

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
DECEMBER 27, 2011**

Mayor Policastro called the meeting to order at 7:30 p.m. with the Pledge of Allegiance to the flag. The following Council members answered present to roll call: Mr. Andrews, Ms. McCarthy, Mr. Miller, Mr. Scheeser and Mr. Wolter.

Mr. Scheeser moved, seconded by Mr. Andrews to excuse the absence of Mr. Black. On roll call; five ayes, no nays.

Mr. Wolter moved, seconded by Mr. Black to accept the minutes as written for December 12, 2011. On roll call; five ayes, no nays. (Mr. Andrews abstained)

The following communications were read by Mayor Policastro:

From Tax Administrator Judd: Memo dated December 12, 2011 re: Retirement

From Sue Singleton: Thank you for Kroger gift card

From Mayor Policastro: Letter dated December 14, 2011 re: Scott McIntosh Swim Pool Commission. Mayor Policastro said he would like to increase the membership on the Swim Pool Commission from seven to nine. He feels we need to have a diverse group on the Board and most of the current members live on the south side of the Village. He has appointed two young mothers and will reappoint Mr. McIntosh should the additional position be approved. He would also like to add a representative from the Historic District to the Board. In early spring he plans on sending out flyers all over the Village explaining all the facts about the pool to help increase membership. We need representation from all over the Village.

Mr. Andrews said he has worked as Chairman on the Health & Recreation Committee for two years and has worked closely with that Committee. In that time they have accomplished a lot of things with most of the seven members being very active: Increased membership and attendance, added grills, the snack bar area was expanded, added volleyball nets, ping pong tables, music (he donated a \$300 receiver and he and Mr. Thomas installed the speakers), needed repairs were made to the meters for the underground integration system, the student pass program was approved and implemented and for the first time we took online registration and payment. Over 50% of those who registered did so online. The Pool Board coordinated several student and adult pool parties and as a result pool revenue was up and attendance was up as well. This Pool Board is very effective. He would ask not to increase the number of members to the Pool Board. He spoke with the Pool Board members today. None of the members were aware of the proposed increase and all wanted to keep the Pool Board membership at seven. If we need north and south side representation then we should do that. Most said with nine members they would worry that it would be more difficult to reach decisions.

Mayor Policastro said he talked with Mrs. Borgerding and Mr. Slavik and both were supportive of increasing membership. He thinks it would be good to increase membership with diverse representation including the Historic District.

Mr. Scheeser said if do not ask Mr. McIntosh to come back he thinks it would be a shame. He does like the idea of diverse representation. He believes seven members is the right number - with nine you end up with too many cooks in the kitchen.

Mr. Andrews said he would recommend keeping it a seven. He is personally concerned and asked why Mr. McIntosh was terminated and not reappointed. Mayor Policastro said he filled the unexpired term of Mr. Veeneman (he believes) and his term expired. Mr. Andrews said it has been a while since Mr. Veeneman was on the Board - Mayor Policastro said he filled the unexpired term of someone who left. Mr. Andrews said Mr. McIntosh was very involved. Mayor Policastro said he would like to get him back on by increasing the numbers of board members. Mr. Andrews said he did not understand why he would receive a letter terminating his appointment when he still wants to serve. Other members received phone calls asking if they wanted to serve again. Mr. McIntosh did not receive a call - he just got a letter. He cannot understand why we would operate that way. Mayor Policastro said he does not remember making phone calls. Mr. Andrews said he does know that Mrs. Borgerding received a phone call. Mayor Policastro said if Council does not want to add members so Mr. McIntosh and a representative from the Historic District can serve then that is fine. If Council wants to keep it at seven that is fine but when he went to the meetings there was hardly anyone ever there. He believes we need people who will show up at the meetings. Mr. Andrews said the group communicated a lot through e-mail. He does not use whether or not people come to the meetings as the gauge for success. What he uses is what gets accomplished and if you look back over the past two years - you will see all that has been accomplished. They deserve our thanks and credit. He believes the membership is currently diverse by age and those with small children, teenage children. He recommends keeping the board at seven members and find a way to ensure that Mr. McIntosh can continue to serve.

Mr. Miller said he liked the idea of diversity on the Board but he agrees that membership should remain at seven because it is tough to make decisions.

Ms. McCarthy said she spoke with a couple of residents and one of the residents suggested that board openings be made aware to the public so they can voice their desire to serve and then choose from that group of people.

Mr. Wolter said the more of a volunteer base you have the greater the opportunity to get things done. He supports having balanced representation from the different districts in the Village.

Mr. Andrews named the current members which are Mr. Iredale (south side), Mrs. Borgerding (south side), Mr. Slavik (north side), Merilee Turner (south side) and Gretchen Thomas (south side). He suggested that one of the new appointments be replaced in order to let Mr. McIntosh continue to serve. Mayor Policastro said he would not do that. If Council wants to put Mr. McIntosh back on increase the board to eight members. Mr. Andrews said he does not believe we need to do that. Mayor Policastro said it is his call. Mr. Andrews said actually it is not - it is Council's decision. Mayor Policastro said Council can vote not to approve the appointment but it is his authority to appoint. Mr. Andrews said Council can also override the appointment and put someone on the Board. Mayor Policastro said he does not know how that would be done without changing the code. Mr. Andrews said the code clearly states in Legislative Authority Rule 20: 'All committees shall be appointed by the Mayor or presiding officer, unless otherwise ordered by Council'.

Mr. Andrews made the motion that Council allow Mr. McIntosh who has volunteered to serve on the Pool Board and wants to continue to serve to appoint him to the Pool Board. In addition, Council would decide if Ms. Baker or Ms. Palazzolo would also serve. The motion was seconded by Mr. Scheeser. Mayor Policastro said it cannot be done without the opinion of the Solicitor. Mr. Andrews said let's spend some money and let Solicitor McTigue make the decision.

*** (The following actually occurred after the communication from Mr. Stelzer. It was put here to aid in future research and to make for clearer reading)*** Mr. Andrews stated that there was a motion and a second regarding the Pool Board which requires a vote. Council needs to vote and if the Solicitor deems that Council's action was unauthorized then he can inform Council at the next meeting. His motion was to retain the current Pool Board with seven members not nine and that Scott McIntosh be reappointed to the Board and if Council has a preference to appoint either Ms. Baker or Ms. Palazzolo. Mr. Miller asked where they lived. Mayor Policastro said they both live on the north side of the Village. Mayor Policastro said he appointed Maggie Palazzolo first. Mr. Scheeser said he knows Ms. Baker but he would be fine with either one being appointed. Mr. Andrews added to the motion that Ms. Palazzolo be appointed as the seventh member. Ms. Baker should be contacted to see if she could help in any capacity. Mayor Policastro stated that the vote would be under protest. On roll call; five ayes, no nays.

Mayor Policastro said he wants to extend the Parks Board by one member to help with the Trolley Turn Around Park. With the passing of General Short, his son, Charles, is going to need some help. The good thing about these boards is that it gives the Village labor without having to pay for it. Mr. Scheeser said he still feels it is the same concept of having too many cooks in the kitchen. He questions his vote back in 2010 to add an additional person and thinks 8 is one too many and supports leaving it as is. Mr. Andrews asked what the Parks Board wants. Mayor Policastro said it is one of the hardest working boards in the Village and saves the work of two employees. Mr. Andrews said there are plenty of people who are willing to help and volunteer but do not necessarily have to be on the board. Mayor Policastro said they want another one because General Short spent a lot of time taking care of Trolley Park Turn Around. Once he fell sick it began to look pretty shabby. Mayor Policastro said Mr. Miller has indicated that he would try to help out.

Mr. Wolter said he believes there is a difference between what the Parks Board does and the Pool Board due to the fact that the Parks Board does more hands on work over a greater number of projects especially over the summer. He does not see a problem having another person on the Parks Board because of all the physical work that they do. It honors a volunteer's commitment and brings another valuable opinion to the board.

Mr. Miller said he would be concerned adding another member when it comes to decision making processes. He said when he volunteers he does not care if he serves on the board. Mr. Scheeser agreed and said you can get volunteers to help where needed with labor without affecting the DNA of the Village.

Mr. Andrews said one of the problems with getting too big a group is then people feel guilty because they cannot make every meeting. There is a difference between the committee that leads the organization and volunteers who do the work. You need a consistent group that attends and drives the direction and leadership of the group. He believes the Parks Board should be asked what they need but a group of seven seems sufficient. Mayor Policastro said he will tell the Parks Board that no additional members will be added.

From Joe Stelzer: e-mail dated December 18, 2011 re: South 80 Trails Project. Mayor Policastro said it should be a nice project once it is done. Ms. McCarthy said she is also looking forward to it but it lists that the property will be staked out. She is concerned that the work is actually being done prior to Council approval. She suggested that the matter be referred to the Health & Recreation Committee. Mr. Wolter said it would be helpful to Council for it to be staked out. It is not work but just showing people graphically where it is going to be. Walking it and seeing it staked out makes it a lot more visual. It shows the impact but does not cost the Village any money. Mayor Policastro said years ago it was agreed by Council for people to go down and garden. All that is being done right now is clearing the area so it is a better walking trail. Ms. McCarthy said she does not have it

with her but she did have a list of questions from residents regarding this project. Mr. Wolter said he mentioned the project to an avid mountain biker who was very excited about it. He is friends with the man who owns Bishops Bicycle Shop who offered his services to help any way he could. He does not see the downside to putting some stakes in the ground.

From Matt Ayer: e-mail dated December 19, 2011 re: Boy Scout Troop 149 Tree Sale Wrap Up

From Treasurer Kulesza: November 2011 Monthly Report. Mayor Policastro reported that we should end the year with a million dollar balance in the General Fund.

From Assistant Fire Chief Travers: Letter dated December 14, 2011 re: Letter of Resignation. Mayor Policastro appointed Tim Feichtner as the new Assistant Fire Chief. He will be on a six month probation. Mr. Scheeser said procedurally he does not remember having a vote when Rick Hines was appointed interim Fire Chief and when Jeff Travers was appointed. He only remembered voting after the six-month probationary period. He said he is fine either way because he is a huge fan. Mayor Policastro said Mr. Feichtner has done a great job and saved the Village a lot of money with his talents. He is not going to hire a Fire Marshall at this time. Instead the duties will be distributed among the four Lieutenants which should save \$50,000-\$60,000 per year.

Chief Hines said Mr. Feichtner is a hard worker and is always willing to do whatever he is asked to do in a timely manner. He is a team player and he is confident that he can lead the group from an operational standpoint. He has also been very supportive of the Police/Chief merger and expects that he will be a great asset to him personally in running the department.

Mr. Miller said it sounds like a win-win by getting the best person involved and saving money. Ms. McCarthy said she was concerned about spreading out the duties of the Fire Marshal and overloading the Lieutenants. Chief Hines said Mr. Feichtner has already proposed different duties to the various Lieutenants which have been met with positive response. Mr. Feichtner is still going to oversee a lot of the duties but as far as the everyday duties they will be spread out. Mr. Scheeser asked if someone is going to be made full-time. Chief Hines said not at this time. They are going to see how it goes and save approximately \$50,000-\$60,000/year.

Mr. Wolter said the Fire Department identified a needy family and was able to generate \$650 in donations in order to give to the family. The family was brought by Santa and given gifts. He said it is a wonderful thing they do. Chief Hines said it actually is a joint effort by the Police and Fire Departments which started three years ago. It was a really nice evening. Mr. Wolter suggested including a family pool membership in the future. Mayor Policastro said this family was from Fairfax. Chief Hines said the families are recommended by the school and the family from Mariemont declined assistance. (Council approved Mr. Feichtner's appointment five ayes, no nays)

Mr. Joe Schneider, 6975 Murray Avenue, was granted permission to address Council. He said his personal friend, Bev Kranitzky and who has moved out of the Village, worked very hard on the Parks Board. His feeling is as far as the Parks Board is concerned the more cooks in the kitchen the better the recipe, entrée and production. He also said it is with a heavy heart that he reminded Council that we lost a distinguished and honorable citizen and his neighbor, General Douglas Short. After observing his diligence, care and personal attention to the Trolley Turn Around Park over the years, he asked Council to consider adding his name to the park name and calling it "The General Douglas Short Trolley Turn Around Park". He believes it should be done without delay to honor his memory and devotion to the Village. Mayor Policastro said kudos. Mr. Wolter said it would be very appropriate. Treasurer Kulesza said nothing is better than seeing a guy who has served the country raising and lowering the flag everyday. Mr. Wolter said General Short's son is going to help maintain the park the best he can but he will need help. Mayor Policastro said help is needed at Isabelle Hopkins Park as well. It is a shame that Council does not want to add an additional member to the Parks Board. Mr. Wolter moved, seconded by Mr. Miller to rename the park. On roll call; five ayes, no nays.

Mr. Wes Iredale, 6739 Wooster Pike, was granted permission to address Council. He is a member of the Pool Board and he is still wrestling with the number of people we should have. As far as reaching decisions too many people can be a problem. As far as getting work done - the more the better. Ideally a mix of volunteers and board members would work best. The more volunteers the better. Regarding the Pool Board he is all for diversity. Having lived on both the north and south side of Wooster Pike there are different perspectives. He asked if the Pool Board terms are annual. Mayor Policastro said they are staggered one and two year terms. Mr. Iredale said with that in mind Mr. McIntosh really accomplished a lot on the Pool Board and was able to do more than he was. He would be willing to resign his position and give Mr. McIntosh his appointment so we can achieve the desired diversity. Mayor Policastro said he would take it under advisement.

Mr. Scheeser moved, seconded by Mr. Andrews to pay the bills as approved by the Mayor, Clerk and Finance Chairman. Mr. Scheeser asked if the total cost for Minute Men was \$2100. Mrs. Van Pelt said she would have to double check with Superintendent Scherpenberg but she believes the total cost was higher. Ms. McCarthy asked if the payment to Davey Trees was for the last of the Ash Trees. Mayor Policastro said no - we still have several more areas in the Village to remove. He estimates that 75%-80% are removed. Mr. Andrews asked how much does it cost to remove each tree. Mayor Policastro said he would have to check with Superintendent Scherpenberg but he guesses a big tree costs about \$800-\$900 on average. The price goes down if we have a bunch to do at one time which is what we try to. Mr. Wolter asked if the price includes stump grinding. Mayor Policastro said no - we have Mr. Whittaker from Portsmouth who gives us a great price at \$30.00-\$40.00 each. We are grinding all the stumps. Ms. McCarthy asked if the Christmas lights were bought at Lowe's because that was the best price. Her personal choice is that we not use Lowe's, but if it is the best price-

wise then she understands. Ms. McCarthy asked if overtime is paid after 8 hours per day or 40 hours per week. Chief Hines said overtime is paid at the end of the 80 hour pay period for any hours over 40 per week. Ms. McCarthy verified that Officer Rennie could get both sick time and overtime in a pay period. Chief Hines said yes. Employees are not penalized for being off sick. The sick time computes towards the base hours. On roll call; five ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Village Offices will be closed Monday January 2, 2012 in observation of New Years Day

Resolutions:

“To Appoint Jim Gerace as a Member of the Parks Advisory Board for the Calendar Years 2012 and 2013” had a third reading. Mr. Miller moved, seconded by Mr. Scheeser to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-28-11 was adopted.

“To Reappoint Nancy Stelzer as a Member of the Parks Advisory Board for the Calendar Years 2012 and 2013” had a second reading.

“To Appoint Maggie Palazzolo as a Member of the Pool Commission of for the Calendar Years 2012 and 2013” was tabled pending an opinion from the Solicitor.

“To Appoint Jenny Baker as a Member of the Pool Commission of for the Calendar Year 2012” was tabled pending an opinion from the Solicitor.

“To Authorize Solicitation of Bids to Contract for Mowing and Trimming of Selected Village Properties During 2012 with a Two One-Year Extension at the Village’s Option; and To Declare Emergency” had a first reading. Mr. Scheeser moved, seconded by Mr. Wolter to suspend the rules to allow for the second and third readings. On roll call; five ayes, no nays. The Resolution had a second reading. Ms McCarthy said she was concerned with the emergency clause. She was under the impression that voting to accept the report would allow us to go out to bid. She did not know that an Ordinance was needed or that it would need an emergency to get through this year. Mrs. Van Pelt said an Ordinance is necessary because it allows for the advertisement of bids to go out which will hit the newspaper tomorrow. Without an emergency it would require three readings plus the 30 days for the Ordinance to go into effect. The Resolution had a third reading. Ms. McCarthy moved, seconded by Mr. Scheeser to adopt the Resolution. On roll call; five ayes, no nays. Mr. Wolter moved, seconded by Mr. Andrews to invoke the emergency clause. On roll call; five ayes, no nays. Resolution No. R-29-11 was adopted.

Ordinances:

“To Amend Ordinance No. O-4-10 To Create the Swim Pool Commission and To Increase Members from Seven to Nine” was tabled pending an opinion from the Solicitor.

“To Amend Ordinance No. O-25-10 To Create the Parks Advisory Board and To Increase Members from Eight to Nine” was tabled pending an opinion from the Solicitor.

“To Supplement Ordinance No. O-1-11 Annual Appropriation Ordinance” had a first reading. Mr. Miller moved, seconded by Ms. McCarthy to suspend the rules to allow for the second and third readings On roll call; five ayes, no nays. The Ordinance had a second reading. Clerk Borgerding said he underestimated a couple of line items with the biggest being the ‘other operation’ for the Parks account. The Ordinance had a third reading. Mr. Scheeser moved, seconded by Mr. Wolter to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-23-11 was adopted.

The meeting adjourned at 8:22 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk