

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
FEBRUARY 28, 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, Mr. Black, Mr. Miller, Mr. Scheeser, and Mr. Wolter.

Mayor Policastro said sadly Ms. Sullivan had announced her retirement from Council and he presented her with a key to the Village. Council has a form from Town Meeting for Denise McCarthy nominating her as the replacement for District Five. He asked if there was anyone in the audience who wished to run for this position. There were none. Mr. Wolter moved, seconded by Mr. Miller to nominate Ms. McCarthy as the 5th District Council Member. On roll call; five ayes, no nays.

Mr. Andrews moved, seconded by Mr. Black to accept the minutes as written for February 14, 2011 and Committee of the Whole February 12, 2011. On roll call; five ayes, no nays. (Ms. McCarthy abstained)

The following communications were read by Mayor Policastro:

From Mariemont Preservation Foundation: Meeting minutes January 27, 2011

From MariElders: Monthly Recap January 31, 2011 and Annual Report 2010

From Ted Shannon: e-mail dated February 18, 2011 re: Legislative Update. Mayor Policastro said we may have a few more years of the Inheritance Tax before they try to do away with it. He plans to meet with several local mayors and two representatives of the Governor to discuss the matter and hopefully we will be able to do better than that.

Kentucky's Least Wanted Plants. Mayor Policastro said this came from one of the individuals interviewed for the Arborist position to check Village street trees. It seems Pear Trees are not good trees to have according to the Arborist. Mr. Scheeser asked if historically the Village has planted a lot of Pear Trees. Mayor Policastro said we have quite a few. We have been planting Dogwoods and Red Buds as our flowering trees. The Pear Trees are beautiful but they are like weeds and just take over. The Arborist said they are also looking at the Cleveland Pear as a Honeysuckle. We are working hard on the Bluff to stop the erosion and it might be a good tree to plant there because trees help hold the soil. Mr. Wolter said only if they are deep rooted trees if they are shallow rooted they defeat the purpose. Mayor Policastro said he interviewed three people for the Arborist position and he has it narrowed down to two. A decision will be made this week.

From Time Warner Cable: Letter dated February 17, 2011 re: Franchise Fee \$11,955.37

From Clerk/Treasurer Borgerding: Treasurer's Monthly Report January 2011. Mr. Andrews asked if it was fair to assume the ending balance of this month will be the beginning balance for next month. Mayor Policastro said yes and the balance should go up as we receive monies from the Auditor.

From Assistant Fire Chief Travers: 2010 Annual Report. Mr. Wolter said this by far in his tenure is the best report we have ever gotten. It is inclusive and very positive with the changes that have happened in the department particularly with the activities of the firemen taking on responsibilities and saving the Village money. Assistant Chief Travers said he is not sure where the information came from that he was working on grant money for windows for the Municipal Building. He applied for grant money last year and is still waiting to hear if there is money available. He applied for Assistant Firefighter Grant money and submitted it with a narrative of what impact it would have on the community. The application is reviewed for rounds of funding. Currently they are in round five and at this point no news is good news and as a courtesy FEMA will notify Representative Jean Schmidt of their decision. He had a conversation with someone from her office and asked if they would let us know as soon as possible. He will be in Washington D.C. on March 8th as part of an educational funding package and he plans to meet with her. The other grant that was applied for is the EMS grant which can be used for training. We have not applied for this grant in the past four or five years and typically we can get \$2500-\$4000. As far as building grants they would only pay for the fire department side. The grant he submitted for last year was in excess of three million dollars. Usually by April 1st they let everyone know how much funding is available. There are three grants available: (1) Building Construction (2) Fire Gear (3) Staffing - money is available for full-time only. We did not apply for that because we are not a full-time department. After four years the Village would then have to pay for the salaries. He is hopeful by next month to have heard something. Mr. Scheeser said during the Committee of the Whole meeting Fire Marshal Feichtner talked about the need to test a dual axel 100' ariel truck and physically see if it would fit in our bay - he asked if that had been done yet. Assistant Chief Travers said he had conversations with Fire Marshal Feichtner about that. He made phone calls and sent e-mails to 13 ariel manufactures. The standard length of a 100' ariel is approximately 41.9" long. There is no problem with the height. He believes if they move the slop sink in the bay and relocate the washer/dryer they will have enough room. Mr. Scheeser said the idea was sparked because of the talk of building improvements and the possibility of being able to get grant money. Mayor Policastro said the overhead doors

were damaged and have been band-aid repaired and he would like to look into getting new doors. Assistant Chief Travers said he spoke with the representative from Overhead Door and the work they did is just temporary. The representative is going to get some recommendations for a new door. His recommendation to the representative is a standard door with one panel of glass across - it would be the least expensive way to go. From a beautification standpoint it would be Council's decision. Mayor Policastro said if we can get grant money it can come into play to help pay for the new doors.

From Mariemont Preservation Foundation: Sample letter for "Sister City" project.

Mr. Joe Schneider, Mariemont Preservation Foundation, was granted permission to address Council. He said after much research and dedication to this project MPF is ready to take action on bringing a "Sister City" to the Village of Mariemont. It is a positive win/win situation for the Village and will not cost anything. It will make citizens aware of cultural, educational and business potentials. They are hopeful that Council will be supportive of this project. Hempstead England was selected as the potential "Sister City". It is a suburb of London and feels there are many cultural ties to the Village. John Nolen studied there and made trips abroad to the Village. They want to submit the preliminary reach out letter to them. Mr. Andrews asked why they were picked. Mr. Schneider said some of it had to do with the size of the Village and the population. Mayor Policastro said Sheldon Close and Albert Place are twin areas. It was agreed by Council to approve the support for the project. Mayor Policastro will sign the letter and MPF will mail it off to them. Mr. Schneider said if the Village down the road will be listed in the International Directory of "Sister Cities" which in turn could help our tourism.

Mr. Jerry Vianello, 6570 Wooster Pike, was granted permission to address Council. He said everyone was aware of the storm that went through last night and his concern is 15+ minutes after the storm hit the sirens went off. He believes someone, whether it is Council, Mayor or Chief Hines should contact Hamilton County and let them know there was a problem here. He asked someone to look into it and we should get some sort of feedback. Mr. Andrews said he found out that the National Weather Service did not issue the warning until 5:27 a.m. The sirens went off three minutes later but the storm had already gone through. He is not sure what triggers the sirens but if it is the National Weather Service issuing a formal warning that could have been it. Mr. Vianello said from a safety standpoint we ought to at least be concerned enough to let the County know how many minutes they missed it in our community. Mr. Miller said unfortunately the National Weather Service has diluted the sirens to such an extent that now no one is listening to them. It actually is putting more people in jeopardy and he believes it should be addressed at the Federal level. Mr. Wolter said the weather center in Wilmington decides what the need is and then Hamilton County puts out the signal. It goes through a process not one entity making the decision. Mayor Policastro said he is meeting with Mayor Ted Shannon who is the President of the Hamilton County Municipal League and together they will get to the bottom of it.

Mr. Black moved, seconded by Mr. Miller to pay the bills. Mr. Scheeser said he has noticed that Tim Feichtner has regularly been showing a couple hundred dollars of overtime. He asked Chief Hines for the perspective on the overtime. Chief Hines said Marshal Feichtner has had to come in a couple times recently when a firefighter has called off because their full-time job mandated them to or an emergency in the family. On such short notice he had to come in and cover the shift. We try to avoid it at all costs but there are going to be times when it is going to happen. A lot of our people are career people, which we are lucky to have working in the Village on their off days, but there are times when they get stuck at their full time jobs. Mr. Black said last meeting showed the \$11,000 Altman lawsuit settlement and this bill list shows \$17,600 settlement claim to Greg Lang/Terrell Snider and asked if we are now done with these. Solicitor McTigue said we have the signed releases on both matters. The Lang claim represents benefits and no back pay. He is working with his insurance company on getting as much reimbursement for the Village. If his insurance does not he will make it right. Discussion ensued on a similar lawsuit that was filed in Hamilton County for a Sunshine Law violation. Mayor Policastro said if you read the article it clearly says if a judge believes that the body was trying to do the right thing, which our Council was, a lot of it can be dismissed. Mr. McTigue said he will go to his grave saying he believes we did the right thing and the way we handled it was proper. There can be technicalities in the law that can come back on you but we felt rather than run the risk it was best to try to settle it. On roll call; six ayes, no nays.

Mr. Miller moved, seconded by Mr. Black to accept the recommendation of the Health & Recreation Committee which met on Tuesday, February 8, 2011 to review: 1) Requests for improvements at the Tot Lot; and 2) Permanent Improvements related to the Swimming Pool. Present were Committee members Kim Sullivan, Cortney Scheeser and Jeff Andrews. Also present were Mayor Dan Policastro, Councilman Dennis Wolter, Village Engineer Chris Ertel, Superintendent John Scherpenberg and three representatives from MPPG: Beth Brown, Jill Welch and Natalie Lynch. After discussion, the **Committee recommends that Council:**

- * Proceed with pressure washing and sealing of pool decking concrete per the quotes provided by Shamrock Enterprises at a total cost not to exceed \$7,000.
- * Proceed with painting of the pool house and concession stand building per the quote provided by E.B. Miller at a cost not to exceed \$4,500.
- * Proceed with repair and applicable replacement of hose bibs and lines per the quote provided by Rich Holthaus Plumbing at a cost not to exceed \$5,500.

The Committee requests these recommendations be approved by Council with emergency and immediately prepared so this work can be completed prior to the pool season. Mr. Andrews said the pressure washing/sealing and painting of the pool house/concession stand was originally appropriated in the

Permanent Improvement Budget 2010. Last year we were looking for ways to lower expenses and the decision was made to wait till this year to do the work. On roll call; six ayes, no nays.

Mr. Miller moved, seconded by Mr. Andrews to accept the recommendation of the Finance Committee which met on Monday, February 7th, 2011 in Council Chambers to review the following: amending the salary ordinance for appointed, full-time & part-time Village employees & end of year bonuses for Village employees. The meeting began at 6:00 pm and concluded at 7:00 pm. Committee Members Andy Black, Jeff Andrews and Kim Sullivan were present. Mayor Dan Policastro, Clerk Tony Borgerding, Maintenance Supervisor John Scherpenberg, Maintenance Foreman Elisha Davis, Assistant Police Chief Tim Messer, Fire Marshal Tim Feichtner & Administrative Assistant Joanne Van Pelt were also present. After reviewing 2010 salary-band adjustments and discussing the potential for a \$250,000 revenue shortfall (should the Ohio Estate Tax be repealed), Committee members unanimously agreed to recommend to amend the salary ordinance to include a two-percent increase to the high-end of the salary band for appointed, full-time and part-time employees and eliminate the option for end of year bonuses. Committee members also acknowledged the 2011 salary-band adjustment for the Police-Fire Chief position will be 3.75% to account for a clerical error made in the Finance Committee's April 26, 2010 report. Salary increases will begin effective May 1, 2011. Mr. Black said this is exactly the same plan Council agreed to in 2010. Deleting the bonuses will save \$17,000 and the salary increase should amount to approximately \$31,000. However, salary increases are not automatic. On roll call; six ayes, no nays.

Mr. Wolter moved, seconded by Mr. Black to accept the recommendation of the Safety Committee which met on Monday, February 21, 2011 at 7:00pm, to discuss the final traffic calming plan for the north side of Mariemont. Present at the meeting were Safety Committee chairman Dennis Wolter, co-chair Andy Black, Mayor Dan Policastro, Police/Fire Chief Rick Hines, and approximately 18 residents. The meeting began with the Committee explaining the need to shift the initial focus of the traffic calming plan from using speed humps to slow traffic to a more comprehensive plan that includes a point system of quantifying and evaluating problem areas in order to implement traffic calming measures. We will move forward with these efforts as the Village of Mariemont Traffic Calming Plan (VMTCP). The meeting ended with the committee agreeing to recommend that Council approve the plan submitted by VMTCP after it is drafted and posted on the website for public comment. Mr. Wolter said this is a whole new direction for safety management for the Village. This will be a living document. There will be changes as time goes by. The whole idea is to have a plan that allows us to administer by quantified need rather than people deciding they want something and getting a petition together. He likes the transparency, standardization and the fairness of it. However it will not be easy to do. Nothing will be done until they finish the math structure to determine what the needs are on the street based on actual conditions such as speed, traffic pressure, geometry of the street, how many kids live on the street, parking issues etc. Mr. Miller said to get to this point Mr. Wolter and his committee have put a ton of work and time into this matter. He thanked him for being a true professional for the time put in on this effort. It will save a lot of time for future Council members. Mr. Andrews said he agreed and it will serve the Village well for many years. Having specific criteria makes it more objective. Mr. Wolter said the Committee has identified some things that we can do that are low cost and have substantial potential for safety enhancement and which do not create a lot of collateral damage (moving traffic from one street and putting in on another). He feels good about what has been accomplished and thanked Mr. Black for his research. Mr. Scheeser said Engineer Ertel would be able to help in the process of managing the information. He said he has heard as much for speed humps on Settle as he has against and asked if there could be an eject button if the majority of residents want to opt out of what is being proposed. Mr. Wolter said safety will come before making people perceive themselves as being happy. Mr. Schesser said he does not know if that is right or not. Mr. Wolter said he understands where Mr. Scheeser is coming from and he agrees with that but if people are willing to take the risk and thwart our efforts then we have to give that some consideration. It is a complex issue and before we get to the level of speed humps we will try lesser levels to help the problem. On roll call; six ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Nominations for Outstanding Citizen of the year are to be returned to Mrs. Van Pelt by March 18, 2011.

Clerk/Treasurer Borgerding said he met with the County Auditor regarding a Resolution he will have for the next Council meeting to certify funds for the 3.0 mill Capital Improvement levy.

Resolutions:

"To Appoint Wes Iredale as a Member of the Pool Commission to fill the Unexpired Term of Joan Erhardt for the Calendar Year 2011" had a second reading.

"To Authorize the Purchase and Installation of Three Sided Fence around the Tot Lot near the Bell Tower; and to Declare Emergency" had a first reading. Mr. Wolter moved, seconded by Mr. Scheeser to suspend the rules to allow for the second and third readings. On roll call; six ayes, no nays. Mr. Wolter said from a safety standpoint this is a no brainer. It is one of his favorite kinds of safety enhancements. It has no collateral damage and it does not affect traffic and it will work to keep the children from running out into the street. The Pre-School Parents are going to pay for one-half of the cost. The Resolution had a third reading. Mr. Andrews moved, seconded by Mr. Wolter to adopt the Resolution. On roll call; six ayes, no nays. Mr. Andrews moved, seconded by Mr. Scheeser to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-11-11 was adopted.

"To Authorize the Solicitation of Bids for 2011 Street Repairs; 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; six ayes, no nays. Engineer Ertel asked if he should get pricing on the speed bumps. Mayor Policastro said no we will buy those and have the Maintenance Department install them. The Resolution had a third reading. Mr. Wolter moved, seconded by Ms. McCarthy to adopt the Resolution. On roll call; six ayes, no nays. Mr. Andrews moved, seconded by Mr. Miller to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-12-11 was adopted.

“To Reappoint Dennis Malone as Building Commissioner for the Calendar Years 2010 and 2011; To Set Compensation” had a first reading.

“To Confirm the Reappointment of Christopher M. Ertel as Village Engineer for Calendar Years 2011 and 2012; and To Set Compensation” had a first reading.

Ordinances:

“To Repeal Ordinance O-2-08; To Enter into Contract with H. Hafner & Sons, Inc. for Brush, Gravel, Dirt Construction Fill and Leaf Dumping in Consideration for Money and the Right to Farm Part of the South 80 Acres” had a third reading. Mr. Black moved, seconded by Mr. Wolter to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-4-11 was adopted.

“To Amend Prior Ordinance No. O-8-10; To Increase the Pool Manager’s Salary” had a first reading.

“To Amend Ordinance No. O-9-10; To Set Compensation for the Inspector for the Building Commissioner” had a first reading.

“To Repeal Ordinance No. O-7-10 Pertaining to Maximum Pay Rates for all Grades of Recreation Employees and to Enact New Legislation Pertaining to Maximum Pay Rates for all Grades of Recreation Employees” had a first reading.

“To Amend Ordinance O-2-11 of the Mariemont Code of Ordinances to Increase Payment for Employees” had a first reading.

The meeting adjourned at 8:30 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk