

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
NOVEMBER 12, 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: Mr. Andrews, Ms. McCarthy, Mr. Miller, Mr. Scheeser, Mr. Stelzer and Mr. Wolter.

Ms. McCarthy moved, seconded by Mr. Scheeser to approve the minutes as written for October 22, 2012. On roll call; six ayes, no nays.

The following communications were read by Mayor Policastro:

From Police Chief Hines: October 2012 Monthly Report. Mr. Stelzer asked that Chief Hines expand on the threatening of one of our police officers. Chief Hines said it was Halloween evening approximately 6:10 p.m. There was a report of someone driving recklessly on Settle Road and clipped a pole on Murray. Some residents confronted the driver verbally and in turn the driver yelled some foul language. At the same time, Officer Shaw was at the intersection of Wooster and Indianview taking an auto accident report when the reckless driver rear ended someone, backed up and continued on his way. He was finally stopped in Newtown. It turns out the driver had just been released from being incarcerated a week and half prior. It was a struggle the rest of the evening with an irate prisoner and a domestic violence call. He had put an extra car out for Halloween but they were not able to distribute the glow sticks and candy which was unfortunate because it is a priority to us. On the way to booking the prisoner threatened the life of Officer Shaw and the life of his family. He was charged with aggravated menacing and transported to the Hamilton County Justice Center.

Mr. Wolter said this is an indicator of how dangerous police work is even here in the Village. We have a great police department. He said he has a 92 year old friend who was having lunch at the Mariemont Inn. He has a difficult time walking so his wife parked by the bus stop. An officer pulled up and quickly realized what was going on and helped his friend into the car. He appreciates the service our police department gives.

Chief Hines said that is what he expects from our Police & Fire Departments. Being helpful and courteous is what he expects. He received a thank you letter from one of our residents about how our police department went the extra mile helping her family through a bad domestic relations issue. He constantly receives letters and e-mails about the job our employees are doing. He received a thank you from Mr. James Biro at Kellogg regarding the accidental spill. He would like to have read into the record... "Just wanted to reach out after a long day and say thanks to you and your teams once again. Our two employees have been doing well, 4/5 lines are back up and running and we found the root cause of our leak. The support you provide to our operation is a true luxury. We look forward to many years of fruitful collaboration." It was a long day for all of us as the spill occurred at 2:00 a.m. Assistant Fire Chief Feichtner instructed the fire crew on the scene to contact Hazmat to let them know what they had. Once our crew told them what had been done Hazmat indicated that there was no need for them to respond because we had done everything they would have told us to do. It shows the experience and quality of personnel we have.

Chief Hines said last month he attended live burn training with the department. While he was there he talked with a Cincinnati Fire Department Command Supervisor who had watched and observed our personnel train over a three day period. He indicated that he was extremely impressed with our department and with their knowledge and ability to work effectively together. He commented that the command staff was well respected by the staff. He stated that we should be proud of the strong staff and quality of the firefighters that we have. Chief Hines said after seeing them work with other departments he is very proud of the department. He thanked Assistant Fire Chief Feichtner for the job he does everyday for running the day to day operations. In his 25 years that he has worked here he believes that our police and fire staff are the most dedicated and best that we have had.

Chief Hines said at the last Council meeting we had a resident approach Council with the possibility of making Madisonville Road a school zone. Solicitor McTigue said the Village can do it. We have to submit an application to ODOT to get their approval. Chief Hines said we can ask to have the school zone in place during restricted hours from the property lines of the school. The area can also be extended but it would need to be noted on the application. After discussion, Mayor Policastro referred the matter to the Safety Committee to discuss further extending the zone on Madisonville Road from Murray Avenue to Wooster Pike and extending Plainville Road from Wooster Pike to Murray Avenue.

From Assistant Fire Chief Feichtner: October 2012 Monthly Report

From Superintendent Scherpenberg: October 2012 Monthly Report. Mr. Andrews asked when the end of leaf pick-up is. Mrs. Van Pelt said it is scheduled for December 21, 2012. Mayor Policastro said we can change the date as needed depending on the leaves.

From Building Commissioner Malone: October 2012 Monthly Report

From Tax Administrator Judd: October 2012 Monthly Report/Waste Collection Report

From Ray Colton, Jordan Park Condo Association: Letter dated October 18, 2012 re: Thank You Fire Department

From Mayor Policastro: Letter Dated October 29, 2012 re: Sister City

From Hamilton County Municipal League: Meeting Notice November 29, 2012

From Solicitor McTigue: Letter Dated November 6, 2012 re: Bid for Waste and Recyclable Collection and Disposal. Mr. Scheeser asked for clarification if the Solicitor was advising Council that we should disqualify Forest Green. Solicitor McTigue said he was not advising Council to do that. What happened is he got the call after the decision was made. He received a letter from Forest Green's attorney, Bill Flynn, and did some more research. Because he felt it was relatively easy for Mrs. Singleton to put together the apples to apples comparison that it should at least be considered and then the Committee can make a recommendation one way or another. He believes the bid submitted by Forest Green should be discussed and considered. Mayor Policastro said the night of the Committee meeting he had to leave early but he went in the office to get his coat Mrs. Singleton was doing the math so the Committee could see and compare both figures. We do not know exactly how many households we have because it is ever changing. We did ask for one complete bid and she did put together a complete money figure for Forest Green so the Committee did have a second bid.

Mr. Stelzer said as a point of reference it was not easy to put together the apples to apples comparison. Mrs. Singleton did put together an initial schedule and then 20 minutes later came back and said my math was wrong and the Committee was presented with a new schedule. It was not a simple process to try to get those two numbers on a comparable basis.

From Police Clerk Maupin: Mayor's Court Statement for September 2012

Mr. Matt Fellerhoff, attorney for Forest Green, was granted permission to address Council. He said he was in attendance due to the waste collection bid and would be happy to answer any questions.

Mr. Andrews moved, seconded by Mr. Scheeser to pay the bills as approved by the Mayor, Chairman of the Finance Committee and the Clerk. On roll call; six ayes, no nays.

Mr. Wolter moved, seconded by Ms. Scheeser to accept the recommendation of the Health and Recreation Committee which met on October 25, 2012 to review the bids for the Waste Removal Contract. In attendance were councilmen Joe Stelzer, and Cortney Scheeser, Mayor Policastro, Sue Singleton and representatives from Rumpke (Dean Ferrier) and Forest Green (Wendell Shelton). While Forest Green's bid did not include the required annual cost, it was agreed by the Committee that the defect in the bid should be waived and Forest Green's bid was considered. Mrs. Singleton and Mr. Shelton then calculated for the Committee the annual cost enabling the Committee to discuss the numbers of both bids. After discussion, the Committee recommends Council accept Bid Option Number One (1) from Rumpke, for an annual cost of \$283,860. This maintains our current configuration of backdoor service and 18 gallon recycle totes. We believe the cost difference of \$9,405 between Rumpke and Forest Green's bid of \$274,455 for Bid Option One (1) is not sufficient enough to change vendors. Mr. Scheeser moved, seconded by Mr. Stelzer to amend the report to reflect the modifications Mr. Scheeser distributed to Council. His interpretation of the meeting was different than what was laid out. His recommendation reads "Forest Green's bid did not include the required annual cost so we were advised to disqualify the Forest Green bid and delete the last sentence "We believe the cost difference of \$9,405 between Rumpke and Forest Green's bid of \$274,455 for Bid Option one (1) is not sufficient enough to change vendors". Mr. Scheeser said they spent the majority of the meeting saying they wished they could consider Forest Green's bid but we can't so our options are Rumpke's options 1, 2, 3, or 4. Solicitor McTigue said sometimes the report may differ from what happened at the meeting but asked if the Committee was comfortable knowing what the bid of Forest Green was and did or did not the Committee compare the two bids. If the answer is yes then he believes the Committee can go ahead and say okay we go along with accepting Rumpke's bid. If the committee does not feel they gave Forest Green a fair weight because of what the Mayor may or may not have said then that issue can be discussed.

Mr. Scheeser said his interpretation of the meeting was that Forest Green's bid was a no go and that we could not do it. He was able to figure the amounts himself with Mrs. Singleton's help. We did not discuss Forest Green's bid but rather the process of the Committee report etc. He did not feel comfortable with the second paragraph because he felt the advice was that the bid was disqualified and could not be discussed. He is encouraged by the Solicitor's comments but at the time they did not know that it could be considered.

Mr. Stelzer said the Committee did have conversation about the various options during the meeting. We made the announcement that we were advised that the Forest Green bid should be disqualified but we did look at the various numbers on the page including whether it was Monday/Tuesday pick-up and the concept of Thursday/Friday pick-up. We looked at the figures and decided that \$9000 difference between the two bids for a Monday/Tuesday pick-up was not a significant enough savings to make the switch in vendors. He asked if the concept of Thursday/Friday pick-up was even able to be considered given the fact that the request for proposal clearly indicates a Monday/Tuesday pick-up. The request for an alternative schedule was not in the request for proposal but is a new wrinkle in the process as it does not allow for an apples to apples comparison because Rumpke did not submit a bid for this service. The larger cost savings were on a Thursday/Friday pick-up. Solicitor McTigue said he does not believe that the Committee can consider the Thursday/Friday gratuitous bid.

It could be an interesting option to explore at a later date. Mr. Andrews said we could not accept either bid and start over. Mr. Scheeser said with the difficulties we are experiencing are we in any legal trouble if we do it over. He believes Thursday/Friday pick-up is an interesting option given the \$45,000 cost savings per year. Ms. McCarthy said we do not have time. Solicitor McTigue said from a fairness standpoint each bidder know has an idea of what the other bid. His legal opinion is for Council to not consider the Thursday/Friday pick-up bid but only the Monday/Tuesday bids.

Mr. Stelzer said one additional point that he is not completely sure of is what was in the Forest Green bid about how to handle yard waste and clippings. Under the current Rumpke contract it is spelled out separately. We get benefit from that because our recycling percentage is much higher. He is not sure what would happen to the yard waste and clippings under the Forest Green proposal. So the \$9000 savings may actually be narrower if we get less of a recycling rebate in the future if our solid waste percentage goes up. Solicitor McTigue said we did not include anything like that in our bid specifications so they were not remiss by not including anything like that. It is a factor to consider but that should not be in and of itself a reason to go with Rumpke. Ms. McCarthy said with all the confusion with our bids it should be a lesson learned to be more specific for the next bid process. On roll call; six ayes, no nays. Mr. Scheeser moved, seconded by Mr. Stelzer to accept the amended report. On roll call; six ayes, no nays.

Mr. Wolter said he and Chief Hines went to an informative invasive species conference at Ohio State. He will call a Safety meeting and then prepare a Committee report.

Clerk Borgerding gave a quick update on what is happening with the municipal taxes. The State is not trying to take it over at this point but rather have more uniformity. Presently, something that may be taxed in Mariemont may not be taxed in another municipality. The same is with net operating loses being only able to be carried forward or backward. Right now different municipalities have different rules. The objective is to make it easier for businesses to do business.

Mayor Policastro read the following miscellaneous announcements:

Leaf collection will end December 21, 2012. Ms. McCarthy asked if there was a pick up schedule. Mrs. Van Pelt said they typically try to follow the brush route but right now they are trying to get the more troublesome areas. Mayor Policastro said he has instructed people in his Mayor's Bulletin to call the office if they feel their street is in need of pick up as quickly as possible.

Resolutions:

“To reappoint Mary Ann Swartz as a member of the Architectural Review Board for calendar years 2013 and 2014” had a third reading. Mr. Wolter moved, seconded by Mr. Andrews to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-19-12 was adopted.

“To reappoint Charlie Thomas as a member of the Architectural Review Board for calendar years 2013 and 2014” had a third reading. Mr. Miller moved, seconded by Ms. McCarthy to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-20-12 was adopted.

“To reappoint Dave Tensi as Inspector for the Building Commissioner for the calendar years 2013 and 2014” had a third reading. Mr. Andrews moved, seconded by Ms. McCarthy to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-21-12 was adopted.

“To confirm the reappointment of Christopher M. Ertel as Village Engineer for calendar years 2013 and 2014; and to set compensation” had a third reading. Ms. McCarthy moved, seconded by Mr. Scheeser to adopt the Resolution. On roll call; six ayes, no nays. Resolution Nor. R-22-12 was adopted.

“To reappoint Don White as Magistrate for calendar years 2013 and 2014; to set compensation” had a third reading. Mr. Wolter moved, seconded by Mr. Scheeser to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-23-12 was adopted.

“To reappoint Peggy Keyes as a member of the Parks Advisory Board for the calendar years 2013 and 2014” had a third reading. Mr. Andrews moved, seconded by Mr. Miller to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-24-12 was adopted.

“To reappoint Darla Michael as a member of the Parks Advisory Board for the calendar years 2013 and 2014” had a third reading. Ms. McCarthy moved, seconded by Mr. Stelzer to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-25-12 was adopted.

“To confirm the reappointment of Edward J. McTigue as Solicitor for the Village of Mariemont for the calendar years 2013 and 2014” had a third reading. Mr. Wolter moved, seconded by Mr. Andrews to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-26-12 was adopted.

“To appoint Nancy Drexel as a member of the Pool Commission for the calendar year of 2013” had a third reading. Mr. Scheeser moved, seconded by Ms. McCarthy to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-27-12 was adopted.

“To appoint Susan Eberlein as a member of the Pool Commission for the calendar year of 2013” had a third reading. Mr. Andrews moved, seconded by Mr. Scheeser to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-28-12 was adopted.

“To reappoint Jenny Baker as a member of the Pool Commission for the calendar year of 2013” had a third reading. Ms. McCarthy moved, seconded by Mr. Scheeser to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-29-12 was adopted.

“Resolution Authorizing the Renaming of the Mariemont Municipal Building to the Colonel Donald L. Shanks Municipal Building for the Village of Mariemont” had a second reading. Mr. Stelzer asked about the Colonel designation. Chief Hines said police chiefs in our area are often referred to as Colonel. Chief Shanks was very proud of that. It was how he signed and endorsed his name.

“To Appoint Laura Stith as a Member of the Pool Commission for the Calendar Year 2013” had a second reading. Solicitor McTigue said it should read 2013 and 2014. He checked and they are two year terms. Mrs. Van Pelt said right now Jenny Baker, Susan Eberlein and Nancy Drexel are one year terms. Mr. Scheeser said we cannot assume they want to sign up for two years. Mayor Policastro said he will check with them before we make the change. Mr. Andrews said they should be two year staggered terms.

Ordinances:

“To Amend Schedule VIII of Section 78, Traffic Control Devices, of the Mariemont Code of Ordinances, To Restrict Trucks on Lane A” had a second reading. Ms. McCarthy asked if we took into consideration the garbage truck. Mayor Policastro said they use the smaller truck to service that area. The Ordinance does not need to be amended because they are providing municipal service.

“To accept bid of Rumpke Waste; To Authorize Contract, Pay for Services; and To Declare Emergency” 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; six ayes no nays. The Ordinance had a second reading. Mr. Scheeser said he is going to vote no because consistency would say he has chased every dollar on mowing contracts. While the transition might be painful the \$9000 savings is meaningful. The Ordinance had a third reading. Ms. McCarthy moved seconded by Mr. Wolter to adopt the Ordinance. On roll call; five ayes, one nay (Mr. Scheeser dissenting). Ms. McCarthy moved, seconded by Mr. Miller to invoke the emergency clause. On roll call; six ayes, no nays. Ordinance No. O-19-12 was adopted.

“Ordinance to Enact Section 138.041 of the Mariemont Code of Ordinances” had a first reading.

The meeting adjourned at 8:24 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk