

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
OCTOBER 14, 2013**

Mayor Policastro called the meeting to order at 7:06 p.m. with the Pledge of Allegiance to the flag. The following Council members answered present to roll call: Mr. Andrews, Mr. Miller Mr. Scheeser, Ms. Schwartz, Mr. Stelzer and Mr. Wolter.

Mayor Policastro said Tax Administrator Patty Busam has completed her six-month probationary period and it is recommended that she be made a regular full-time employee. Ms. Busam said she is enjoying her job very much. Mayor Policastro said he has been working with Ms. Busam to get the balance of the non-paid waste fees collected. Mr. Wolter moved, seconded by Mr. Scheeser to make Ms. Busam a regular full-time employee. On roll call; six ayes, no nays.

Mr. Andrews moved, seconded by Mr. Miller to approve the minutes as written for September 23, 2013. On roll call; six ayes, no nays.

The following communications were read by Mayor Policastro:

The Police Chief Hines: September 2013 Monthly Report. Mr. Stelzer thanked the Police Department for their help during the Warrior Run. This year saw a 20% increase in participants. It is a well-received community event. Mayor Policastro said next year he will place the race route in the Mayor's Bulletin so residents know of the street closures. Chief Hines said Ted Brown and Lt. Ostendarp are in charge of the route and are the ones who made it happen.

Chief Hines said a Letter of Commendation was given to Police Officer Chris Warner for his outstanding police work apprehending a wanted fugitive from Nashville, Tennessee. The individual was walking through the Village when he was stopped by PO Warner. PO Warner questioned the individual and asked for identification. He then saw that he was wanted for two aggravated murders. Luckily he was taken into custody with no injuries. It was good police work.

From Assistant Fire Chief Feichtner: September 2013 Monthly Report. Mr. Wolter asked if there have been any issues with the new fire truck. Assistant Fire Chief Feichtner said there have been some minor things such as bad hose clamps which they have replaced at no cost.

From Service Superintendent Scherpenberg: September 2013 Monthly Report. Mr. Wolter asked about the new transmission that was needed in one of the older dump trucks. Superintendent Scherpenberg said they are still in the process of completing the repair. The high estimate is \$4300 but he is hoping to be able to get it done for \$3200. He is hopeful that the work is complete by next week when leaf season starts. Ms. Schwartz asked if the leaf vacuum goes through the lanes in the Historic District. Superintendent Scherpenberg said yes but it is usually the last thing they do on the route. Mr. Stelzer asked if we will be utilizing the inmate system this year. Superintendent Scherpenberg said no they cancelled the program for now and that this year we will be using Minute Men. Mayor Policastro said the new Sheriff will be talking this week at the Civic Association meeting. He will talk with him - that program saved the Village quite a bit of money.

Mr. Andrews thanked the Service Department, Fire Department and Police Department for all their help with the Taste of Mariemont, Porsche Rallye and The Warrior Run.

From Building Commissioner Hodulik: September 2013 Monthly Report. He said Mr. Stelzer had asked him to put together some background history on building permit applications. He is in the process of putting that together. It will show a six year breakdown by quarter for activity in the Village. It will also show the dollar value as well as the number of permits.

Mr. Miller asked if there was any feedback on the work being done in the Historic District. Building Commissioner Hodulik said he and Mayor Policastro are working on it but it is a process that takes time. We need to give them time to get the work done. If progress is shown they will allow additional time for the work to be completed. If no work is done then we will proceed with issuing citations to Mayor's Court. We have contacted the owners of the buildings with the garage doors at Ann Becker Park and the northwest and northeast section of the Old Town Center and the owners have indicated that they will take care of the work.

Mayor Policastro said the area and the lanes are starting to get cleaned up. Next year he is going to ask Council to include the Mayor and Mr. Miller on the ARB. He is going to assign to each ARB member a street to inspect every two months. We are working on a form right now. There are 7 or 8 streets that need to be looked at so the additional members will help. The members of the ARB should take an interest in the Historic District. Mr. Miller said it is very important to follow through on what we say regarding citations etc. to property owners.

From Tax Administrator Busam: September 2013 Monthly Report/Waste Collection Report. Mr. Stelzer suggested combining both reports into one. He asked about the impact of the changes to the municipal tax code.

Mrs. Busam said they have been negotiating and trying to come to some type of agreement on most of the items that were originally contested. If they cannot work it out they are going to turn it over to the Republican caucus and let them vote on what is going to be in the State Bill. They are pushing for something to be done by the end of the year. Mr. Stelzer asked if she needed anything from Council. Mrs. Busam said not at this point but she will keep Council updated. Mr. Wolter asked if Mrs. Busam had any feel for how it might go with the state collecting our taxes. Mrs. Busam said it has been brought up in the State Senate Study Committee. It was not originally in the House Bill but it has been brought back up. She would not be surprised to see it on the state ballot for 2014.

From Hamilton County recycling and Solid Waste District: Letter Dated September 26, 2013 re: Residential Recycling Incentive Program \$8,324.94. Mayor Policastro said at the last Hamilton County Municipal League meeting it was learned that we can now recycle milk and orange juice containers (wax coated).

From Clerk/Treasurer Borgerding: September 2013 Monthly Report/Trend Reports. He is trying to meet with the treasury management personnel of PNC Bank to discuss investment banking but he has not heard back from them yet. The \$200,000 CD is earning .4%. Mr. Stelzer said some national banks have introductory offers but it is unknown how long the rates will last. Mayor Policastro said if it is decided to look around we should let PNC Bank know. We do not want to irritate PNC Bank and have them leave the Village. Mr. Stelzer said we may be getting other benefits with our relationship with PNC.

From Spinnenweber Builders: Letter Dated October 9, 2013 re: Approval of the Greiwe Zone Change

Ms. Julie Northrop, 3901 West Street #112, was granted permission to address Council. She lives in the Emery Park Condominium and is concerned about the proposed shared driveway with the new building unit being built by Mr. Greiwe. On September 16, 2013 she attended the ARB meeting where plans were presented for the Phase IV Condo project. She was concerned and surprised when she saw the proposed plans for the new building included a shared driveway with Emery Park. ARB members informed her that the driveway issue was not under their purview and it was approved by the ARB for appropriateness. She met with Mr. Greiwe to express her concerns about the safety, density and confusion the shared driveway would cause. She is also concerned about the increase in traffic on Madisonville Road. Her suggestion is to have the Phase IV building driveway come in off of Murray. Mr. Greiwe indicated to her the driveway would have to pass through easements held by three different entities. Mr. Greiwe did send an e-mail to other Emery Park owners stating what he planned to do. She was unable to attend the Planning Commission meeting held on September 18, 2013 but she did contact all members to address her concerns. The same day of the meeting Mr. Greiwe did send another e-mail offering to meet with the owners at 4:30 p.m. the next afternoon and 6:30 October 2, 2013. Between the two meetings she walked the area on Murray Avenue. There are 21 parking spaces that appear to cross part of the easement area in question. There is a gravel and grass area in addition to two hard surface parking areas of the buildings that are going to be demolished and the one driveway to the house that will remain. These all seem to be in the easement area which tells her that there is a history of hard surface crossing these areas. The Phase IV plan shows five guest parking spaces in two of the easement areas. Mayor Policastro contacted her on September 30, 2013 and indicated that the Village may be alright with Mr. Greiwe crossing the Village easement but he did not think Mr. Greiwe wanted to do that because of the expense. At the owner's meeting more ideas and concerns were expressed. She asked Mr. Greiwe to at least see if the driveway could be put in through the easements. He agreed to do this and that money was not an issue. Mr. Greiwe later informed her that Duke Energy owns overhead and underground utilities along Murray Avenue that make the cost of construction prohibitive. If the cost of the driveway at Emery Park was born by the owners of Emery Park then it seems to her that it is logical that the cost of the driveway for Phase IV be paid by people who purchase units there – no matter what that cost is. She read the following message from her neighbor, Beth Pietrandrea, 3901 West Street #108, 'I would be curious to know whether Mr. Greiwe has fully pursued the other option (driveway coming off of Murray Avenue). Every time I use the driveway I am convinced that a shared access is not the way to go. When I purchased my unit it was based on the existing structure. I fear a logistical and safety mess but also a demission in value of my property'. Mr. Greiwe has stated that each building will have its own personality and set of amenities. In her mind that includes a separate means of ingress and egress from their respective garages. She thanked Council for the opportunity to speak and ask that they table the vote for approval for the project as presented until such time as the Emery Park owners are convinced that the Murray Road access has been fully and completely evaluated or to approve the project subject to the possible change in the driveway access location.

Mr. Greiwe said there are three options: (1) build a new driveway next to the existing one which will be 50' feet of concrete between the two buildings which is not very desirable. (2) Expand the existing driveway (Emery Park) 6' so everyone will have their own lane. (3) Approve Residence "D" zone change and before the Village issues a permit that these two options are fully looked at including whether the Duke Energy utilities underground are deep enough to miss should they dig a hole. The neighbors have to get along for a long time so he is not in a rush to resolve the parking issue. It will get resolved with more information from Duke Energy. He will explore that option with the Condo Board Association members who will vote on the owner's behalf.

Solicitor McTigue said his recommendation would be that Council not sell or give up the Village easement. There are a lot of hoops to jump through the Ohio Revised Code for a municipality to sell property. To grant a permanent easement for private purpose is something the Village should not really get into. He encouraged Council to think hard about granting a permanent easement to anyone because it could impact future development. Mayor Policastro said he fears there are a lot of utilities along Murray Avenue that would have to be moved. Mr. Greiwe said when he gets the information from Duke Energy he will share it with the Emery Park owners so they can see it is more complicated than just putting in a driveway. Mayor Policastro suggested that a

stop sign be installed at West Street and Madisonville to slow down traffic. Ms. Northrup said it would be helpful.

Mr. Miller moved, seconded by Mr. Andrews to pay the bills as approved by the Mayor, Clerk and Finance Chairman. Mr. Scheeser asked about the installation of new equipment by Camp Safety. Chief Hines said it was final bill for the equipment for the new Explorer. The work came under budget and was approved by the Committee of the Whole. On roll call; six ayes, no nays.

Mr. Wolter moved, seconded by Mr. Scheeser to accept the recommendation of the Safety Committee which met On Monday September 23, 2013 at 6:30 p.m. in Council Chambers to discuss the installation of a stop sign at the intersection of Haines Street and Lytle Woods Place. Present at the meeting were Safety Chairman Dennis Wolter, Committee Vice-Chairman Cortney Scheeser, Committee Member Joe Stelzer and Police/Fire Chief Rick Hines. After a thorough discussion, the Committee recommends that the Village install a stop sign at the north end of Haines Street where it intersects with Lytle Woods Place. On roll call; six ayes, no nays.

The Mayor read the following miscellaneous announcements:

Leaf Season will begin Monday October 21, 2013

Beggar's Night will be Thursday October 31, 2013 6:00 p.m. to 8:00 p.m.

Village Offices will be closed Thursday November 28, 2013 and Friday November 29, 2013 in Observation of Thanksgiving

Tree Lighting/Luminaria will be held Saturday December 7, 2013

Village Offices will be closed Tuesday December 24, 2013 and Wednesday December 25, 2013

Mr. Wolter said he attended a meeting on Legion Airlines potentially putting an airline in at Lunken Airport. Mr. Scheeser and a Mariemont resident also attended the meeting along with representatives of affected communities. In 2000 the Committee got an Ordinance through the City of Cincinnati to not allow this to happen. There was talk of the airline beginning to operate in October. For an airline to operate off that airport they will need to upgrade the airport to have all the safety standards that are in place at CVG. However if they have a 135 Certificate (non-scheduled airline) they could operate out of Lunken. The flight path will be right over the Village. Mr. Andrews said he read that they initially wanted to operate two or three flights per week. Mr. Wolter said this is unpopular and it is an election year. Several Committees are going to start letter writing campaigns. Clerk Borgerding said he just heard on the radio that they are not going to come to Lunken but rather they are going to go to CVG. Mr. Wolter said it is possible to operate out of both airports. Mr. Andrews asked what the timeline is. He plans to attend upcoming meetings and will keep Council updated. Mayor Policastro said he has been working with the Mt. Lookout Council President. He wants to get together with them before he puts a letter together.

Mr. Stelzer said there was a design session last Saturday for the Wasson Way Project. In the process three potential bike paths were identified going through the Village. (1) Right along the right-of-way (2) Through the middle of the Village along Wooster Pike and then connecting with the Fairfax Trail (3) Using the old Trolley line that runs along Murray Avenue. There are pros and cons to each plan. It is very early in the process. It was learned that Hamilton County Park District does own the right-of-way behind the existing businesses behind Wooster Pike to the back of Kroger.

Mr. Stelzer said the primitive campground concept down at the South 80 is going forward. The Boy Scouts did a first proposal but still have to go before the Dan Beard Council. It is hopeful that the project will be done by the end of the year.

Mr. Andrews said we do not have a Treasurer on the ballot for the term beginning in 2014 and asked what the process is for filling the vacancy. Mayor Policastro said he is looking into making Mr. Borgerding the Fiscal Officer and then hiring him an assistant. Mr. Andrews clarified that the Code states that if it is an unfilled position the Mayor can appoint someone with approval from Council. Mayor Policastro said yes. Mr. Andrews said there is an idea on the table that Council has not discussed, to eliminate an elected position. He asked if this Council will discuss this or will it be the next Council. Mayor Policastro said it will probably be the next Council. Clerk Borgerding will finish out the year and is doing a great job.

Resolutions:

“To Reappoint Paul Allen as a Member of the Architectural Review Board for the Calendar Years 2014 and 2015” had a third reading. Mr. Scheeser moved, seconded by Ms. Schwartz to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-16-13 was adopted.

“To Reappoint Ruth Varner as a Member of the Parks Advisory Board for the Calendar Years 2014 and 2015” had a third reading. Mr. Scheeser moved, seconded by Mr. Andrews to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-17-13 was adopted.

“To Reappoint Louise Schomburg as a Member of the Parks Advisory Board for the Calendar Years of 2014 and 2015” 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-18-13 was adopted.

“To Reappoint Dave Wuertemberger as a Member of the Parks Advisory Board for the Calendar Year 2014” 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-19-13 was adopted.

“To Reappoint Nancy Stelzer as a Member of the Parks Advisory Board for the Calendar Years 2014 and 2015” had a third reading. Mr. Wolter moved, seconded by Mr. Andrews to adopt the Resolution. On roll call; six ayes, no nays. Resolution R-20-13 was adopted.

“To Reappoint Maria Borgerding as a Member of the Pool Commission for the Calendar Years 2014 and 2015” had a third reading. Mr. Miller moved, seconded by Mr. Scheeser to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-21-13 was adopted.

“To Reappoint Nancy Drexel as a Member of the Pool Commission for the Calendar Years of 2014 and 2015” had a third reading. Mr. Scheeser moved, seconded by Mr. Miller to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-22-13 was adopted.

“To Reappoint Wes Iredale as a Member of the Pool Commission for the Calendar Years of 2014 and 2015” had a third reading. Mr. Andrews moved, seconded by Mr. Wolter to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-23-13 was adopted.

“To Reappoint Jenny Baker as a Member of the Pool Commission for the Calendar Years of 2014 and 2015” had a second reading.

“To Reappoint Susan Eberlein as a Member of the Pool Commission for the Calendar Years of 2014 and 2015” had a second reading.

“To Reappoint Merilee Turner as a Member of the Pool Commission for the Calendar Years of 2014 and 2015” had a second reading.

“To Reappoint Don Slavik as a Member of the Pool Commission for the Calendar Years 2014 and 2015” had a second reading.

“To Reappoint Richard Savage as a Member of the Planning Commission for the Calendar Years 2014, 2015, 2016, 2017, 2018 and 2019” had a second reading.

“To Reappoint Laura Stith as a Member of the Pool Commission for the Calendar Years 2014 and 2015” had a first reading.

“To Reappoint Mark Bruggeman as a Member of the Architectural Review Board for the Calendar Years 2014 and 2015” had a first reading.

“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. 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. Clerk Borgerding said this is a procedural step and the resolution is needed by the County October 21, 2013. The Resolution had a third reading. Ms. Schwartz moved, seconded by Mr. Wolter to adopt the Resolution. On roll call; six ayes, no nays. Mr. Scheeser moved, seconded by Mr. Miller to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-24-13 was adopted.

Ordinances:

“Ordinance Extending for an Additional Three Years the Amendment of Chapter 151, Appendix A, of the Mariemont Zoning Code” had a third reading. Mr. Andrews moved, seconded by Mr. Miller to adopt the Ordinance. On roll call; five ayes, one nay (Mr. Scheeser dissenting) Ordinance No. O-19-13 was adopted.

“Ordinance Authorizing the Purchase and Installation of a Hawk Light at the Intersection of Belmont Avenue and Wooster Pike” had a second reading. Mr. Wolter asked if the Engineer had any luck on being allowed to do some of the engineering. Engineer Ertel said he met with ODOT and talked about the project in general but he did not talk about design fees. Mr. Stelzer asked if we got approval from OKI. Engineer Ertel said yes.

“An Ordinance Authorizing Application and Contracting with the Ohio Public Works Commission” had a second reading.

“Ordinance Amending Section 151 of the Mariemont Code of Ordinances; and To Declare Emergency” had a first Reading. Mr. Scheeser moved, seconded by Mr. Andrews 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. Stelzer asked if there were any driveway requirement differences between Residence “B” and Residence “D”. Building Commissioner Hodulik said it is his understanding that there is no difference. The issue in District “D” is that it requires the

parking to be below grade and/or no surface parking. Mr. Stelzer said there is an objection regarding the driveway but he does not know if it is Council's place to resolve the objection if there is nothing in the zoning code to give us the authority to do it. The Ordinance had a third reading. Mr. Miller moved, seconded by Mr. Wolter to adopt the Ordinance. On roll call; six ayes, no nays. Mr. Scheeser moved, seconded by Mr. Miller to invoke the emergency clause. On roll call; six ayes, no nays. Ordinance No. O-20-13 was adopted.

Mayor Policastro said it is hard to get Treasurers and Clerks because they have to have special talents like a CPA. Over the years we have had to go out and beg people to run. He believes it will be easier to fill the position if it is an appointed position.

The meeting adjourned at 8:15 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk