

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
NOVEMBER 26, 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. Stelzer and Mr. Wolter.

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

Ms. McCarthy moved, seconded by Mr. Wolter to approve the minutes as written for November 12, 2012 and the Committee of the Whole Meeting November 12, 2012. On roll call; five ayes, no nays.

The following communications were read by Mayor Policastro:

From Treasurer Kulesza: October 2012 Monthly/Trend Report

From Time Warner Cable: 3rd Quarter Franchise Fee Payment

From Mariemont Preservation Foundation: Letter Dated November 12, 2012 re: Thank You Maintenance Department

From Compost Cincy: Process for Rumpke Yard Waste

From Sophia Cifuntes: e-mail Dated November 19, 2012 re: Congratulations on Recycling Award

From Joanee Van Pelt: Thank you for the Kroger Gift Card

Mr. Miller moved, seconded by Mr. Wolter to pay the bills as approved by the Mayor, Chairman of the Finance Committee and the Clerk. Mr. Andrews questioned the payment to Successful Products for the knit hats and shirts for Dan Lyons - he does not know who Dan Lyons is. Mayor Policastro said he is our new Police Officer. He will be introduced when he successfully completes his probationary period. He worked for Lockland Police Department undercover. On roll call; five ayes, no nays.

Mr. Wolter moved, seconded by Mr. Stelzer to accept the recommendation of the Safety Committee which met on Monday November 19, 2012 at 6:00 p.m. to discuss safety issues related to the growing coyote problem in the Village. Present at the meeting were Safety Committee Chairman, Dennis Wolter, Committee Vice-Chairman, Jeff Andrews, Committee Member, Joe Stelzer, Mayor Policastro, Police/Fire Chief, Rick Hines and Assistant Fire Chief Tim Feichtner. The meeting opened with Committee Chairman Wolter and Police/Fire Chief Hines giving a verbal report on an all-day seminar they attended on November 7th at Ohio State University, presented by Ohio Community Wildlife Cooperative regarding invasive species. After much discussion of the information obtained at this seminar and other sources, as well as from recent experiences we are having in the Village with coyotes, the Committee recommends:

1. That the Police/Fire Chief put a program together to help manage these wild animals
2. That Council grants authority to the Police Chief to implement programs for the control of problem coyotes in the Village of Mariemont, with problem coyotes being defined as those coyotes appearing in residential neighborhoods and/or exhibiting aggressive behavior in non-residential areas.
3. In the event control measures must be taken against problem coyotes, those measures are to be carried out only by Police Officers. Adequate notice must be given to the public of the date and location those control measures will be implemented. Notice will be made through the use of signs posted at the location where the control measures will take place.
4. That we establish a public awareness program.
5. That we prepare a progress report six months after the proposed program is put into place.

6. That we continue to work closely with ODNR to help insure the highest possible level of safety and effectiveness of our program.

Mr. Wolter said Mr. Andrews had concerns on how many times the police would go down there and try to control these animals. Mr. Andrews recommended that the number be set at five times. To say how many times would depend on how successful the program was.

Mr. Andrews said he was trying to reflect the conversation at the Committee meeting. He believes Mr. Stelzer made the suggestion because it is hard to define the success in this program. In a six month time-frame it would be a minimum that the police would engage five times. They thought that would be sufficient and it was supported by Chief Hines. It is a minor clarification that he believes should be associated with the report.

Ms. McCarthy asked if the meaning of "by control" indicated by firearms. Mr. Wolter said yes and it is what the State recommends.

Mr. Andrews said the Committee also recommended that if the report passed it would only be implemented during late night hours (1:00-5:00 a.m.) along with the proper signage and communication. Mr. Wolter said they are nocturnal animals and the plan is to hunt them during the dark hours when they are most active. We will utilize the Eastern Hills Journal and the Town Crier to inform residents. In the event one is spotted during the day there is a pretty good chance that it is rabid. In that case the police would have to take the animal if they were in a safe position. Mayor Policastro said regardless of the report it would be their duty to do so. Mr. Wolter said a lot of communities have these types of programs in place but do so without the general public knowing because of the public resistance. He wanted to be transparent because so many people do use the area. On roll call; four ayes, one nay (Ms. McCarthy dissented).

