

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
OCTOBER 8, 2012**

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: Ms. McCarthy, Mr. Miller, Mr. Scheeser, Mr. Stelzer and Mr. Wolter.

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

Mayor Policastro said former Mariemont Police Chief for 33 years and Mayor for 4 years, Don Shanks, passed away late last week. We lost a great man who did a lot over his 42 years serving the Village. He is going to ask for an Ordinance to be read at the next Council meeting to name the Administration Building after Mr. Shanks. Mr. Evans of Evans Landscaping indicated he would donate a boulder to place outside and several residents have said they would contribute towards the cost of a plaque. It would be something similar to what is at the Clarence Erickson Pavilion. Mayor Policastro asked for a moment of silence.

Mr. Stelzer said Section 48 should be changed to reflect Section 4 F. Mr. Miller moved, seconded by Mr. Wolter to approve the amended minutes as written for September 24, 2012. On roll call; five ayes, no nays.

The following communications were read by Mayor Policastro:

From Police Chief Hines: September 2012 Monthly Report. Mr. Stelzer questioned the percentage comparison from 2011 versus 2012 as far as the number of reported offenses. Chief Hines said he checked and the reason for the change in percentage was in September 2011 there were 18 people that they served tax violations on and 6 people for trash violations. That should explain the drastic change from the previous year to this year.

Chief Hines said the funeral for Colonel Shanks will be Wednesday at 11:00 a.m. at the Parish Center. They are planning a full police funeral for him along with a procession starting at the old Swallen's store and will continue through the town center. We truly lost an icon in law enforcement. The visitation will be held Tuesday evening 6:00-8:00 p.m. at Hodapp Funeral Home.

From Assistant Fire Chief Feichtner: September 2012 Monthly Report. Mr. Stelzer said he e-mailed the Assistant Fire Chief about the number of fire dispatches for 2011 versus 2012 which show a 40% increase. After talking with Assistant Fire Chief Feichtner he was not aware that the dispatch tracking system had changed from last year to this year. Assistant Fire Chief Feichtner said if you take the total number of total fire dispatches and subtract the EMS dispatches it will give the actual fire dispatch count. That would take make it 8 fire dispatches which is 2 less than last year. This new process was implemented in February 2012 so by February 2013 the reports should start to show more apples to apples.

From Superintendent Scherpenberg: September 2012 Monthly Report

From Building Commissioner Malone: September 2012 Monthly Report

From Tax Administrator Judd: September 2012 Monthly Report/Trash Collection Report

From Rosenfeldt & Associates: Letter dated October 1, 2012 re: Mariemont Annexation Plat. Mayor Policastro referred the matter to the Economic Development and Zoning Committee.

From Engineer Ertel: Memo dated October 4, 2012 re: State Issue II Ordinance. Engineer Ertel said this has to do with the landslide area behind 6610 Mariemont Avenue. It is down by Whiskey Creek and the Bell Tower. He put in an application with the Ohio Public Works Commission which has a deadline of November 12, 2012 for submission of the legislation. The cost of the project is \$225,000 with the Village paying \$25,000 and the rest would be paid for by the grant. Mayor Policastro said the area is beginning to cave in. Mr. Scheeser asked if there were areas bigger than 6610 Mariemont Avenue. Engineer Ertel said he did not walk the entire site. There are probably areas that are worse and some that are better - it is just too large a scope to handle at one time. Mr. Wolter said a drainage culvert was put in some time ago which has since washed away. Mayor Policastro said he hopes this will be able to save the large Beech tree.

Mr. Dan Spinnenweber was granted permission to address Council. He said he and Gary Goldman, Director of the Mariemont Theatre Corporation, have been on a roller coaster ride for the past two years. He wanted to personally and publicly thank all the people who have helped them with the project. They have signed an agreement to expand the theatre by two auditoriums which will increase the seat capacity by 249 seats for a total capacity of 750 seats. It is a 15 year lease with two five year options. It will require another restaurant on the square for it to work for everyone. If that occurs we can count on a long and stable basis for the town center. He thanked Mr. Goldman for his faith in Mariemont and his ongoing determination to make this work. It is not

just a matter of adding a couple of auditoriums but also putting together all the other pieces so it will be economically feasible. He also thanked Mayor Policastro who was instrumental from the beginning with his leadership keeping everyone on track. He thanked the Graeter Family for working with us through changing plans. They would be able to purchase just enough property to make this project work. He thanked Mr. Miller and the Village Council along with the members of the Planning Commission and Architectural Review Board for their support and cooperation. He thanked Solicitor McTigue, Chief Hines, Superintendent Imhoff and Rick Greiwe. He thanked Jim Evans, The Quarter, and the Vince Hudepohl Construction Company for bringing everything together at the very end. Lastly, he wanted to thank Building Commissioner Malone, his friend, counselor and architect, for his tireless work compiling volumes of drawings including hundreds of revisions. He really worked to make this all work and fit.

Mr. Gary Goldman was granted permission to address Council. He said he has worked with several local communities and it has been great working with everyone in Mariemont. He is grateful to Mayor Policastro, Council, the School Board, Jim Evans and Building Commissioner Malone for all their help. He hopes to give the community a project they can be proud of. He estimates it should increase the number of admissions per year by 70,000. It will feature stadium luxury seats with digital projection. They are renovating the lobby with new restrooms and concessions and are hopeful they will be able to obtain a liquor permit.

Mr. Wolter said he has been in the Village for 25 years and spoke to Mr. Spinnenweber saying he has done wonderful things for the Village. There has been opposition at times which he overcame and persevered. He wished the City of Cincinnati had a "Mr. Spinnenweber".

Mr. Spinnenweber said the project will begin immediately as the deadline is March 15, 2013.

Mr. Rex Bevis, 4011 Miami Road, was granted permission to address Council. He wanted to thank Council and Engineer Ertel for their consideration of the Miami Road sidewalk project. The sidewalk is complete and looks really good. On a separate note, he noticed that Council may be discussing parking issues in the Village and requested that the Ohio revised Code should be enforced regarding parking in the same direction as traffic flow.

Ms. McCarthy moved, seconded by Mr. Miller to pay the bills as approved by the Mayor, Chairman of the Finance Committee and the Clerk. Mr. Wolter questioned the payment for the funeral expense. Mayor Policastro indicated that the Village is legally responsible for payment of the funeral expense for an indigent patient at Mercy St. Theresa. On roll call; five ayes, no nays.

Mr. Wolter moved, seconded by Mr. Scheeser to accept the recommendation of the Safety Committee which met on Monday September 17, 2012 at 6:00 p.m. to discuss implementation of standardized parking in the Village which would bring us into compliance with State regulations for emergency equipment access and egress on our many narrow streets. Present at the meeting were Safety Committee Chairman Dennis Wolter, Safety Committee Vice-Chairman Jeff Andrews, Committee member Joe Stelzer, Mayor Dan Policastro, Police/Fire Chief Rick Hines, Village residents Mary Ann Schwartz and Karen Koetzle along with two students from Xavier University. The meeting opened with Chairman Wolter explaining the situation we have with our many narrow streets (less than 26 feet wide) that do not meet state standards that allow for parking on both sides of the streets and still have safe access of fire engines and ambulances. Assistant Fire Chief Feichtner worked with Police/Fire Chief Hines and Chairman Wolter to create a map based on the width of streets, color coded to identify streets that need to have parking configuration changed in order to meet the state standard for emergency equipment access. It was decided that we would evaluate five streets at a time, beginning with the streets that have the most safety-critical parking issues. The Committee then discussed how we would implement a public awareness program. The process agreed on would be that we would notify the residents on the affected streets by circulating a flyer two weeks before any Council meeting where the parking configuration on their streets will be discussed and voted on. It is estimated it will take approximately six months to bring all streets in the Village into State Compliance. Mr. Wolter said this has been ongoing for some time. Assistant Fire Chief Feichtner took a lot of time measuring the streets. Mr. Wolter and Chief Hines drove around to confirm which streets were substandard. The state standard is 26'. If it is not that wide parking is only allowed on one side of the street. He distributed a color coded map indicating which streets need to be changed, streets that are substandard and have been changed and those streets which are compliant. The streets marked in red all need to be addressed. The Committee plans to meet to discuss which five narrow streets will be addressed. We will circulate flyers along those streets and in addition announce the next five streets so we can keep it going until complete. The Village has been lucky so far that this has not become a problem. Structural fires double in size every minute. Also, the new fire truck is bigger and will definitely need more space on our streets. Mr. Scheeser said his street, Nolen Circle, was marked in red and asked if it was non-compliant. Mr. Wolter said there is parking on only one side of Nolen Circle so it was marked in error. If a street is less than 26' wide parking is allowed on one side. If the street is 26' wide or more parking is allowed on both sides. The streets the Committee is really going to have to look at are the circle streets where parking on both sides of the street is problematic. On roll call; five ayes, no nays.

Mr. Wolter moved, seconded by Mr. Scheeser to accept the recommendation of the Safety Committee which met Monday September 17, 2012 at 6:00 p.m. to discuss large truck problems on Lane A. Present at the meeting were Safety Committee Chairman Dennis Wolter, Safety Committee Vice-Chairman Jeff Andrews, Committee member Joe Stelzer, Mayor Dan Policastro, Police/Fire Chief Rick Hines, Village residents Mary Ann Schwartz and Karen Koetzle along with two students from Xavier University. The meeting opened with Karen Koetzle of Beech Street expressing problems with trucks trying to navigate the narrow lane behind her home and damaging the guardrail and trees. After much discussion the Committee decided to post a sign at both ends of the lane that would state "NO TRUCKS" in large graphics with a statement in smaller graphics saying "Make

Deliveries from Beech Street or Homewood Road”. Below that sign we would have a second sign showing the international ‘no’ sign over a truck. The Committee decided to have the Village install the signs as soon as possible and to draft an Ordinance enabling the Police Department to issue citations for persons violating the new restrictions. Mr. Scheeser asked if there are move-out situations where we do not give the resident any choice but to break the law. Mr. Wolter said all the garages are accessible to Homewood or Beech Street except one residence which has a pad which is only accessible by the lane but the garage does have access to the street as well. If there were extraordinary circumstances we would certainly try to accommodate them by calling the police department. This is not the first go around with this and hopefully this solves the problem. Mr. Scheeser said he loves the idea of the Village working with the residents and asked if that could be part of the language of the Ordinance. Mayor Policastro said we could tailor a sign to communicate that information. Ms. McCarthy questioned if it was really necessary to have both the international symbol for no trucks along with a second sign stating no trucks. Mr. Wolter said yes because you are assuming literacy with a written sign. Ms. McCarthy said just use the international sign for no trucks. Mr. Wolter said the graphics would have to indicate to make the deliveries from either Beech or Homewood so they agreed to add the no trucks to the sign. Ms. McCarthy suggested using the symbol along with the language indicating where to make deliveries and contacting the police department be put all on one sign. Mayor Policastro indicated it all could be put on one sign and Mr. Wolter can design it. On roll call; five ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

The Warrior Run will be Saturday October 13, 2012 beginning at 5:30

Beggar’s Night will be Wednesday October 31, 2012 from 6:00 p.m. to 8:00 p.m.

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; 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. Clerk Borgerding said this meets the annual compliance with Hamilton County for the budget. We just got the information from them and they need the resolution by October 24, 2012. This includes the sum total of all the levies, including the one on the November ballot. The Resolution had a third reading. Mr. Wolter moved, seconded by Mr. Scheeser to adopt the Resolution. On roll call; five ayes, no nays. Ms. McCarthy moved, seconded by Mr. Miller to invoke the emergency clause. On roll call; five ayes, no nays. Resolution No. R-18-12 was adopted.

“To reappoint Mary Ann Swartz as a member of the Architectural Review Board for calendar years 2013 and 2014” had a first reading.

“To reappoint Charlie Thomas as a member of the Architectural Review Board for calendar years 2013 and 2014” had a first reading.

“To reappoint Dave Tensi as Inspector for the Building Commissioner for the calendar years 2013 and 2014” had a first reading.

“To confirm the reappointment of Christopher M. Ertel as Village Engineer for calendar years 2013 and 2014; and to set compensation” had a first reading.

“To reappoint Don White as Magistrate for calendar years 2013 and 2014; to set compensation” had a first reading.

“To reappoint Peggy Keyes as a member of the Parks Advisory Board for the calendar years 2013 and 2014” had a first reading.

“To reappoint Darla Michael as a member of the Parks Advisory Board for the calendar years 2013 and 2014” had a first reading.

“To confirm the reappointment of Edward J. McTigue as Solicitor for the Village of Mariemont for the calendar years 2013 and 2014” had a first reading.

“To appoint Nancy Drexel as a member of the Pool Commission for the calendar year of 2013” had a first reading.

“To appoint Susan Eberlein as a member of the Pool Commission for the calendar year of 2013” had a first reading.

“To reappoint Jenny Baker as a member of the Pool Commission for the calendar year of 2013” had a first reading.

Ordinances:

“An Ordinance authorizing application and contracting with the Ohio Public Works Commission; and to declare emergency” had a first reading. Mr. Scheeser moved, seconded by Mr. Stelzer 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. Engineer Ertel said there were 67 applications which applied so we have a 50/50 chance of getting funds. It is very competitive. The Ordinance had a third reading. Mr. Miller moved, seconded by Mr. Wolter to adopt the Ordinance. On roll call; five ayes, no nays. Ms. McCarthy moved, seconded by Mr. Scheeser to invoke the emergency clause. On roll call; five ayes, no nays. Ordinance No. O-18-12 was adopted.

Mr. Stelzer said the south 80 acres are going to be used by the Boy Scouts and Girl Scouts. They are working together to plan a primitive youth camping area. It will be low impact with the groups only taking out some honeysuckle. They plan to also use the area for kayaking and canoeing.

Mr. Stelzer said a resident is organizing a star gazing event that is going to occur in the south 80 acres. They are working with the Mt. Lookout Observatory to bring in some pretty powerful telescopes to do star gazing hopefully as early as the first or second weekend in November. We have to figure out how to get temporary lighting to the tunnel area. Also, we are trying to bring a cyclo-cross race to the south 80 acres sometime in December or January.

Mr. Stelzer said NEPA (National Environmental Policy Act) which is driving the Eastern Corridor study is a process which ODOT is supposed to be following in studying and designing the St. Rt. 32 highway relocation. NEPA requires all alternative course of action be evaluated and decisions be made in the best overall public interest based upon a balance consideration for the need of safe and efficient transportation and of the social economic and environmental impacts of that proposed transportation improvement. Public involvement and systematic approach must be an essential part of the developmental process for the proposed actions. We believe that ODOT has not met the requirements of NEPA especially in the area relevant to public involvement and the recent decision on the recommended route to go through our south 80 park. We also believe in reading a lot of the information available on the website and some newspaper articles that in the past and still continue to distribute misleading and incorrect information. An article appeared 10 days ago in the Cincinnati Enquirer touting the benefits of the Eastern Corridor project and the map that was included did not have the most recent proposed route. We are not sure if they are doing this to keep public involvement out of the process or if they are just sloppy. The color graphic map on their website is misleading on the proposed route. We met with ODOT on September 24, 2012 and received their meeting minutes. We have made corrections to the minutes and are waiting for the revised minutes. He had a meeting last week with a Newtown Village Council member and discussed what they were up to with their opposition to the proposed re-location. They believe it would have a devastating impact on their community. The plan is to also reach out to Madisonville and see what their community partners are doing with ODOT. We are in the process of forming our own Community Partners Committee with residents of Mariemont. The Mayor had a positive discussion with Commissioner Hartman about the impact and he seems to be totally against it. We also had a visit from the National Park Service a week or so ago. A resident ran into 5 representatives and struck up a conversation with them. We are not sure why they were there or who called them but hopefully they are there to try to understand what is going on with the south 80 acres. We continue to try to educate local, state and federal politicians about the impacts on the south 80 acres. We have pressed ODOT to have an additional public involvement meeting sometime in the next 60 days in the Village. The Mayor recently sent a letter to an ODOT representative challenging some of the decisions that were made in Tier I of the NEPA study regarding the assumption about the length of the span crossing the Little Miami River. When you look through the documents that is what is clearly driving the costs estimates on the other alternatives and why they eliminated those alternatives.

Mayor Policastro said his letter tells ODOT that the Tier I study that was done is flawed. He pulled a flyer that was given to us in 2002 which clearly says all the communities, ODOT and Hamilton County need to work together to figure out how we are going to do this project. It is obvious that they did it themselves. We are asking that they do it the right way this time by working together. Commissioner Portune is in agreement with us.

Mr. Wolter said this winter we are going to clear out the honeysuckle in Beechwood Park. He is looking for volunteers to help pull the honeysuckle out to the curb. There are several seasoned Ash trees that are down and we are going to be cutting them for firewood.

The meeting adjourned at 8:25 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk