

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
FEBRUARY 13, 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, Mr. Black, Ms. McCarthy, Mr. Miller, Mr. Scheeser and Mr. Wolter.

Mr. Scheeser moved, seconded by Mr. Wolter to accept the minutes as written for January 23, 2012 and the Committee of the Whole February 1, 2012. On roll call; six ayes, no nays.

The following communications were read by Mayor Policastro:

From Police Chief Hines: January 2012 Monthly report/2011 Annual Report. Mr. Schesser asked if any information could be shared about the shooting over the weekend. Chief Hines said the shooting occurred eight to ten feet outside the Village limits in Columbia Township. Our officers responded first and secured the scene until the Sheriff's Department arrived. Due to it being an open investigation there is not much more he can elaborate on.

Mr. Wolter asked what the explanation was for the high crime rates the previous two years and now it seems to be dropping off. Chief Hines said the burglaries were down and is lower than they have been over the past three years. Assaults are also down, robberies remained the same but we did have the one homicide. The crime rate as a whole continues to be very low. The closure rate is 70% which is very good. He gives all the credit to his officers.

Mr. Black commented on what a great job Chief Hines is doing in the dual capacity and noted that the Police Department came in under budget. Chief Hines said he gives credit to his employees both in the Fire and Police Department. We have great people who go the extra mile and work hard.

Mr. Wolter said it is his understanding that other municipalities are questioning how the dual role position is working out. Chief Hines said he has spoken with some people about that. Mayor Policastro said he too has had phone calls wanting to know how we are saving money.

From Assistant Fire Chief Feichtner: January 2012 Monthly Report/2011 Annual Report. Mr. Scheeser said he likes the new format of the monthly report but asked if the report could also include comparisons from the previous year. Assistant Fire Chief Feichtner said that would not be a problem.

Mr. Black questioned the process of Mutual Aid and asked if there was any financial cost recouped. Assistant Chief Feichtner said it is a mutual aid agreement throughout Hamilton County. No monies are exchanged. Mr. Black said an example would be Terrace Park which has a volunteer department and by using us on mutual aid they are using our employees and equipment. Assistant Fire Chief Feichtner said we are not charged when we call for mutual aid so it ends up being a fair system.

From Superintendent Scherpenberg: January 2012 Monthly Report

From Building Commissioner Malone: January 2012 Monthly Report/2011 Annual Report

From Tax Staff Assistant Combs: January 2012 Monthly Report

From Councilman Black: e-mail dated January 31, 2012 re: Re-naming the Outstanding Citizen Award to the General Douglas C. Short Citizen of the Year Award. Mr. Scheeser asked if Council could simply vote at this time. Solicitor McTigue said it should be discussed when the general public is made aware in case they believe their relative was just as equally as important to have the award named after them. Mayor Policastro referred the matter to the Committee of the Whole.

From Treasurer Kulesza: Annual Report for 2010 and 2011. Mr. Andrews said there is a line item for disbursements for Clerk and Treasurer salaries and benefits and asked if the Treasurer could remind Council what that line item refers to. The amount questioned is \$198,634. Treasurer Kulesza said it also includes the salaries and benefits, healthcare etc. for the office staff. Mr. Andrews questioned the legislative activities expense for more detail. 2011 was \$31,652.50 higher than 2010. Clerk Borgerding said he assumes it was the fees and costs associated with the lawsuit. Treasurer Kulesza said what the year end figures do not show is the reimbursement for the fees associated with the lawsuit. It will show in the revenues for 2012 without any cost to match with it. Mr. Andrews said he is not trying to stir any issues but the salaries/benefits in the Police Department shows expenses dropping by \$28,000 and Rumpke expenses dropped in 2011 from 2010 by \$16,000. If they were footnoted it would be something we normally do not do which is push some expenses into the next year. It is not that we cut our expenses in 2011 it is just how we chose to pay the bills. Treasurer Kulesza said we could also make footnotes for expenses that did not come in for 2011 but will be posted to 2012. He said Mrs. Singleton sent an e-mail to Council detailing the timing of some bills which should have answered most questions. Mr. Scheeser said at his work they have been studying consumer trends and with Christmas falling on a Sunday in

2011 it screwed up all the data because Christmas jumped a week. In addition the banker's holiday shifted as well resulting in lost days. There could be a number of reasons why those numbers are lower than what we might typically see. He believes it is a benign situation but he does believe we enter 2012 in a bit of a hole. Mayor Policastro said we did hold off on the E&O Insurance settlement due to the Solicitor's heavy work load and pending surgery. Those monies will be deposited in 2012 so most expenses should balance out. Clerk Borgerding said both 2010 and 2011 showed carry-over encumbrances.

From Solicitor McTigue: Opinion Letter dated September 7, 2001 re: Sidewalks. Solicitor McTigue said the Village has an Ordinance that imposes responsibility on the property owner that the sidewalk abuts. Years ago the Village was having a lot of trouble where Village trees clearly were the cause of the damage to sidewalks. It is his opinion that it is the responsibility of the Village to repair those sidewalks if in fact the Village trees are causing the sidewalks to deteriorate. Mayor Policastro said ten years ago we had a lot of people tripping on sidewalks causing us to file claims with our insurance carrier. Each time it would cost us the \$1,000 deductible.

From Police Chief Hines: Memo Dated February 3, 2012 re: 2012 Police Cruiser and Camera system. Mayor Policastro referred the matter to the Finance Committee. Chief Hines asked that the Thermal Imaging Camera and Turn Out Gear to Committee as well. Mayor Policastro referred the matter to the Safety Committee.

From Superintendent Scherpenberg: Memo Dated February 9, 2012 re: Permanent Improvement Requests. Mayor Policastro referred the matter to the Finance Committee.

From Solicitor McTigue: Opinion Letter regarding CLGBP Participation Agreement

From Hamilton County Board of County Commissioners: Letter dated February 3, 2012 re: Proposed Closure of US Postal Service Mail Processing facility in Cincinnati. Mayor Policastro referred the matter to the Public Works & Service Committee. Mr. Scheeser asked if the options were to (1) as a Committee write a letter, (2) the Committee recommends no action or (3) Back the Commissioners by passing a Resolution. He asked if anyone on Council had a problem with not supporting the request. He feels being the 24th most densely populated Metropolitan Service Area this could not be good for business. Mr. Scheeser moved, seconded by Mr. Wolter to proceed with the Resolution to support keeping the Dalton Street facility open with an emergency clause. On roll call; six ayes, no nays. Mrs. Van Pelt said she would prepare the necessary legislation.

Mr. Andrews moved, seconded by Mr. Black to pay the bills as approved by the Mayor, Clerk and Finance Chairman. Mr. Black asked why we are still paying Don Pennington when we just paid \$18,000 on the new server and equipment. Mrs. Van Pelt said she had been having issues with her computer for a long time and had brought it to Mr. Andrews's attention. It was not something covered with the InTrust agreement and under the direction of Mr. Andrews she contacted Mr. Pennington who found numerous Malware infections on her computer. Mr. Andrews said this happened in the middle of the InTrust implementation. The problem is we spent a lot of money in the last two years because we got viruses and we did not have the appropriate security system in place. We do now for the first time. We have paid InTrust the \$600 license cost which covers us for three years for the server and all the workstations. What we used to spend \$1600 for over five years we are now covered for \$600 for the next three years. Mr. Scheeser asked if the Don Pennington charges will disappear. Mr. Andrews said Mr. Pennington now has a full-time job and does not run his business like he used to. He is not a network server guy but more a desktop/PC maintenance type guy. We used to pay him \$75 per computer/quarter to come and do that. It was an expense we needed to eliminate and now we have with the exception that this was one that got in again before the computer upgrade was put into place. We should see this expense go away. Mayor Policastro said if there is a problem with the computers he is going to get someone in here right away to take care of it. Mr. Miller asked if we had someone identified. Mayor Policastro said he would call Don Pennington. Mr. Scheeser asked why InTrust would not be the one on speed dial. Mr. Andrews said InTrust put the server in place and the firewalls so they service the equipment they put in place. The desktops are not the equipment InTrust sold us so we will have a choice to either find another Don Pennington or do we want to pay InTrust to do it. InTrust can now remote in and do it remotely for anything on our network. We have the technology in place now. He plans to get together with the office staff to answer those questions. We are still running older versions of Word and Excel. We have not upgraded things we should typically upgrade. Mr. Scheeser asked about the t-shirts for all the fire department personnel for \$1265. Assistant Fire Chief Feichtner said it was enough shirts to outfit everyone with two short sleeved shirts and one long sleeve shirt. It also leaves us some spare shirts for replacements. It should last the entire year. Mr. Scheeser asked if the cost of the turnout gear was for 2011 or what was discussed for 2012. Assistant Fire Chief Feichtner said it was for 2011. Mr. Scheeser asked about the school speed limit signs for Wooster Pike and Plainville Road. Superintendent Scherpenberg said it was a new 20 mph hour sign placed on Wooster Pike. There was an issue with motorists coming off of Plainville Road turning right onto Wooster Pike they were not aware it was a 20 mph zone. Mayor Policastro said we had to back off some tickets because there was no warning. Ms. McCarthy said her understanding was that all the computers were going to be purchased through the State government program. Assistant Fire Chief Feichtner said he was in the process of replacing a dilapidated computer from 2001. Having the need for a computer he went ahead and found one for a reasonable price at Staples. The computer was approximately \$640.00 plus \$489 for supplies. Mr. Andrews said Assistant Chief Feichtner informed him two Council meetings ago about the computer. Everyone has heard him say we need to change the way we purchase our computers. The conversation they had was not very urgent and at the next Council meeting he asked about the status of the computer and was told that it had been purchased. He said we need to change this process and buy consistent computers. Ms McCarthy said a lot of times the computers you purchase at Staples, Best Buy etc. come with unnecessary applications. Mr. Andrews said his opinion is since we have contacts directly with HP which has a government buying program we purchase all computers through them. It would include a standard

desktop. Mr. Scheeser said the Maintenance Department can be the guinea pig since they need to purchase a new computer. On roll call; six ayes, no nays.

Mr. Miller said regarding the West Street parking obviously safety is of utmost importance. The engineers say the best way to obtain safety is a reduction in speed. In order to do that we would have to change West Street from a street to an alley or lane. That would reduce the speed to 15 mph. He asked the Mayor to check on that to see what it would take to make that change. Solicitor McTigue said he would look into the matter. Mr. Miller said the school has not approved it yet. Mayor Policastro said the school does want to see the speed decreased. Mr. Scheeser said many residents use West Street to his corner of the Village from downtown. It is an efficient egress route. 10-15 mph sounds like a really inefficient way to get into his neighborhood. Safety is very important but he wanted to point out that livability is also. Mr. Miller said a meeting will be held once we get the Solicitor's opinion and hear back from the School Board.

Mayor Policastro read the following miscellaneous announcements:

Village Offices will be closed on Monday February 20, 2012 in Observation of Presidents' Day.

Nominations for Outstanding Citizen Award are due to Mrs. Van Pelt by Thursday March 22, 2012.

Lima Company/Marines of Always Brothers 100 Mile Run will be held Saturday May 26, 2012 starting at 6:00 a.m.

Memorial Day Parade will be Monday May 28, 2012 (Lineup begins at 8:00 a.m.)

Council will adjourn to Executive Session following the meeting to discuss the E&O insurance settlement.

Resolutions:

"To Appoint Maggie Palazzolo as a Member of the Pool Commission for the Calendar Years 2012 and 2013" had a third reading. Mr. Miller moved, seconded by Mr. Wolter to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-2-2012 was adopted.

"To Appoint Jenny Baker as a Member of the Pool Commission for the Calendar Year 2012" had a third reading. Mr. Wolter moved, seconded by Mr. Miller to adopt the Resolution. On roll call; five ayes, one nay (Mr. Andrews dissented with no offense to Ms. Baker but he would rather see Mr. McIntosh continue on the Board). Resolution No. R-3-12 was adopted.

"To Reappoint Gretchen Thomas as a Member of the Pool Commission for the Calendar Year 2012" had a second reading.

"A Resolution Authorizing an Amended Agreement with the Center for Local Government Joint Self-Insurance Benefits Pool" had a first reading.

"To Authorize Ohio Department of Transportation to Proceed with Safe routes to School Project PID No. 90898 County/Route/Section: Ham Mariemont - SRTS; and Enter Into Contract" had a first reading. Engineer Ertel said this is the Safe Routes to School grant that was submitted to the State of Ohio which was accepted. The grant is for \$81,345. This legislation is required to enter into a contract with ODOT. The project is not set to begin until April 1, 2014 so no emergency is needed but he wanted to start the ball rolling. ODOT will manage and bid out the project. Mr. Scheeser asked if the line items were things we talked about when we applied for the grant. Engineer Ertel said there was a list of twelve items we asked for and this is what they approved. Sidewalk connectivity has been a big issue. Mr. Black suggested applying for crosswalk computer lights for the project.

Ordinances:

"To Amend Ordinance No. O-4-10 To Create the Swim Pool Commission and To Increase Members from Seven to Nine" had a third reading. Mr. Black moved, seconded by Mr. Wolter to adopt the Ordinance. On roll call; five ayes, one nay (Mr. Andrews dissented based on his comments from the Council Meeting January 9, 2012). Ordinance No. O-2-12 was adopted.

"To Amend Ordinance No. O-25-10 To Create the Parks Advisory Board and To Increase Membership from Eight to Nine" 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-3-12 was adopted.

"To Amend Chapter 78, Schedule III of the Mariemont Code of Ordinances" had a first reading.

Mr. Black moved, seconded by Mr. Miller to go into Executive Session to discuss the E&O Insurance Settlement. On roll call; six ayes, no nays.

The meeting adjourned to Executive Session at 8:15 p.m.

Mayor Policastro reconvened the meeting at 8:45 p.m. Mr. Miller moved, seconded by Mr. Scheeser to come out of Executive Session. On roll call; six ayes, no nays. Mr. Black moved, seconded by Mr. Scheeser to accept the E&O Insurance settlement offer of \$32,666.18. On roll call; six ayes, no nays.

The meeting adjourned at 8:50 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk