

**VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
MARCH 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. Marsland, Ms. Palazzolo, Mrs. Rankin and Ms. Schwartz.

Mr. Marsland asked to have the minutes of the Committee of the Whole February 19, 2018 tabled until he can clarify with Mr. Hawkins a change he requested.

Ms. Schwartz moved, seconded by Ms. Graves to accept the minutes as written for the Special Meeting of Council February 19, 2018 and March 5, 2018. On roll call; five aye, no nays.

Mayor Policastro read the following communications:

From Assistant Fire Chief Kiefer: February 2018 Monthly Report

From Service Superintendent Scherpenberg: February 2018 Monthly Report

From Building Administrator Keyes: February 2018 Monthly Report

From Tax Administrator Busam: February 2018 Monthly Report

From Council Member Troy Hawkins: E-mail Dated February 19, 2018 re: Electronic Records Management. Mayor Policastro referred the matter to the Rules and Law Committee.

From Engineer Ertel: E-Mail Dated February 22, 2018 re: Proposal from Choice One Engineering Regarding Homewood Road. Engineer Ertel said with the Homewood Road drainage improvement we had Choice One survey the area. The \$7400 proposal is for construction plans, design depth of the pipes etc. If we are going to do this project, he needs the construction plans in order to prepare the bid package. He can prepare the bid package to include Madisonville Road as well. If we do not get the grant there would be language in the packet for bidders to submit a plan accordingly. We can bid the projects separately but the benefit is to bid the work together. The earlier we go out to bid the better the prices. Mrs. Graves asked when the opportunity would be for residents on Homewood Road to give their feedback. Mayor Policastro said once we get the dollar cost then we would bring in the residents and explain what the Village can do. Mrs. Graves's concern is if the design does not meet the need of the residents. Mayor Policastro said we have to pace ourselves. We do not have the money to a fifty year job. We get approximately \$350,000 per year in levy funds which also have to be split with projects in other parts of the Village. We did not do a fifty year project on Settle Road either. Engineer Ertel said Settle Road is designed for a two year storm. In the few heavy rain events we have had he has not had any calls of flooding. Ms. Palazzolo asked what the limitations on Homewood Road. Are we resource poor or money poor? Engineer Ertel said there is less space to work in. On Settle Road the utilities were further underground. On Homewood Road we have a foot and one half to work with until we run into water lines and sanitary lines. Ms. Schwartz asked for clarification if we did have the money we could not do the work for a 50 year storm anyway. Engineer Ertel said we would have to look for other places. We would have to run an 8" diameter pipe the whole length of the road. Ms. Schwartz said she talked with Mr. Hawkins who wants to stop the project because it was not a true fix. The work on Settle Road has been very successful. Ms. Graves asked what happens if we have to go back and fix it. Mayor Policastro said the worst part is the area on Homewood down from Wooster. There was a house with a garage underneath that just filled with a lake of water. It is the lowest spot on the street which is why we want to start there. Perhaps next year we can go to the other side by Murray Avenue and find areas to do \$150,000-\$200,000 worth of work. We still have streets all over the Village that people are complaining that their street is a mess. This could be a phase type project. Ms. Palazzolo asked if there was a situation if you were not limited by anything would moving the utilities be an option – would a municipality that is being halfway responsible choose to do something like that. Mayor Policastro said if you have the money you can do anything. Engineer Ertel said usually you would work with the street space itself or underneath it. Mayor Policastro said every drop of water we can pick up and get rid of before it goes down the street the better. There were no catch basins. Over the years if we do a little here and a little there we should get to a good point to stop these catastrophes. Mr. Marsland moved, seconded by Ms. Schwartz to proceed with the proposal of Choice One. On roll call; five ayes, no nays.

From Police Clerk Maupin: Mayor's Court Statement for February 2018

From Karen Berkisch, President, Garden Club: E-mail Dated March 6, 2018 re: Use of front lawn of Municipal Building. Mayor Policastro said this is an old club in the Village made up of great ladies in the Village. It does not work for them to have their plant sale at the Strand with the new florist. Ms. Schwartz moved, seconded by Ms. Palazzolo to allow the use of the front lawn of the building. On roll call; five ayes, no nays.

From Sue Singleton: Memo Dated March 7, 2018 re: Ohio Sunshine Laws Manual.

From Assistant Fiscal Officer Wendler: Fiscal Officer's February 2018 Monthly Report

From Solicitor McTigue: E-mail Dated February 27, 2018 re: Comments on Facebook about the Mariemont Native American Cultural Center. Solicitor McTigue said it was pretty self-explanatory. There were no federal funds therefore NAGPRA does not apply to this.

From Mayor Policastro: Maps showing historic/sensitive sites along Whiskey Creek

Mr. Jerry Vianello, 6570 Wooster Pike, was granted permission to address Council. He asked Council to drive by the next day or two and look at the Waldorf School. He can't tell how many people have said to him what a disgrace it is for our Village. If that is how they are going to treat and maintain their property the concept of them putting a high school where the old Dilly Deli used to be then he cannot fathom what that will do. He wants Council to come to resolution with them. He also would like to thank John Scherpenberg and the Service Department for the help they provided to him.

Mrs. Graves asked what was so bad. Mr. Vianello said there are parts of fences leaning up against the building, it is a mud pit, and logs have rolled down into the valley. The ballfield next to them is not their property or their facility yet they have soccer goals up and play on the field rain or shine. Mayor Policastro said we own the property but it is a park and anyone has a right to play on it. The grass probably will not grow back and there will be no need to cut it. He talked with Mr. Glassmeyer and the Recreation Association is not going to need the field this year. Mr. Vianello said he does not mind that they use the parks but he does not think they are very conscious of what is going on.

Mayor Policastro said he has a CAGIS map of Waldorf's property. He is going to send Superintendent Scherpenberg over with the map. He believes the logs are on Village property. He asked the Superintendent to look at the ball field and if it needs to be seeded he will bill the Waldorf School.

Mr. Rex Bevis, 4011 Miami Road, was granted permission to address Council. He wanted to compliment the Village Staff. On Saturday February 24, 2018 there was a rain storm. At 10:00 p.m. there were two police officers at his front door. There was a lake in his front yard full of sand and gravel. The water was travelling towards his home as if it was coming from a firehose. His neighbor, Carol Williams, rushed over to help drag mulch bags in front of his garage and the front of his house. She helped from 10:00 p.m. until 1:00 a.m. Police Officers Matt Kurtz and Dan Lyons were the ones on site. The last thing he is sure they wanted to do was stand out in the rain but they did just that and built a two foot dyke out of the sand and gravel. They stayed until 2:30 in the morning. He called Mayor Policastro on Sunday and was reassured that he would get some help. On Monday morning the Service Department (John Scherpenberg, Kevin Schmid, Ben James, Joe Godbey and Mike Evanchyk) showed up with dump trucks, back hoe and shovels. They filled two dump trucks with debris. Superintendent Scherpenberg called professionals to come onsite and assess the situation. The storm pipes were scoped and they found a massive blockage. The water running down Miami Road hit the blockage and exploded out of the ground. Chris Ertel has also been very instrumental in helping get the companies out to look at the problem. He thanked everyone again for their help during the event and going forward to find a permanent solution.

Superintendent Scherpenberg said they cleaned out all the pipes and all the catch basins that were clogged. The blockage was at the headwall which had limbs that got caught in the catch basins. He is going to review the video to see if there is a crack in the pipe at the headwall.

Mr. Vianello said there is no storm drain on Wooster Pike from Beech Street to Homewood. The water comes down Wooster Pike and makes the turn to go downhill onto Homewood. The two storm drains cannot handle the flow.

Ms. Schwartz moved, seconded by Mr. Marsland 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. Schwartz moved, seconded by Mr. Marsland to accept the recommendation of the Committee of the Whole which met on Monday, February 19, 2018 at 7:00 p.m. to discuss the mowing contract for 2018. Present at the meeting were Mayor Dan Policastro, Vice-Mayor Eric Marsland, Councilpersons Avia Graves, Troy Hawkins, Maggie Palazzolo and Mary Ann Schwartz, representatives from landscaping companies and several residents. After discussion clarifying the additional costs that would be incurred for additional, unforeseen services, contracted after the expiration of the contract, it was recommended that Lawscapers be awarded the contract as they represented the lowest bid of \$46,250. Additional services requested after the expiration of the contract would be billed at a rate of \$2,700.00 per cut. The meeting was adjourned at 7:30 p.m.

Mayor Policastro read the following miscellaneous announcements:

Village Offices will be closed on Friday March 30, 2018 in Observation of Good Friday.

Resolutions:

“To Reappoint Wes Iredale as a Member of the Pool Commission for the Calendar Years of 2018 and 2019” had a third reading. Ms. Schwartz moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-3-18 was adopted.

“To Reappoint Susan Eberlein as a Member of the Pool Commission for the Calendar Years of 2018 and 2019” had a third reading. Ms. Schwartz moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-4-18 was adopted.

“To Reappoint Laura Stith as a Member of the Pool Commission for the Calendar Years of 2018 and 2019” had a third reading. Ms. Schwartz moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-5-18 was adopted.

“To Reappoint Maria Borgerding as a Member of the Pool Commission for the Calendar Years of 2018 and 2019” had a third reading. Ms. Schwartz moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-6-18 was adopted.

“To Appoint Leah Tigner as a Member of the Parks Advisory Board for the Calendar Years of 2018 and 2019” had a third reading. Ms. Schwartz moved, seconded by Mr. Marsland to adopt the Resolution. On roll call; five ayes, no nays. Resolution R-8-18 was adopted.

“To Appoint Bill Brown as the Native American Cultural Center Grant Coordinator for the Village of Mariemont” had a third reading. Ms. Palazzolo asked if there was a job description. Mayor Policastro said he talked about it at Town Meeting. Mr. Brown is going to oversee the paperwork from the State on the project and assist Ms. Schwartz in her Committee. Ms. Palazzolo asked if anything was on paper that Mr. Brown agreed to. Mrs. Graves said she would like to know what he is truly going to be doing in the role. Ms. Palazzolo said at one meeting it was discussed that we could use Mr.

Brown's expertise at the Steam Plant but she does not think the Village is protected against rules and responsibilities being clear between what Mr. Brown is doing and what the Committee does. Mayor Policastro said Mr. Brown will be controlled by Ms. Schwartz's committee. Solicitor McTigue said Mr. Brown volunteered to take the role because he was involved in the project before he was voted off Council. The Village was looking for someone to do what the Resolution says and that is to oversee and coordinate the submissions of invoices. It is still up to the Mayor, Fiscal Officer and the Planning & Zoning Committee to make sure the invoices are legitimate and should be paid. Ms. Palazzolo said she believes this is a great idea but there is no definite start and stop part of the role. There is also no scope. Solicitor McTigue suggested the Committee meet to put together a job description. From a legal standpoint there is nothing wrong with the wording of the Resolution. As with any volunteer Mr. Brown is simply trying to help the Village so there is a central point person. Ms. Palazzolo voiced concern if for some reason Mr. Brown was not able to do the job the bills would not get paid. Ms. Schwartz said she has worked with Mr. Brown and the paperwork is extremely complicated. Mr. Marsland said perhaps we should have a job description simply because the paperwork is so complicated. Ms. Schwartz suggested Ms. Palazzolo and Mrs. Graves prepare the job description. Ms. Palazzolo said when Mr. Brown was on Council he was the Chairman of the Economic Planning and Zoning and that is why he had that responsibility. She assumed that the baton would be passed to Ms. Schwartz but that is not the way it is going. This feels like a circumvention of our process. If we are going to this that is fine but we need to document it. We are not documenting and something is going to slip through the cracks. Solicitor McTigue asked if typically these type of functions are handled by our administrative staff. Ms. Schwartz said Mr. Brown is working with Mrs. Van Pelt and Mrs. Singleton. Ms. Palazzolo said if it is normally handled by the office staff or the committee she would like clarification on why we need an additional person. She suggested having Mr. Brown prepare a job description since he knows what his responsibilities are. Ms. Schwartz said we could do away with the Resolution and have the Committee do it with either Ms. Palazzolo or Mrs. Graves stepping in to do it. Ms. Schwartz moved, seconded by Ms. Palazzolo to table the resolution until a job description is written. Solicitor McTigue said then Council can vote to oversee and coordinate any communications and perform the functions as set forth in attached Exhibit "A". On roll call; five ayes, no nays.

"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 second 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 second reading. Mr. Marsland asked for clarification on why it is titled for Recreational Purposes when it is for the MariElders. Mayor Policastro said when Clarence Erickson was Mayor the Village wanted to start the MariElders. They could not come up with anything but a recreational levy. It is a service that sets us apart from other communities. Solicitor McTigue said it is a legitimate purpose.

"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 second reading. Fiscal Officer Borgerding said this levy is from 1941. It needs to be renewed every five years. It is for the General Fund.

"To Authorize Adoption of a Premium Only Insurance Plan" (For Section 125 Cafeteria Plans) had a first reading. Mr. Van Pelt said the Village needs to have a Resolution in place to allow for pre-tax dollars to be deducted from the employee's paychecks who participate in the HSA insurance plan.

"To Authorize the Solicitation of Bids for Street Repair" (For Madisonville Road Project) had a first reading.

"To Reappoint Jason Brownknight as a Member of the South 80 Trails, Gardens, and Park Advisory Board for the Calendar Year of 2018" had a first reading.

Ordinances:

"Providing for the Adoption of Post-Issuance Compliance Policies and Procedures for Tax Exempt Obligations" (Municipal Building) had a third reading. Mr. Marsland moved, seconded by Ms. Palazzolo to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-10-18 was adopted.

"To Create the Village of Mariemont Native American Cultural Center Advisory Board" had a second reading.

"To Accept Bid of Lawscapers Inc.; To Authorize Contract 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; five ayes, no nays. The Ordinance had a second and third reading. Mr. Marsland moved, seconded by Mr. Graves to adopt the Ordinance. Ms. Schwartz moved, seconded by Mrs. Rankin to invoke the emergency clause. On roll call; five ayes, no nays. Ordinance No. O-11-18 was adopted.

Ms. Palazzolo said she learned at the meeting she attended on the Sunshine Law that while a Committee of Council is meeting the other members of Council (not on the Committee) may attend the meeting but they are not allowed to weigh in on the topic of hand. Essentially that then becomes a Council meeting and it has not been given notice as such. Mrs. Graves said her impression was that the non-Committee Council members could speak but not give an opinion. Solicitor McTigue said as a resident a Council member has every right to show up at a Committee meeting and let people know what their thoughts are on a matter. They would need to sit in the audience. Ms. Palazzolo said the non-Committee Council members could offer information but would need to reserve their opinion until the Council meeting. Mayor Policastro said he was always told as Mayor he was a part of all committees. Ms. Palazzolo asked as a tie breaker how would that work. Solicitor McTigue said he would look into the matter. He is not sure that the Mayor is a part of every Committee that has been appointed by the Mayor.

Mrs. Graves asked that the matter of Safeways To School Grant for Historic Lighting be moved to the Safety Committee. Mayor Policastro transferred the matter from Public Works to the Safety Committee.

Mrs. Graves said there was an e-mail request regarding the new No Parking sign on Murray Avenue. Mayor Policastro said he will refer the matter at the next Council meeting to the Safety Committee when Police Chief Hines will be back from vacation.

Mrs. Graves said she has gotten a lot of e-mail requests for crosswalks. While looking at the Safeways to School Grant her thought would be to overview the crosswalks to do a whole approach rather than piece meal. She talked with Engineer Ertel to do the study to see where the needs are. Mayor Policastro suggested that the Safety Committee walk the community and find the areas. Once the areas are identified then bring in the Village Engineer. It would be costly to have the Engineer walk the Village.

Ms. Palazzolo said the Mayor thought the matter of the Mayor's spending limit was referred to the Rules and Law Committee but it was not listed on the agenda. Mrs. Van Pelt said she would add it under Rules and Law. Solicitor McTigue said the Ordinance could have been left out of the recodification.

Mr. Marsland said he left information on the swing that is going to be installed at the Tot Lot.

Mr. Marsland said in talking with Assistant Fire Chief Kiefer asked if we can get into the Finance Committee his Permanent Improvement fire requests because time is of the essence for better pricing. Mr. Marsland moved, seconded by Ms. Schwartz. On roll call; five ayes, no nays.

The meeting adjourned at 8:10 p.m.

Dan Policastro, Mayor

Anthony Borgerding, Fiscal Officer