until we need to pay the bills. They are special CDs which are FDIC insured. He will stagger them 3 month, 6 month, 9 month and 12 month. We will have a sufficient balance to meet any costs we need to pay. The Resolution had a third reading. Mr. Wolter moved, seconded by Mr. Marsland to adopt the Resolution. On roll call; six ayes, no nays. Ms. Schwartz moved, seconded by Mrs. Graves to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-2-18 was adopted.

Ordinances:

“Ordinance Amending Code Section 151.060(C)(b)(1) To Establish the Requirement of Prior Approval for Deviation of Dish Placement and To Establish a Plan To Provide Information as To Proper Requirements for Installing Dish-Type Antennas” had a third reading. Mr. Marsland moved, seconded by Ms. Palazzolo to adopt the Ordinance. Ms. Palazzolo verified with Mr. Brown that he had the plans and two sets of instructions. On roll call; six ayes, no nays. Ordinance No O-6-18 was adopted.

“Providing for the Adoption of Post-Issuance Compliance Policies and Procedures for Tax Exempt Obligations” (Municipal Building) had a second reading.

“To Create the Village of Mariemont Native American Cultural Center Advisory Board” had a first reading.

“To Amend Section 78, Schedule I of the Mariemont Code of Ordinances to Include No Parking on a Certain Street within the Village; and To Declare Emergency” had a first reading. Ms. Palazzolo moved, seconded by Mrs. Graves 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. Ms. Palazzolo moved seconded by Ms. Schwartz to amend the Ordinance to add “west side of Miami Road at West Center Street” for more clarification. On roll call; six ayes, no nays. Mr. Hawkins asked why this was an Ordinance. Solicitor McTigue said because it is extending a no parking area. The amended Ordinance had a third reading. Mrs. Graves moved, seconded by Mr. Hawkins to adopt the amended Ordinance. On roll call; six ayes, no nays. Mrs. Graves moved, seconded by Mr. Marsland to invoke the emergency clause. On roll call; six ayes, no nays. Ordinance No. O-7-18 was adopted.

“To Amend the Village Income Tax Code to adopt Sections 718.82 Through 718.95 of the Ohio Revised Code and To Declare Emergency” had a first reading. Mr. Wolter moved, seconded by Ms. Schwartz 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. Mrs. Busam said the Village has no choice but to amend the Ordinance since this is a State mandate. The Ordinance had a third reading. Mr. Wolter moved, seconded by Ms. Marsland to adopt the Ordinance. On roll call; six ayes, no nays. Mr. Wolter moved, seconded by Ms. Schwartz to invoke the emergency clause. On roll call; six ayes, no nays. Ordinance No. O-8-18 was adopted.

Mr. Wolter said it is with much sadness and a heavy heart that he is resigning his Council seat effective immediately. He enjoyed serving the Village and he was honored to do so. He will share any information that he may. He submitted his resignation in writing. Mayor Policastro thanked Mr. Wolter for the time he put in with the Village.

Mayor Policastro referred to the Rules and Law Committee the matter of awarding to lowest responsive and responsible bidder. (Code Section 32.29)

Mayor Policastro referred to the Health and Recreation Committee the MPPG Pocket Park (Connector Park) and the plan for a swing for disabled children at the Tot Lot. He asked Service Superintendent to place wood chips at the Tot Lot.

Mayor Policastro referred to the Rules and Law Committee the Mayor’s spending limit.

Fiscal Officer Borgerding reminded Council of the Budget Hearing Monday February 26, 2018 at 6:15 p.m.

The meeting adjourned at 8:12 p.m.

Dan Policastro, Mayor

Anthony Borgerding, Fiscal Officer