

**VILLAGE OF MARIEMONT  
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS  
SEPTEMBER 10, 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: Mr. Bartlett, Mr. Brown, Mrs. Graves, Ms. Palazzolo, Mrs. Rankin and Ms. Schwartz.

Ms. Schwartz moved, seconded by Mrs. Rankin to accept the minutes for the Council meeting August 27, 2018, Special Meeting of Council August 28, 2018 and the Committee of the Whole August 30, 2018. On roll call; six ayes, no nays.

Mayor Policastro read the following communications:

From Police Chief: August 2018 Monthly Report

From Assistant Fire Chief Kiefer: August 2018 Monthly Report. Assistant Chief Kiefer said he is working with the Maintenance Department to put a second sump pump in the basement of the Municipal Building.

From Service Superintendent Scherpenberg: August 2018 Monthly Report. Mayor Policastro asked if there was any damage from the wind and rain. Superintendent Scherpenberg said there was some tree damage on Wooster Pike by the Elementary School and also some down on Flintpoint. Most of the damage was branch hangers and most of the trees will survive but the one on Wooster will more than likely have to come down. Mayor Policastro asked about the tree that was struck by a truck at Hammerstone and Pleasant. Superintendent Scherpenberg said it is scheduled to be removed and was on the schedule prior to being hit. Mayor Policastro asked for an estimate so we can submit a claim to the driver's insurance company.

From Building Administrator Keyes: August 2018 Monthly Report

From Swim Pool Manager: August/September 2018 Monthly Report

From Police Clerk Maupin: Mayor's Court Statement August 2018

From Joe Stoner, President, MPF: Letter Dated September 1, 2018 re: Thank you for Sponsoring Taste of Mariemont

Mr. Tim Feichtner, Mariemont Fire Department, was granted permission to address Council. He has been an employee of the Village since March 1999. He worked his way through the ranks to Assistant Fire Chief. He left in April of 2014 to seek employment with Sycamore Township. A lot of his reasons were personal but some were not and he had reached his point with it. As many know, the Municipal Building was constructed in the early 1960's and was never meant to house the number of employees that currently work out of it today. During this time there have been very limited upgrades to the building which has in turn allowed for multiple problems to develop and in turn fester. If any changes have been made to the building it has been merely cosmetic with some minor construction. All of the upgrades (excluding the building addition) have been completed by the employees. This includes construction of a day room and sleeping quarters for the firefighters, the construction of the shed, and small kitchen remodel. The Police and Firefighters have painted their respective areas to improve the conditions but it is only cosmetic. Over the last couple of years he has been one to spearhead the reconstruction of the basement after the 3 floods in order to expedite occupancy and morale. He does not want to speak for them and apologized to Mrs. Van Pelt, Mrs. Singleton and Mr. Keyes if what he says is disrespectful. Every time he walks into the Village Offices to speak with these individuals it is overwhelmingly depressing and embarrassing to look at the condition of the offices. The storage is limited and lack of space, duct tape on the carpet and it is extremely small and he finds it difficult to discuss business or concerns with them. There is no privacy for sensitive conversations and it is extremely disruptive when trying to speak with them while there are contractors and Village residents trying to do the same. The background noise and lack of places to sit or stand to conduct business hinders progress. He gives credit to Mrs. Van Pelt and Mrs. Singleton for all the numbers they crunch on a daily basis with all these distractions and keep the numbers and budgets of the Village as correct as possible.

The Fire and Police Departments were meant to house one on duty police and firefighter and one department head in each department. Presently, we have at any given time 12-15 people actively working on these floors on a daily basis sharing one unisex bathroom. The basement area was constructed to assist in creating an area for the firefighters to retreat to after normal business hours. Many firefighters come or leave to go to their full-time departments daily putting most of them working 48 hours plus straight. The police and firefighters pay into a house fund. This house fund covers condiments, snacks, spices and other items that the Village does not purchase for the employees. They have worked closely with a local gym and negotiated memberships for the police and firefighters. This also comes out of the house fund. It allows them to exercise and relieve some stress and also keeps them fit for duty. They have lost space in the basement due to the housing of the electrical panels and controls for the elevator.

The most recent flood happened on August 11, 2018 when he was alerted by the police that the basement in the Municipal Building was flooding. There was approximately 6-8" of water coming up through the drain. He alerted the rest of the crew and they began to take a stance to prevent the basement from completely flooding. He did not want further damage that would displace them from the basement once again. During that time they were receiving calls from residents needing assistance for the same. Unfortunately due to their efforts needed at the building they were not able to answer the call. The police officers on duty accepted their request to go help the residents as best as possible. They were able to go and assist on a priority basis once they were able to maintain the water levels and prevent any further damage.

There are limited areas to conduct training with most being done at the kitchen table with phones ringing and a constant flow of traffic. He cannot speak for everyone but there are a large number of employees that are frustrated and morale is at an all-time low. This is not to point fingers at Department Heads, Elected Officials or the Mayor. Additional problems were created with the new construction. During the process we were thrown obstacles every day with little to no help from the people doing the work. This includes the basement flooding which shorted out the phone system, the contractors making a mess leaving the employees to clean up. The medical supplies were covered in dust among other issues. Employees had to pay out of pocket for nails to be removed from their personal vehicles. It was a huge disruption to the employees who work here on a daily basis. There was also the contractor's incompetence with supplying power to the air conditioning units. This caused all three units to quit working on a Sunday during extreme heat. On his day off he went to purchase window units to make the building tenable for the other employees due to the inside temperature being 86 degrees.

He is proposing that these issues and concerns be categorized and be assigned to a Committee of Council so we may hold a meeting in the near future. This would allow for the employees to come and speak about the concerns of the condition of the facilities without fear of retaliation. It would be a big morale booster. He would also suggest that anything that is discussed be laid out on paper so if members of Council decide not to run for re-election the work to date is not lost. He asked that Council set aside any quarrels so we can create a better Mariemont for all the residents and the employees as well.

Mayor Policastro said years ago we looked for firehouse grants and asked if those were still available. Mr. Feichtner said they are very limited as they do not have federal grants for structures anymore. He and Assistant Fire Chief Kiefer have looked regularly. Mayor Policastro said he thought Deer Park got a grant to build their whole building. Mr. Feichtner said it is more of a pole building and it was built a number of years ago. Mr. Brown asked how Fairfax got the money. Mr. Feichtner said they went to the voters. Mr. Brown asked what the effect of morale has on turnover. Mr. Feichtner said it is an extreme obstacle at times. With the members on the present fire department roster there are 627 years of experience. It is unheard of for a part-time department. We have lost 6-8 people over the past couple of months. We also lost response time when the fire department was displaced at the Mariemont Inn. Mayor Policastro referred the matter to the Health and Recreation Committee. Ms. Palazzolo said it may take all of Council's time and talent and suggested referring it to the Committee of the Whole. Mayor Policastro said he would like a Council member to start searching for a grant. Mr. Bartlett said he will work with Mrs. Singleton to search for a grant.

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

Mrs. Graves moved, seconded by Ms. Palazzolo to accept the recommendation of the Public Works and Service Committee which met on Friday September 7, 2018 in Council Chambers to discuss changing the schedule for trash, recycling, yard waste, and large item collection in the Village to one day per week instead of two separate days. Present at the meeting were Public Works and Service Committee Chairperson Kelly Rankin, Co-Chair Avia Graves, Council Member Bill Brown, Engineer Chris Ertel and Mayor Policastro. Staff Assistant Sue Singleton was

present for part of the meeting. After discussion, the Committee recommends making the change to having all trash, recycling, yard waste and large items collected throughout the Village on Tuesdays, beginning with the first Tuesday in October 2018.

Mr. Dean Ferrier, representative from Rumpke, said they do not ask for a change in contract with a city or Village unless they have a need elsewhere. It will ease the number of calls to administration and the number of trucks in the Village. Most municipalities beg for service all in one day which is something they often have to decline. Rumpke will keep Thursday as the make-up day for any residence that did not receive service. There will be some overlap of the old and new crew and hopefully within a few weeks everyone will be used to the change. On roll call; six ayes, no nays.

Mr. Bartlett moved, seconded by Ms. Schwartz to accept the recommendation of the Public Works and Service Committee was held at 12:00 pm on Friday September 7, 2018 in Council Chambers to discuss approving the additional costs necessary for the Homewood Road improvement project. A revision in plans was made necessary due to Duke Energy gas line being inaccurately marked on the original plan map. Present at the meeting were Public Works & Services Committee Chairperson Kelly Rankin, Co-Chair Avia Graves, Council Member Bill Brown, Village Engineer Chris Ertel and Mayor Dan Policastro. After discussion, the Committee recommends approving an additional \$20,000 for the project. Engineer Ertel explained that the utility survey allows the markings to be off 3' in either direction. It was noticed that there was a gas line in the way of the 24" storm water sewer that needs to be installed. The redesign includes extending one pipe to get around the gas line conflict. Mayor Policastro asked if we can prove that we were given false information. Engineer Ertel said no he did not think so. He believes the only recourse the Village has is to tell Duke Energy to move the gas main but that will take most likely a year. On roll call; six ayes, no nays.

Mrs. Graves moved, seconded by Mrs. Rankin to accept the recommendation of the Committee of the Whole which met on Thursday August 30, 2018 at 6:30 p.m. in Council Chambers to discuss extending Chief Rick Hines' employment past his set retirement date of December 31, 2018. Present at the meeting were Mayor Dan Policastro, and members of Council Rob Bartlett, Avia Graves, Maggie Palazzolo, Kelly Rankin and Mary Ann Schwartz. Also in attendance was Police/Fire Chief Rick Hines and Administrative Assistant Joanee Van Pelt. An employment contract has been drafted and reviewed by Solicitor Ed McTigue who approved it. The contract states that Chief Hines will remain the Police/Fire Chief in the Village under the same conditions he currently has for a three year term with a two year extension option. The Committee agreed to recommend that Council approve the contract. On roll call; six ayes, no nays.

#### Miscellaneous:

Mr. Brown said there have been communications with Mr. Heines' attorney regarding the Steam Plant. Solicitor McTigue said he never heard the word condominium until they met a couple weeks ago. They still need approval for the project. He said he needs to get with Mr. Heines' attorney to find out exactly what they want to do. Building Administrator Keyes said it is not a single building. They are independent units and will not be far enough apart to meet Village code. From his perspective, they will need to come to Planning Commission, at a minimum, to get a variance. Mr. Brown said there are still disputes over the property lines and the surveyors need to get together. Mayor Policastro referred the matter to the Public Works and Service Committee. Ms. Palazzolo said the permitting process has been an issue and asked if that was a trigger point to go through the Planning Commission. Mr. Brown said there are many levels of permitting. Ms. Palazzolo said there is a chain of permits that would allow the Village to say one is missing or out of order. We have a time and place where this come before a body to approve before. Mr. Brown said the first obstacle will be when they submit their geotechnical plans. There is some confusion on what was first proposed and what is being done now. Mr. Vianello said Mt. Vernon was an abandoned road for a number of years. The Brueckner's reclaimed that as part of their property. He is sure the people who bought the house have that listed on their deed. Ms. Schwartz asked if the project got a tax abatement and what committee it was assigned to. Mr. Brown said yes it did get a tax abatement and it was in his committee. Ms. Schwartz said there might be an issue with single family homes.

Mayor Policastro went over the new Council Committee assignments. Ms. Palazzolo said she submitted a report regarding changing the wording in the code for the Historic District but the Mayor did not accept it. She is not sure what else she can do with that. She thought it was resolved based on her report. She said what is not listed but not yet executed is the contract with Frost Brown & Todd. The Mayor indicated that the Solicitor was looking it over. It's off her agenda list. It is not being tracked but it has not been done yet. Solicitor McTigue said he looked it over and gave some comments to the Mayor. He has a couple more comments to make about the legal side of the agreement.

There were some things that they were surprised about. We essentially thought we would be hiring one person at one rate. This is not a legal question but more of a policy question for Council to consider when we have the final version. It is not his call to say whether it is a good idea or bad idea. His comments were structured from the legal side. The rates proposed is something Council may want to talk about. He has dealt with large law firms and their rates are all over the board. The rate for Mr. Hemenway is a fair rate for his firm but as you go up the chain of command the rates become substantially higher. Council does not want to sign an engagement letter that may have the Village pay a senior partner \$500 per hour when we may not need that kind of legal representation. Mayor Policastro said somewhere along the line Ms. Palazzolo said there would be a second committee meeting. Ms. Palazzolo said no because we did the report July 23, 2018 to go ahead and sign the engagement letter. Solicitor McTigue said to this day he still does not understand the necessity for it. If he is not qualified to handle or feels uncomfortable handling a case he would be the first one to let the Village know. He believes it would be a safer play to hire someone on a case by case basis as opposed to a carte blanche agreement. He said some of the changes he made were relative to what was talked about at the committee meeting and that was the decision to use another firm was essentially his and the Mayor's whether or not we are going to engage these people. Mr. Bartlett agreed that it is not carte blanche. Solicitor McTigue said he will get a letter out this week to the Mayor letting him know what should and should not be included in the engagement letter. We can then meet with Mr. Hemenway to see if he is agreeable to the changes the Village wants to make. Mr. Brown asked how we did get with this particular firm and asked if there were other firms that were looked at. Ms. Palazzolo said Mr. Hemenway was at the meetings and is a resident and said this was a way he could be involved and help should Solicitor McTigue retire as his field is municipal law. Mr. Brown said if we are looking at law firms he just thought there would be talk with other firms. Ms. Palazzolo said the field of municipal law is very small.

Ms. Palazzolo said she is still working on the Noise Ordinance and hopes to have the final meeting soon. She wants to review the original paperwork with the Barn to make sure we did not overlook something.

She has not done anything with the lowest responsive and responsible bidder yet. She needs to get with the Solicitor.

Mayor Policastro asked about the installation of Solar Panels. He said many people want to put them in as there are new innovative technology. Ms. Palazzolo said Building Administrator Keyes was going to get her the information. Mr. Keyes said he has looked at some samples on the internet but he does not have any samples yet. Mr. Brown said we do not want this to turn into a satellite dish affair. We need to have something in place telling residents where these panels will go. Solicitor McTigue said he will look at the legislation of other communities.

Mr. Bartlett said he is scheduled to meet with Mr. Marsland to get up to speed on the assignments in the Finance Committee. Chief Hines said the replacement of the In-Car Computer System is time sensitive. Fiscal Officer Borgerding verified that this was a line item discussed in the Permanent Improvement Meeting.

Mrs. Graves said they held a Safety meeting this evening and after her report it should take care of the crosswalks and the parking issue in her committee. She still plans to have one more meeting on the Historic Lighting. Engineer Ertel said the Safe Routes application is due January 2019. However, there is a lot of work to get to that point. Mrs. Graves said the plan that was put into place was for five years. She believes it was originally put into the Safety Committee that within that five year window the Village could re-apply for a grant. The five-year window has passed. In order to apply for anything we have to do a whole new plan. Engineer Ertel said it would involve another student count and parent student survey which takes a lot of time. He is going to look into the cost. Mrs. Graves said there may potentially be other options which the Committee wants to talk about. She said from their meeting tonight that some of the sidewalk issues may be due to Village trees. Mayor Policastro said to let him know and he can have the Maintenance Department do those in house. Mrs. Graves said at the meeting a gentleman brought up an issue with the bike share lane with the sharrow lane markings which have faded. She informed him that Wooster Pike is going to be re-paved and they should be repainted. The gentleman also said that people were not observing the 3' rule while they are in the Share the Road lane. She asked if something could be done or how the issue could be addressed. Chief Hines said it is narrow. He will ask his officers to keep an eye on it and if they see a vehicle that is crowding a bicyclist to issue a citation. It was also discussed to do public education such as Town Crier and Mayor's Bulletin. Mayor Policastro suggested submitting in writing a narrative to the Town Crier and offer to hold a public meeting to explain how the Share the Road concept works.

Ms. Schwartz said she is working on the CRA and sent it to the Solicitor for legal review.

Mayor Policastro said in Public Works the matter of the street lights on Cambridge was from a resident that complained. Mr. Wolter was in the audience and said when he was on Council he called the resident several times to set up a meeting to discuss it and they would never set a time. He looked at the street and found it to be no darker than any other street. It was agreed by Council to remove the matter from the agenda.

Mayor Policastro said the Albert Place drainage issue will be addressed with the street rehabilitation project for 2019. He said Building Administrator Keyes is working on raising the building department fees and is hopeful he can have that prepared in the next few weeks.

#### Resolutions:

“To Accept the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor” had a first reading.

#### Ordinances:

“To Renew Current Contract for the Following Kinds of Insurance: Real and Personal Property, Comprehensive General Liability, Business Automobile, and Other Coverages; To Pay Premiums; and To Declare Emergency” had a first reading. Mrs. Rankin moved, seconded by Mr. Brown to suspend the rules to allow for the second and third reading. On roll call; six ayes, no nays. The Ordinance had a second reading. Mayor Policastro said we took property liability damage up to 7 million dollars. We made many claims last year and it only went up \$900. Mrs. Graves asked how often it comes up for renewal and do we go out for other bids. Mayor Policastro said it is an annual renewal. Ms. Palazzolo said there was another company that bid two years ago and said that the current company has such great coverage that they would not rebid. Mayor Policastro said with the claims we have made no one is going to touch us for a while. He said the company comes in and takes inventory of all our buildings, automobiles, contents etc. Mr. Bartlett said because we have such great volunteers doing work for the Village are they covered. Mayor Policastro said they are covered liability wise but not for personal injury. The Ordinance had a third reading. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; six ayes, no nays. Ms. Schwartz moved, seconded by Mr. Brown to invoke the emergency clause. On roll call; six ayes, no nays. Ordinance No. O-22-18 was adopted.

Mr. Brown said he and Ms. Schwartz have been in contact with the gentleman who does the microphones for Council. One solution was wireless microphones but it may be too expensive and there may be a problem getting a signal. The other option is to get rid of the microphone stands and drill a hole in the desks and the microphone would mount into a socket. It will make it more difficult and complicated to move the desks. The microphones would be smaller. Chief Hines said he did not have a problem with that as they do not move the desks any longer for Mayor’s Court. Ms. Schwartz said she is concerned about them drilling holes in the desks and would prefer to stay with what we have. Mayor Policastro suggested Council think about it.

Mr. Bartlett said at the last Planning Commission meeting there was discussion about taking down a heritage tree which should have been replaced and how to enforce that. He was curious about how the Village enforces that. The house is for sale and they have not put the tree in yet. Building Administrator Keyes said we can put something in the code that says we cannot close a permit without the tree being planted or a plan to have a tree planted. Solicitor McTigue said if you give the homeowner proper notice that it has to be done within a certain number of days and it is not done, the Village can go out and do it and put the cost as a lien against the property. Mayor Policastro said he was at the property with Mr. Keyes and the owner promised to do it. Mayor Policastro referred the matter to the Planning & Zoning.

Mr. Bartlett said there is an Ordinance regarding aesthetics and teardowns and it was said that it was too broad and too vague and may not withstand constitutional challenge. He believes that Council should go back and fix that. It came from the Planning & Zoning Committee and he believes that is where it should go back to. Mayor Policastro referred the matter to the Planning & Zoning Committee. Ms. Schwartz said she will be having surgery and may not be able to address the matter until spring.

Ms. Suzanne Bischoff, 4004 Lytle Woods, was granted permission to address Council. She said she saw on the agenda it still says that there is being consideration for an OKI transportation alternative grant for the bike path from Plainville Road to the Library. She believed after the meeting with Troy Hawkins that it was made evident that the homeowners along the area were against that one direction. Mayor Policastro said his belief was that the grant was lowered from Settle to Plainville. Mr. Vianello said the Planning Commission addressed this issue. There were

50-60 people that the Planning Commission made a commitment to and the Village has honored that up to this point in time. The bike path was called an all-purpose path along Murray but would stop at Plainville Road. Mayor Policastro said he handed out that night what was put together five years ago with Barr & Prevost Engineers. It showed when reaching Plainville Road to make a hard right and share the road up to the square. People can elect to turn up by the Elementary School to go by Starbucks, Dilly Deli, Graeter's etc. We are helping our merchants. Mrs. Graves said she believes it was about exploring other grant options and suggested leaving it as is and follow up with Mr. Hawkins. Engineer Ertel said we find out in October if we get the grant money to go from Settle Road to Plainville Road. Mayor Policastro said he will get the map to the Council members for the next Council meeting.

The meeting adjourned at 8:21 p.m.

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Dan Policastro, Mayor

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Anthony Borgerding, Fiscal Officer