

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
DECEMBER 10, 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.

Mr. Miller moved, seconded by Mr. Wolter to approve the minutes as written for November 26, 2012. On roll call; five ayes, no nays. (Mr. Scheeser abstained due to absence)

The following communications were read by Mayor Policastro:

From Police Chief Hines: November 2012 Monthly Report. Mr. Wolter asked if the drug abuse charges are stemming from people driving through the Village and being stopped for traffic violations. Chief Hines said most are generated from traffic stops. The heroine epidemic is affecting us just like everyone else. It is at an all time high and is driving most of the crime. Ms. McCarthy asked if the semi-automatic pistol was a traffic stop as well. Chief Hines said yes.

Mr. Scheeser asked about the new police officer, Dan Lyons. Chief Hines said we had an officer resign in September. Obviously as we have been short the last couple of years we needed to act quickly. We had a month where we had no choice but to pay overtime to cover shifts. Officer Lyons is a 12 year veteran and he is sure he will do a good job for the Village.

Mr. Andrews asked about the damage to the east entrance to the Village. Chief Hines said an elderly gentleman failed to negotiate the turn. Mr. Andrews how soon the area will be cleaned up. Superintendent Scherpenberg said they are planning to work in the area in the next couple of days. Mayor Policastro said he has contacted the insurance company. We also have letters going out to local landscaping companies to give us an estimate for the work. We are working on finding out who owns the lights. The resident who did the landscaping is going to get the boxwoods out of the area. Mr. Scheeser asked if this was an opportunity to enhance and improve the area and possibly redesign the entrance. He questioned whether we needed the street light and the blinking lights or if something else could take its place. Mayor Policastro said we first need to get a settlement. The area is Park Boards territory. Mr. Scheeser said we have a blank canvass and are starting over - are we going to make the same decisions or is there room for improvement. Mayor Policastro said he would let the Park Board do their job. The Police Department would be in charge of the blinking lights. We should have some type of warning at that intersection. Mr. Scheeser asked if we could have a light there but not as big and obnoxious. Mr. Wolter said the first thing we need to establish is who owns the lights. If they belong to Duke Energy then we are going to have to deal with their willingness to make a change. When they lost a street light at the corner of East and Wooster it took a year and one half before Duke fixed the problem. Mayor Policastro said if needed he will call Marvin Blade and get action. We will also get estimates to replace the National Historic Landmark sign. Mr. Scheeser asked to let him know when we find out who owns the lights.

From Assistant Fire Chief Feichtner: November 2012 Monthly Report

From Superintendent Scherpenberg: November 2012 Monthly Report. Mr. Scheeser thanked the department for planting 96 trees. Mr. Miller said the inmate program seemed to work well. They took pride in what they were doing. They were appreciative and cordial. Mayor Policastro said we thank the Hamilton County Sheriff Department for letting the non-violent prisoners work here. He is not sure how much money we saved but was it was a fairly large amount. Superintendent Scherpenberg said he will gather the information.

From Building Commissioner Malone: November 2012 Monthly Report. Ms. McCarthy asked if the fence for Richard Booth was replacing the old wire fence. Building Commissioner Malone said yes. He said we have been focusing on the Historic District and it has become increasingly evident that we need to tighten up some of the ordinances and stipulations concerning property maintenance. Currently there are three phases when addressing issues. First a letter is sent out stating what the problem is. Usually those get somewhat good response. The second phase is sending a registered letter followed by a citation to Mayor's Court which usually gets attention. When we take them to Mayor's Court if we do not have a specific statue that has been violated it makes it hard to make it a legally

binding requirement. Some examples are: excessive vines growing on buildings, shutters falling apart or unpainted or non-existent, gutters falling off, potholes, animal feces, delapated fences, leaky windows from the old lead glass windows which leads to mold and mildew, peeling paint and deteriorated and unsightly roofing. He would like to have more teeth in the regulations and update the zoning code and property maintenance code to give us something more specific to enforce. Mr. Miller asked if we could make the list an addendum to the current code. Solicitor McTigue said we could do something similar as we are doing with the fire code. We could incorporate by reference our property maintenance code into one of our code sections. Mayor Policastro said we need to do what we did 20 years ago and that is go through the code and tighten it up. He referred that matter to the Economic Development and Zoning Committee for further discussion with both the Planning Commission and the Architectural Review Board. Mr. Scheeser said when he was in the Rules and Law Committee they adopted an International Code and asked how what is being proposed would be different from the work they did in 2009. Building Commissioner Malone said some aspects affect the zoning code and some affect the property maintenance code. It is straightforward but it needs to be specific and not generalized. Mayor Policastro said we need to do something in that area - people cannot live like that. We never realized all the problems would start happening. We need to have it on paper so when people come into Mayor's Court we have something to hang our hat on.

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

From Kirk Hodulik: Professional Resume (Architect Experience). Mayor Policastro said beginning the first of the year he is going to contract Mr. Hodulik to go through the Historic District. He is going to walk the area five hours a week. Eventually he will move into the position of Building Commissioner. Mr. Malone has indicated that he will retire sometime in the coming year. Mr. Hodulik is semi-retired and seems to fit our need perfectly. He will work along with Building Commissioner Malone for the coming months learning the position of Building Commissioner. Mr. Andrews asked what role Council or a Committee of Council play in a replacement. Mayor Policastro said the Mayor appoints someone to the position and Council votes to accept the recommendation. Mr. Scheeser asked if there is a probationary period. Mayor Policastro said six months. Mr. Wolter said he has known Mr. Hodulik for years. His specialty is older homes and renovating in character. He has worked on his home and other homes in the Village. He understands the needs of the Village very well. Mr. Andrews asked if Mr. Wolter recommended Mr. Hodulik. Mr. Wolter said he suggested him. Mayor Policastro said he has talked with several architects. The money just is not there and it will only be 16 hours per week. Mr. Malone puts in more than that even with a cut in salary.

From Andrew Kulesza: Letter dated December 3, 2012 re: Request for temporary six month leave of absence. Mayor Policastro said Treasurer Kulesza's house has sold and he is in the process of locating one within the Village. In the meantime, Clerk Borgerding will take over both positions which has been done in the past by Mr. Bahler and Mr. Naugle. Clerk Borgerding served both positions during Mr. Tontillo's resignation. Mr. Wolter thanked Treasurer Kulesza for his service. Mr. Scheeser said it seems like a lot to ask of Mr. Borgerding. Clerk Borgerding said it is not the best time of year for him but he will be able to handle it.

From Solicitor McTigue: Easement agreement for Waldorf School. Solicitor McTigue said the Board of Education put Dale Park School up for sale and entered into a contract with the Waldorf School. When Waldorf did their due diligence and had the title exam performed there were a couple of concerns that they had relative going forward with the transaction to give them the comfort level that they could continue to use the Dale Park as the school had been using it as well as the parking lot. There is a small parcel that had a reverter provision in the deed. What is said was if the property is no longer used as a public education facility then it reverts back to the Village of Mariemont. We want to work with the Board of Education to try to make this transaction go forward. He and the Mayor have met several times with the Board of Education and representatives for the Waldorf School and we came up with the proposed easements. The first is a non-exclusive easement that gives the Waldorf School the right to continue to use the adjacent property as the school has always been using it. He spoke with Mr. Stelzer who brought up a good point which is the Village has always maintained the area. He contacted the attorney for the Waldorf School who agreed to share the cost of the maintenance equally. He is still waiting for the attachments noted on the Resolution from the Waldorf School attorneys. Exhibit "A" is the formal legal description for Dale Park. Exhibit "B" is the legal description for the school itself. Exhibit "C" is the property that the reverter clause applies to. Mr. Stelzer suggested that if we are going to grant an easement on that property that we should have a restriction put on that there will not be any sort of building that takes place. Mr. Scheeser said he likes the idea of granting the easement and in turn getting one half of the maintenance. Mayor Policastro asked how maintenance was going to be defined. Solicitor McTigue said he does not know if we will be able to get one half of the grass cutting reimbursed but more along the lines of resurfacing the parking area. They discussed maintenance that would be above normal wear and tear. He said it was his understanding that any snow removal would still be the responsibility of the Village. Mr. Stelzer said his concern was the standard we would be held

to if we had to maintain the parking lot. If the agreement is that it is going to be a 50/50 share it will be a more fair conversation. Ms. McCarthy asked if residents would be able to continue parking on the lot as they do now. She wants the Village to continue to plow and not leave it up to the school. Solicitor McTigue said yes - that will not change. Mr. Wolter said the agreement could state that the Village determines when it is plowed but the cost is shared. After discussion it was agreed that the Village would continue to provide the grass cutting in Dale Park and the snow plowing as we currently do. Any maintenance above and beyond would be shared 50/50.

Ms. Holly Wood, 3836 Belmont, was granted permission to address Council. She said she had questions regarding the fire safety parking. Belmont is split with the east side being Mariemont and the west side being Fairfax. The street is 21.5 feet wide. If parking is going to be one side only how will that be determined and how will residents on both sides of the street be informed. Mr. Wolter said the Committee has not got as far as Belmont because of the issue with half ownership. The street is not included in the parking plan. They would like to implement the rest of the plan and then work on Belmont. It will involve working with officials from Fairfax to come to some sort of joint agreement. Mayor Policastro said preliminary discussion had one half of the street would park on the Fairfax side and the other half of the street would park on the Mariemont side. Mr. Wolter said it would probably be late summer 2013 before they address the issue. Ms. Wood asked how people will know. Mr. Wolter said a notice will be circulated to the Mariemont residents. We will rely on Fairfax to notify their residents.

Mr. Andrews moved, seconded by Mr. Scheeser to pay the bills as approved by the Mayor, Chairman of the Finance Committee and the Clerk. Ms. McCarthy asked what accountability tags for firefighters were used for. Assistant Fire Chief Feichtner said it is a Velcro tag with name, rank and department. They go from their helmet to a piece of fire apparatus which allows for us to account for each firefighter should something catastrophic happen on a scene we would know where to start looking for them. On roll call; six ayes, no nays.

Mr. Miller moved, seconded by Mr. Wolter 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 narrow streets. Present at the meeting were Safety Committee Chairman, Dennis Wolter, Committee Vice-Chairman, Jeff Andrews, Committee Member Joe Stelzer, Council Member Denise McCarthy, Mayor Dan Policastro, Police/Fire Chief, Rick Hines, Village residents Mary Ann Schwartz and Karen Koetzle and two students from Xavier University. The Safety Committee recommends at this time that the following streets be brought into compliance with Ohio Fire Code appendix D, sections D101.1 thru D103.62 to insure safe access and egress for emergency equipment:

1. Harvard Acres - No Parking on east side, paint the existing curbs yellow
2. Park Place - Due to the absence of curbs, four "no parking" signs will be evenly spaced on the west side of the street
3. Petoskey Avenue on the south side of Wooster Pike - due to the absence of curbs, four "no parking" signs will be evenly spaced on the east side of the street
4. Petoskey Avenue on the north side of Wooster Pike - move all existing "no parking" signs from the west side to the east side of the street
5. Denny Place - Paint the existing curb on the south side of the east/west section of the street and the east curb of the north/south section of the street. Also remove the existing "no parking" sign near the intersection of Pleasant Street and Denny Place.

All curbs at intersections will be painted yellow to establish state standard parking setback. Mr. Wolter said the state fire code requires that streets less than 26' actually be posted on both sides. Because that would pretty much eliminate parking on every street in the Village, it is up to the discretion of the fire leadership of what we can do to mitigate this problem and still have parking. The standard that we are accepting is a street that is 26' will allow for parking on only one side. Some streets have "no parking" signs already but they are in the wrong place. If curbs are relatively short we will paint the curbs yellow in order to save on signage. The other issue is set backs at intersections. The state standard is 17' minimum back so you can see through the intersection for vehicle safety. Mr. Andrews said one concern is have we given enough notice to residents on the streets to speak in the process. Mr. Wolter said the notices went out 2 ½ weeks ago. The normal process will be to hold a Committee meeting and make a Committee recommendation report. It will give people two weeks notice to attend both the Committee meeting and the Council meeting to voice concerns or to let us know if they have a better way that will meet state requirements. Simply because we submit a report does not mean that it cannot be amended. Mr. Andrews said solid yellow curbs are hideous looking but we have to do something. He would rather do what some other communities have done and that is paint "fire lane" along the curb. It makes it very clear that it is a no parking area. Mr. Scheeser said the wording may inspire compliancy

that you may not get from a yellow curb. Superintendent Scherpenberg said that may pose a problem when people rake their leaves into the street and it becomes hard to see. Mr. Wolter said whatever we do we need to do with safety in mind first. Mr. Andrews said the residents will follow the rule of law, whether it be a painted curb or sign, and risk of problems will be very minor. Mr. Wolter said problems could arise with visitors. Mr. Andrews said that can happen anywhere and it would be up to the resident to make sure their guests park on the correct side of the street. Mr. Wolter moved to accept the report as written, seconded by Mr. Miller. On roll call; four ayes, two ayes (Mr. Andrews and Mr. Scheeser dissenting).

Mayor Policastro read the following miscellaneous announcements:

Leaf pick-up will end approximately December 21, 2012.

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:

“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 third reading. Mr. Stelzer moved, seconded by Mr. Miller to adopt the Resolution. On roll call; five ayes, one nay (Mr. Andrews dissenting). Clerk Borgerding said this will not be done this year. Instead it is going to be reintroduced next year. Resolution No. R-32-12 was adopted.

“To Appoint Dave Wuertemberger as a Member of the Parks Advisory Board to Fill the Unexpired Term of Jim Gerace for Calendar Year 2013” had a first reading.

“To Appoint Joan Vago as a Member of the Parks Advisory Board for the Calendar Years of 2013 and 2014” had a first reading.

“Appointment of Anthony J. Borgerding to the Office of Treasurer to Fill Temporary Absence of Andrew J. Kulesza and To Declare Emergency” had a first reading. Ms. McCarthy moved, seconded by Mr. Wolter to suspend the rules to allow for the second and third readings. On roll call; six ayes, no nays. Mr. Andrews moved, seconded by Mr. Scheeser to adopt the Resolution. On roll call; six ayes, no nays. Ms. McCarthy moved, seconded by Mr. Scheeser to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-33-12 was adopted.

“To Authorize the Mayor of the Village of Mariemont to Execute Certain Easements in Favor of the Waldorf School for and Upon the Dale Park Property 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; six ayes, no nays. The Resolution had a second reading. Mr. Scheeser asked if we needed to amend the Resolution. Solicitor McTigue said no unless the Waldorf School would not be in agreement. Ms. McCarthy verified that residents would continue to be allowed to park in the parking lot. Solicitor McTigue said yes that would not change. The Resolution had a third reading. Ms. McCarthy moved, seconded by Mr. Wolter to adopt the Resolution. On roll call; six ayes, no nays. Mr. Scheeser moved, seconded by Mr. Andrews to invoke the emergency. On roll call; six ayes, no nays. Resolution No. R-34-12 was adopted.

Ordinances:

“Ordinance to Enact Section 138.041 of the Mariemont Code of Ordinances” had a third reading. Mr. Scheeser moved, seconded by Ms. McCarthy to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-21-12 was adopted.

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

“Ordinance Creating Section 91.361 of the Mariemont Code of Ordinances” had a first reading.

“To Supplement Ordinance No. O-1-12 Annual Appropriation Ordinance” had a first reading. Mr. Miller moved, seconded by Mr. Scheeser 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. Clerk Borgerding said we do this each year about this time. In order to pay the bills we first have to appropriate them.

Budgeting is not an exact science so we have been over on some accounts but under on many accounts. We cannot close the year with a negative balance in any account or fund. He believes we will still come in around our total budgeted figure. In order to be in compliance we need to adjust some line items. Mr. Andrews asked if the big number in the Permanent Improvement Fund under Other Operation and Maintenance was appropriated for the fire truck. Clerk Borgerding said the payment will not be paid this year we need to encumber the cost. The Ordinance had a third reading. Mr. Andrews moved, seconded by Mr. Scheeser to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-22-12 was adopted.

Mr. Stelzer updated Council on a few ongoing issues. We have been running into a problem with people digging without permission in the South 80 Acres. We do have an Ordinance prohibiting digging which is a 3rd degree misdemeanor. The police will enforce this so if anyone sees people digging who are not from the University of Cincinnati please report it to the Police Department right away. They are going to start excavating soon to see if there is an Indian Village.

Mr. Stelzer said we had a recent meeting with ODOT in which they announced that they are looking at an alternative route instead of taking it through the South 80 Acres. It is encouraging but it is nowhere near a reason for us to let our guard down because they still show the route through our property as a potential route. They are going to start orientation meetings with our community partners committee within the next month. There will also be a public involvement meeting in Mariemont on January 22, 2013 at the elementary school for the public to leave their comments and ask questions.

Mr. Wolter thanked Mr. Stelzer for all his work on this project.

The meeting adjourned at 8:40 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk