

**MINUTES OF THE COUNCIL  
VILLAGE OF MARIEMONT, OHIO  
REGULAR MEETING HELD IN COUNCIL CHAMBER  
MARCH 14, 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, Ms. McCarthy, Mr. Scheeser, and Mr. Wolter.

Mr. Andrews moved, seconded by Mr. Wolter to excuse Mr. Miller. On roll call; five ayes, no nays.

Mr. Black moved, seconded by Ms. McCarthy to accept the minutes as written for February 28, 2011. On roll call; five ayes, no nays.

The following communications were read by Mayor Policastro:

From Police Chief Hines: February 2011 Monthly Report. Mr. Black asked if it was one or multiple vandals. Chief Hines said it was one person charged with multiple offenses. He said the department is off to a good start with closure rates for the year. Mr. Andrews asked how the new officer was progressing. Chief Hines said very well. His field training program is almost complete and he will soon be ready to go out on his own.

From Superintendent Scherpenberg: 2011 Monthly Report. Mr. Scheeser thanked Superintendent Scherpenberg for the e-mail bringing him up to date on the work he is ready to cue up for the erosion control issue behind the Bell Tower. Council also got the same question at Town Meeting. Mr. Scheeser said he forwarded Superintendent Scherpenberg a late e-mail from a resident and asked if he had time yet to read it. It contained a number of concerns on costs from last year. Superintendent Scherpenberg said no. Mr. Scheeser said the resident was concerned on costs overages on tree investments in November 2010. He said the cost to Natrop's seemed high to him. He asked Superintendent Scherpenberg to go back over the invoices and then give his perspective. He said he is the tree nut in the room but he would love to see as many trees planted as possible for the money we are spending. Another issue brought up in the resident e-mail was purchasing 150 cubic yards of mulch last year and we only needed about 1/3 of that with the remaining sitting in a pile at the maintenance facility. He asked that Superintendent Scherpenberg go back over the invoices and see if something is out of context. The third issue of the resident complaint citing specific examples of GrasCor misses last year. He asked that Superintendent Scherpenberg continue to provide feedback to GrasCor. No one is perfect but he would expect continual improvement. Mayor Policastro said he, Superintendent Scherpenberg and Mrs. Singleton are going to put a letter together when they have all the facts. He said some of the information in the resident e-mail contains mistakes. Council will get a copy of the letter.

Mr. Wolter asked how pot hole repairs stacked up this year. Superintendent Scherpenberg said they are worse this year especially along Murray with the construction traffic. Right now they are using cold patches which they have to travel to Carthage to get. Mr. Wolter asked what percentage of time the department spends on pot hole repairs in the spring. Superintendent Scherpenberg said it depends on the year we have had. This year we had a lot of snow and ice along with big construction trucks. Belmont is a street they have been patching for the past two years. We go out right away if a pot hole is brought to our attention. Mayor Policastro said next year we should get with the Village of Fairfax and pave the street with them. He asked Engineer Ertel to move Belmont to the top of the list for street repairs in 2012.

Mr. Andrews thanked Superintendent Scherpenberg for the work that was done at the Tennis Courts. Superintendent Scherpenberg said everything is draining perfectly and the fire department did flush the lines. He is going to ask the Arborist to check the tree at the corner for root pressure. Mayor Policastro said he hired an Arborist as a General Contractor and asked that he take a look at the trees along Homewood. Superintendent Scherpenberg said he is going to start on the west side especially with the oak trees on Chestnut. Ms. McCarthy asked that the trees on Beech be inspected as well. Superintendent Scherpenberg said there are more Ash trees that need to come out on Beech. The Arborist is going to be involved with the trees in that area. Mayor Policastro said once we get the Ash Trees down we need to fix the curbs. He also wants to get the steps in front of the Municipal Building fixed as soon as possible.

From Building Commissioner Malone: 2011 Monthly Report. He said it will be busy this summer with the school renovations. The work has begun on the elementary school demolition and renovation. The temporary modular classrooms that are being constructed in the athletic fields will be open to the public Saturday March 19, 2011 from 10:00 a.m. to 1:00 p.m. All the units are brand new. They seem to be making progress. The schedule calls for the buildings to be occupied when the children come back from spring break April 4, 2011. Also, the area between Dale Park Schools and Plainville Road will be turned over to the construction company to use as a lay down and storage area. It will be fenced and graveled with a temporary driveway off of Chestnut. It will be restored to its grassy area when complete. There will be significant changes in the area in the next coming weeks. The ball field will not be able to be used this summer or next summer. Mayor Policastro said for tee ball they could use Ann Buntin Becker Park but it would need a new backstop. Building Commissioner Malone said the process is fairly complex and it will cause quite a bit of disruption. Ms. McCarthy asked if a flyer could be distributed along Chestnut so residents know what is coming. Building Commissioner Malone said Kathy Ryan is the project coordinator and she sends out a weekly newsletter that can be accessed online or directly sent. In the meantime he will try to print off something that can be distributed. Mr. Wolter asked if it will affect parking. Building Commissioner Malone said it will have a negative affect on parking as it will be maintained as normal. It will take careful coordination.

From Tax Administrator Judd: February 2011 Monthly Report. Mr. Scheeser said we are up four percent verses a year ago. He asked if we are starting to take this to the bank as a positive forecast for recovery. Clerk Borgerding said we are back to where we were a couple of years ago at our normal level. Mr. Scheeser said there is a deficit that we are still working through and he is hoping that this is a positive to get us out of the proverbial hole we have been in since. Mr. Black said it may be premature to say that this is going to get us out of the hole.

From Police Clerk Maupin: Mayor's Court Statement for January 2011.

From County Engineer William Brayshaw: Letter dated March 4, 2011 re: State Capital Improvement Funds. Mayor Policastro said these funds may dry up. We received \$42,000 this year for the Plainville Road Project and \$14,000 from the Municipal Fund. Mr. Scheeser said we should know tomorrow after the Governor's speech.

From Mayor Policastro: Letter dated March 8, 2011 re: Center for Local Government Mandate for Working Spouse "Other Coverage Available" Insurance. Mayor Policastro said he has been to these meetings and the municipality's loss ratio is not good. He believes there are going to be a lot of changes for next year. The savings may not be there. We will have to see how things work over the next year and one half because they have had some really bad claims.

From Treasurer Kulesza: Treasurer's Report February 2011. Mayor Policastro welcomed him aboard. The balance will start to shoot up in the next couple of months. Treasurer Kulesza asked Council if it would be helpful to have prior year's reports to compare. To him it is helpful to be able to go back year to year and compare. It was agreed that future monthly reports would include the years 2008 to present and also contain a +/- percentage rate.

Mr. Black moved, seconded by Mr. Scheeser to pay the bills. Mr. Scheeser said he has been thinking about this for the past year and is unclear as to why Council approves the bills after they have already been paid. It seems like an odd dynamic to him. Solicitor McTigue said the State Auditor requires that Council approve the bills to be paid. Typically the bills are in due course of business and those that are not should have been approved by a Committee report. Mrs. Van Pelt said it is standard for the bills to be held and not mailed until the Tuesday morning after Council. Mr. Andrews said that may be in general but in the case of Eads Fence they picked up the check early. Mrs. Van Pelt said in that case the payment had been approved by the Council through the Committee report and they are aware of the expenditure. Mr. Andrews said there should not be anything over \$3500 that Council has not had visibility to. The payment of \$1795.09 for the new couches and TV for the fire department is in the range of question. He is sure that Council does not have any background on this payment. Last year we pulled the grass cutting bid back for about the same amount because that was a bid amount when we were trying to watch dollars. Mr. Scheeser said if the bills are not going out until after Council has approved the bill list he is okay with it. He did not realize there was an extra step in the process. Mayor Policastro said as far as the \$1795.09 payment to Sam's Club the Mariemont Civic Association is donating \$500.00 towards the purchase of the TV. Solicitor McTigue said the Village has a stellar reputation for paying their bills on time. On roll call; five ayes, no nays.

Mayor Policastro referred to the Finance Committee to look into discounts on the gas savings program.

Mr. Wolter said there has been more progress on the traffic calming plan which is a close assessment of what they are going to end up with. The big challenge is to put the math formulas together. He is going to ask Mr. Scheeser to help put that together since that is his forte. We will then get copies to Council before it is posted on the website.

Mr. Scheeser said both he and Mr. Black got an e-mail from a citizen about the new 'no parking' during school hours on West Street south of Wooster Pike. When we installed stop signs it went through a Committee report, had a resolution which was voted on and became law. It also went through the 30 day wait process. He was surprised to see the 'no parking' signs go up because he felt there is a parallel between the signs and stop signs. Without a resolution or ordinance from Council are the 'no parking' signs enforceable. He has heard if you try to enforce something that is not on the books it could expose us to liability.

Mayor Policastro said the Mayor is responsible for the safety of the Village. There have been many citizen complaints to the Police Chief about the people who are parking there and letting their kids run across the street. One child almost got hit. The Police Chief came to him and said they went and talked with the two residences. They both said the Village needed to put up some signs because someone is going to get killed. Right off the bat he told Chief Hines and Superintendent Scherpenberg to get the signs up. It was his decision and anytime he sees a safety problem he is going to do what he can to protect the kids.

Mr. Andrews said the stop signs on Homewood were put up for safety reasons but went through a process. Mayor Policastro said he could have put the stop signs up on Homewood but he felt best that it needed more information. This had to be done immediately.

Solicitor McTigue said the danger on West Street was more imminent than Homewood. He believes Mr. Scheeser makes a good point. The Mayor does have the authority to do what he did but we do need to get it before Council to ratify the placement of the no parking signs or else you don't have an ordinance to refer to if someone would challenge it.

Chief Hines said they got the complaint and it was an immediate concern because there are a lot of kids and pedestrian traffic. There was concern because there had been several near misses. Had the Mayor elected to go through the process it took to put the stop signs up - it would have taken two months and did we want to wait that long with such a serious situation. The Mayor made the decision to have the signs put up right away. He thinks the Solicitor makes a valid point that if someone does challenge a citation and it is not on the books then maybe there would be a problem with conviction. The department is not looking to issue a bunch of parking citations. We are just looking to keep the kids safe. He hopes the residents will realize what they are trying to do and respect the fact that we need to alleviate the parking in that area.

Mr. Black suggested when the Safety Committee puts together the final recommendations incorporating the 'no parking' signs into the report so we are protected legally.

Mr. Wolter said if there is an immediate need or imminent danger he can see putting up the signs and then coming back and have Council vote on a report so it becomes an ordinance. Immediately it will have some safety effect.

Solicitor McTigue said he stands corrected. We do not have to modify our code any place we would choose to put parking/no parking signs as long as the signs are clearly visible. It cannot be in a prohibited location.

Chief Hines said he knows there is not in the books a specific location for every parking sign. If we did it the Code of Ordinances would be double the size.

Mr. Andrews asked where the child was almost struck. Chief Hines said near the intersection of Wooster Pike and West Street south of the Pike. The child was getting out of a parked car at the curb.

Mayor Policastro said traffic is backing up on Madisonville Road as they go into that drop off so people are going onto the south side of West Street in their SUV's. The shortcut is dangerous and people pull out of the parallel parking while people are trying to pull in. It is an accident waiting to happen.

Chief Hines said he had several calls from residents after the signs went up. Most were from mothers concerned about why the signs went up and after explaining the situation to them they actually applauded us for doing it. They liked the convenience but they realized the safety of the children needs to come first.

Mr. Andrews said no one would disagree with that. He has had more calls and questions on this matter than anything in the last year. He believes the process is important. If Council is a representative form of government there should have been some notice given to Council members. He was put in a position of not being able to answer questions. If we choose to put through executive orders let's communicate better.

Chief Hines said his plan was to send it out through the school in the Wednesday newsletter but it had already gone out and it was after the fact. He wanted to send it out through Nixel but the Maintenance Department got the signs done quicker than he anticipated. He thought it would take a couple of weeks but it only took a couple of days. Knowing the urgency of the safety issue we got them up right away. We did not intend not to get the information out.

Mayor Policastro said on east Center Street if we had to get an emergency vehicle through the area we would not be able to. He has instructed the Police Chief and Superintendent to paint the north curb yellow for no parking in that area. The west side of Center Street is painted yellow.

Mr. Wolter said he believes it is important that we do not bog ourselves down with having to have a Safety Committee meeting, making a report and voting. Once the traffic calming plan gets out we are going to be asked for stop signs and all kinds of stuff. The process of the Committee members individually discussing something and agreeing that we need a stop sign to protect an intersection we can write a report and vote on it at the next meeting. The maximum time is a little less than a week from the time a decision is made to determine what the need is and what the fix is.

Ms. McCarthy said she did not think a meeting was the suggestion but the need for better communication. Mr. Wolter said communication could have been done through an e-mail.

Mr. Scheeser said if the law allows for the Mayor to see a safety issue such as the four way stop on Rembold then let's get the stop sign up and leave Council out of it. If the Mayor is the approver then he can spend more time playing Candyland with his children. He would like to see consistency. He sees the stop sign and the parking signs as very intertwined. The process is not consistent which is very troubling. If Council does not have a say in a matter then let's be consistent. He would like to do things differently and more open by following due process.

Mr. Wolter agreed that communication could be better but he likes the way it is done now to some degree because this is a one square mile community. If we start pushing ourselves into too much process we will become like the City of Cincinnati where things take forever. It bogs down the process and becomes ineffective. We have a proactive Mayor and Police Chief. You cannot throw a candy wrapper in the Village without someone seeing it. When there is a problem being able to react, especially things as parking/safety issues, not having to wait for a process is a good thing. The tool that you are going to use to fix the problem if it takes more study then the process can define what the pressure points for serious investigation are.

Mayor Policastro said he calls them as he sees them. If something is going to have a rippling effect then a Committee needs to look at it.

Solicitor McTigue said legally the Mayor has the authority to put up the 'no parking' signs however Council can ask to have it referred to a Committee for further reconsideration.

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.

#### 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 third reading. Mr. Black moved, seconded by Mr. Andrews to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-4-11 was adopted.

"To Reappoint Dennis Malone as Building Commissioner for the Calendar Years 2010 and 2011; To Set Compensation" had a second reading. Mayor Policastro said Building Commissioner Malone is doing a good job.

“To Confirm the Reappointment of Christopher M. Ertel as Village Engineer for Calendar Years 2011 and 2012; and To Set Compensation” had a second reading. Mayor Policastro said Engineer Ertel is doing a good job.

“Resolution Declaring the Necessity of Levying a Tax in Excess of the 10 Mill Limitation for Permanent Improvements and Requesting the County Auditor to Certify Matters in Connection Therewith” had a first reading.

Ordinances:

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

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

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

“To Perform Work for Permanent Improvements Related to the Swimming Pool and to Declare Emergency” had a first reading. Mr. Andrews said there were pool expenses last year that did not require an Ordinance and asked why it was needed. Solicitor McTigue said we do not have to go out for competitive bid and at his request the Ordinance was withdrawn. The Committee report can be used as the vehicle by which Council approved and authorized the expenditure.

The meeting adjourned at 8:25 p.m.

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Dan Policastro, Mayor

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Anthony J. Borgerding, Clerk