

**VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
JULY 8, 2019**

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 as written for June 10, 2019 and the Special Meeting of Council June 25, 2019. On roll call; six ayes, no nays.

Mayor Policastro read the following communications:

From Assistant Fire Chief: June 2019 Monthly Report

From Tax Administrator Busam: May and June 2019 Monthly Reports. Mrs. Busam said the office will be closed Wednesday through Friday to attend the OML Tax Conference.

From Assistant Fiscal Officer Wendler: Fiscal Officer's May 2019 Monthly Reports. Mr. Bartlett said we should note on the report when the ambulance payments will begin to capture those payments. Fiscal Officer Borgerding said it would be helpful to have a line item showing the 12 month liabilities due for the fiscal year.

From Yocum & Neuroth, Attorney at Law: Letter Dated June 20, 2019 re: Perkins/Carmack Construction Municipal Building Addition. Mr. Brown said he had additional information he will distribute to Council in Executive Session.

From Mariemont Parks Advisory Board: Meeting Minutes June 4, 2019

Ms. Lisa Wharton, 3867 Homewood Road, was granted permission to address Council. She said she attended the Planning Commission meeting on June 27, 2019 to discuss the proposed Multi-Use path in the Murray Median Park. The public commented on the plan presented, but during the committee discussion a significant variant on the plan was introduced, with no opportunity for public comment on that last-minute modification. The Planning Commission has once again begun the process of taking public park space for the benefit of private property owners. Our practice of inviting public comment at the beginning of a meeting does not allow the public to engage in any interaction regarding new matters raised during the Committee or Council discussions. This deprives our community of the benefit to be had from public reflection, and brings her to Council this evening to address an issue that is not, now, before Council. The core of her concern is that we seem to be developing a practice of trying to address a Village difficulty on a patchwork and reactive basis, without appropriate understanding. There is no question that there are parking challenges in portions of our Village. But she believes that insufficient attention has been given to understanding the dynamics and extent of the problem, and no attention given to the multiple tools available to the Village to assist private landowners in addressing limitations of the private property they have purchased. The Village has instead taken public park property, spent Village money, and installed awkward parking pads that benefit select private property owners. This is at best imprudent. The owners of multi-family and single family properties purchased their property (paying the market price for the property's location, condition, amenities and size) and now are finding it may not suit them (or tenants, who also rented the properties with their current assets and liabilities). Some have responded to the challenge by installing parking pads, widening driveways, and building garages at their own expense, as is appropriate. That said, there are ways for the Village to assist making these modifications. She would ask that Council establish a mechanism for studying these frustrating parking issues and potential ways to address them systemically, including tools such as tax incentives, tax abatements, and public grants and to make a commitment that additional public money will not be spent and additional park land not taken until the issues are clear and private property responsibilities have been fulfilled. It is possible for us to address our parking issues effectively, prudently, and legally.

Solicitor McTigue said Ms. Wharton makes a good point and suggested referring the matter to the Public Works and Service Committee. Her point is the Village should not be using public property for certain private landowners. His understanding was the additional parking spots would be for those visiting the Village and using the multi-use path.

Ms. Wharton said she has the illustrations that portray the bigger picture of the public property being used for private use. Mayor Policastro asked for case law that says the Village cannot give parking to renters. He would like to see it.

Mrs. Graves said it was her understanding that if there were any changes to the plan it would come back before Council. Solicitor McTigue said that was correct. What is approved currently is what Council already approved. Mr. Brown said that there was no variance granted during the Planning Commission but there was some discussion about the potential for additional parking. There was no commitment. The cost element is an issue.

Mr. Bartlett said we do need some policy and believes there are other creative ways for parking such as tax credits. The parking would then be on the private property. When the construction documents are prepared they should be done separating the cost of the parking. Those documents would be reviewed and approved by Council. Mr. Brown said there will be a vote to proceed to do the construction documents as well. Ms. Schwartz said it should be discussed in a Committee meeting.

Ms. Wharton said she wants it done legally and is trying not to use that confrontational approach.

Mayor Policastro referred the matter to the Public Works and Service Committee.

Mr. Dennis Wolter, 3804 East Street, was granted permission to address Council. He said there are apartment owners who have rented garages that were assigned to the apartments or giving the renter the option to pay extra for the garage. There is some parking to be had if we stick to the intent of having apartments with garages. Mayor Policastro said it is hard to get a car in those garages. Mr. Bartlett said when they moved to Costa Rica they rented one of the garages and stored their car.

Ms. Wharton said that is why we need a study. Antidotes and stories are not going to get us the data we need. We need to look at the facts and not listen to people who walk in because they are wound up. We need to proactively go find out what the facts are. Mayor Policastro said that is what we are going to do.

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

Mr. Bartlett moved, seconded by Mrs. Rankin to accept the recommendation of the Planning, Zoning and Economic Development Committee which met at 6:30 p.m. in Council Chambers on June 3, 2019 to discuss the Elevator Warranty which will end on June 3, 2019. Present at the meeting were Planning, Zoning and Economic Chairperson Mary Ann Schwartz, Vice-Chair Avia Graves and Council Member Bill Brown. Schindler Elevator Corporation presented 3 warranty options:

1. SCHINDLER PLUS which is an all-inclusive plan costing \$3,624.00 annually
2. SCHINDLER MAINTENANCE which covers our annual inspection required by the State and two other visits each year to examine, lubricate and adjust parts if necessary. It does cover a list of inexpensive parts. This plan costs \$2328.00 a year.
3. SCHINDLER INSPECTION which covers the annual inspection required by the State and the two other visits a year to examine, lubricate and adjust parts if necessary for an annual cost \$840.00.

Ms. Schwartz asked Solicitor McTigue to read the contract and give a legal opinion. From a strictly legal standpoint, he believes the agreement is fine. (The letter was attached) After discussing all three plans and the fact that this elevator will have very little use, the Committee recommends that the Village enter into an agreement with Schindler Elevator Corporation for the Inspection only extended warrant at \$840.00 a year which will go into effect on September 4, 2019 and end September 3, 1924.

Ms. Schwartz said due to the limited use of the elevator it was determined that the inspection plan would suffice. She was able to negotiate that price from \$1500 to \$840.00 which saves \$700 per year.

It was noted that the dates were wrong in the report. The warranty will expire September 3, 2019 and the inspection plan will end on September 3, 2024. Ms. Rankin moved, seconded by Mr. Bartlett to amend the report to reflect the correct dates. On roll call; six ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

The Public Hearing on the 2020 Budget will be July 22, 2019 at 6:00 p.m.

Mayor Policastro referred the renewal of the Village liability insurance to the Finance Committee.

Mr. Brown asked why the Village took down a heritage tree on Cambridge. Mayor Policastro said sometimes a tree appears healthy and is not. He suggested contacting the Service Department.

Mr. Bartlett checked with Solicitor McTigue to make sure it was okay for Fiscal Officer Borgerding and himself to meet with PNC Bank. A resolution has already been passed to create the account. Solicitor McTigue said it was fine.

Mr. Bartlett said Mr. Stelzer pointed out to him that there was contradictory language in the code regarding sections 37.03 Parks Advisory Board and Section 151.076 Park District. Section 37.03 states that the advice from the Board shall be submitted to the Mayor who may present it to Council and Section 151.076 states that advice from the Parks Board shall be submitted to the Vice-Mayor who will present it to Council. He distributed it to members of the Council. He asked to have the matter referred to the Rules and Law Committee. We have discussed that as we find errors in the code to have the Committee look to fix it. Mayor Policastro referred the matter to the Rules and Law Committee.

Mrs. Rankin said she ran into Jack Hemenway who indicated that he has yet to receive the signed engagement letter from the Village. Solicitor McTigue said he knows there were some changes made but will make sure that a copy is sent to him. His understanding was that had already been done.

Mrs. Rankin moved, seconded by Ms. Palazzolo to go into Executive Session to discuss the threatening lawsuit by Perkins/Carmack Construction Company. On roll call; six ayes, no nays.

The meeting adjourned to Executive Session at 7:25 p.m.

Mr. Brown moved, seconded by Mr. Bartlett to go back into regular Session of Council. On roll call; six ayes, no nays.

The meeting adjourned at 7:45 p.m.

Mayor Dan Policastro

Fiscal Officer Anthony Borgerding