Mr. Miller moved, seconded by Ms. McCarthy to accept the recommendation of the Safety Committee which met on Monday November 19, 2012 at 6:00 p.m. to discuss use of open flame grills on balconies. Present at the meeting were Safety Committee Chairman, Dennis Wolter, Committee Vice-Chairman, Jeff Andrews, Committee Member, Joe Stelzer, Mayor Policastro, Police/Fire Chief, Rick Hines and Assistant Fire Chief Tim Feichtner. The meeting opened with Assistant Fire Chief Feichtner stating the safety concerns with the use of open flame grills on balconies and in the proximity of structures made of combustible materials. Assistant Fire Chief Feichtner outlined the state fire codes that deal with these issues. After much discussion, the Committee recommends that the Safety Committee work with the Assistant Fire Chief to prepare an Ordinance that is compatible with current state fire codes regarding the use of open flame devices in the Village, and to include the following additional regulations:

1. The storage and use of electric grills is permitted on balconies, provided the grills are inspected and approved by the Fire Department.
2. The use of open flame grills, whether gas or charcoal, is not permitted on the balconies, porches or patios of multi-unit structures, except if grill is located ten feet or more from the structure.
3. The storage of gas or charcoal grills and their related fuels is not permitted in multi-dwelling structures, either on balconies or in the building itself.
4. The use of outdoor wood burning fire pits is permitted for private residences, but not on balconies, porches or patios of multi-unit structures.

Mr. Wolter said Assistant Fire Chief Feichtner noticed that there were grills being used in one of the Condo units on the balcony. It is in direct conflict with the state code. The Ordinance would primarily deal with multi-unit dwelling which is defined as any building with more than two residences. He believes this is a preliminary Ordinance. We will add things as we find other problems. Mr. Andrews said it should mimic the state code so we can handle any situation locally instead of going to Columbus. There is the opportunity to strengthen the code but we do not want to make it extremely different from state code. Solicitor McTigue said he will work with Assistant Fire Chief Feichtner on the wording for the Ordinance. On roll call; five ayes, no nays.

Mr. Andrews moved, seconded by Mr. Wolter to accept the recommendation of the Safety Committee which met on Monday November 19, 2012 at 6:00 p.m. to discuss changing the school zone design on Madisonville and Plainville Roads. Present at the meeting were Safety Committee Chairman, Dennis Wolter, Committee Vice-Chairman, Jeff Andrews, Committee Member, Joe Stelzer, Mayor Policastro, Police/Fire Chief, Rick Hines and Assistant Fire Chief Tim Feichtner. The meeting opened with Committee Chairman Wolter explaining the need to extend the school zone in order to enhance safety along Madisonville and Plainville Roads. After much discussion the Committee recommends:

1. That we extend the school zone on Madisonville Road to begin in front of LaRosa's at the southeast end and go all the way to the intersection of Madisonville and Plainville Roads at the northwest end.
2. That we extend the school zone at the north end of Plainville Road all the way to the intersection of Plainville and Madisonville Roads.
3. That we extend the west end of the existing school zone on Chestnut Street all the way to the intersection of Chestnut Street and Cherry Lane, in anticipation of the Waldorf School opening in the future.

The appropriate signs will be erected to reflect these changes. Ms. McCarthy suggested extending the school zone on Chestnut to Oak Street. Mr. Stelzer said the Committee did discuss that idea but that would mean two signs would need to be erected. Mr. Wolter said if you have a sign right at an intersection people tend not to see it. On roll call; five ayes, no nays.

Mayor Policastro referred the matter of the need for a stop sign at Belmont and Murray to the Safety Committee. Fairfax Mayor Shelton is in agreement. He also thinks there should be no parking within 30 feet of the intersection on Belmont on the Mariemont side.

Ms. McCarthy moved, seconded by Mr. Wolter to accept the recommendation of the Committee of the Whole which met November 12, 2012. Mr. Miller called the meeting to order at 6:45 p.m. All six members of Council were in attendance. No one from the Village came to offer their input. A few Council members were concerned that limiting the meetings to once a month may be perceived as less transparent. All agreed that the summer meetings were very short during June, July and August. The Committee of the Whole recommends that twice a month meetings continue except for once a month for June, July and August (meetings to be held the second Monday of the month). The start time for all Council meetings will change from the current 7:30 p.m. to 7:00 p.m. effective January 1, 2013. Mr. Wolter said this is a good balance. On roll call; five ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Leaf pick-up began October 29, 2012 and will end December 21, 2012. Mayor Policastro said the date can be adjusted as needed.

Village Offices will be closed Monday December 24, 2012 and Tuesday December 25, 2012.

The Council meeting scheduled for Monday December 24, 2012 will be rescheduled for Wednesday December 26, 2012. All packet materials must be in the office by noon December 21, 2012.

Resolutions:

“Resolution Authorizing the Renaming of the Mariemont Municipal Building to the Colonel Donald L. Shanks Municipal Building for the Village of Mariemont” had a third reading. Mr. Wolter moved, seconded by Ms. McCarthy to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R- 30-12 was adopted.

“To Appoint Laura Stith as a Member of the Pool Commission for the Calendar Year 2013” had a third reading. Mr. Andrews moved, seconded by Ms. McCarthy to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-31-12 was adopted.

“Strongly Opposing the Passage of HB 601 by the Ohio General Assembly Which Proposed Uniformity Measures for Municipal Income Tax in the Form of Unfunded Mandates and a Substantial Loss of Revenue; and To Declare Emergency” had a first reading. Mr. Miller 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. Mayor Policastro said Mrs. Judd put this together with the help of the Ohio Municipal League. He said we have discussed this before and if we do not do something they are going to take over our Tax Department. Mr. Stelzer asked what the chances are that this is going to come up before the Ohio Legislature in the next 30-60 days. Mayor Policastro said he thought Representative Pete Beck was expected to have another meeting and after that there will be some changes. Mr. Stelzer asked why the state is trying to do this. Clerk Borgerding said they are trying to get uniformity across the municipalities across Ohio. Some municipalities allow losses to be carried back three years, some two and some allow them to be carried forward. Many see it as a lead to a state take over which could happen. The Ohio Municipal League is not against uniformity but they do not like the way the bill is put together. He believes it would be more of an impact for municipalities that have a lot of industry and a larger tax base. The Village does not have a whole lot of complexity with individuals but there are much more tax rules when dealing with corporations. Mrs. Judd believes that doing our audits and going after people who are delinquent would be affected.

Mr. Andrews said he reads the ordinance as it is not against uniformity because fundamentally it is a good thing for businesses but understands that there might be some provisions in the House Bill that are concerning to the Village and Mrs. Judd about the state taking over, processing and holding our money and potentially limiting the money we collect.

Mr. Wolter said it would create nightmares if you have a problem with your return and you have to deal with Columbus instead of here locally. He sees this as the camel trying to get his nose under the tent.

Mr. Stelzer asked who is pushing for this change. Clerk Borgerding said the governor along with CPA's and businesses. Businesses say it is too hard to have 10-20 locations throughout the state and each municipality having their own tax codes. It makes it hard for them. Mr. Wolter said he sees that as the carrot on the end of the stick so the State can get control over our tax collection. Mr. Andrews said he would like to have more time to read house Bill 601 and questioned the need for an emergency. He has a hard time voting for something he has not yet read. He supports the thinking that uniformity is the right approach but he does not think state control of our tax collection is appropriate. Mr. Stelzer agreed that he would like to wait two weeks so Council has more time to understand it. Mayor Policastro said time is of the essence. After discussion, it was agreed to have the third reading at the next meeting in order to allow Council more time to read and gather information regarding House Bill 601.

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 third reading. Ms. McCarthy moved, seconded by Mr. Wolter to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-20-12 was adopted.

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

“Ordinance Amending Section 32.13 of the Mariemont Code of Ordinances, Rules of Council” had a first reading.

The meeting adjourned at 8:13 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk