

**MINUTES OF THE COUNCIL  
VILLAGE OF MARIEMONT, OHIO  
REGULAR MEETING HELD IN COUNCIL CHAMBER  
NOVEMBER 11, 2013**

Mayor Policastro called the meeting to order at 7:00 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.

Mr. Miller moved, seconded by Mr. Scheeser to approve the minutes as written for October 28, 2013. On roll call; six ayes, no nays.

The following communications were read by Mayor Policastro:

The Police Chief Hines: October 2013 Monthly Report.

From Assistant Fire Chief Feichtner: October 2013 Monthly Report. Mr. Andrews commented that the dispatch numbers are down. Assistant Fire Chief Feichtner said it is a trend throughout the county and in this line of work that is a good thing.

From Service Superintendent Scherpenberg: October 2013 Monthly Report. Mr. Wolter thanked the department for cleaning up the debris cleaned out of the Beech Grove. Mr. Miller asked if it was possible to post a schedule of streets for leaf pick-up. Superintendent Scherpenberg said it would be difficult because each street varies on the time it takes to pick up the leaves and the volume changes week to week.

From Building Commissioner Hodulik: October 2013 Monthly Report. Mr. Andrews said that the trending information is very helpful. Mr. Hodulik said he will complete the report before the end of the year. It seems to average 40 permits for the first and fourth quarters and 60 permits for the second and third quarters. Mr. Andrews noted that we had a big swing in the third quarter of this year. Mr. Hodulik said the third quarter was fairly robust with over three million dollars estimated value. Permit fees were \$32,000 which is a running total through the first three quarters.

Mr. Stelzer asked if there is any way to identify fourth quarter totals. Mr. Hodulik said he can go back and look to see where those fall. Mr. Stelzer said there is something in the fourth quarter that is driving the estimated values pretty high.

Mr. Scheeser said in 2008 there was the construction for Jordan Park, 2010-2012 the school construction plus the new condominiums.

From Tax Administrator Busam: October 2013 Monthly Report/Waste Collection Report. Mrs. Busam said the House Bill 5 is on a fast track. It cleared the House Ways and Means Committee last Wednesday and she got the omnibus amendment. It cleared up some of the language but they have reinstated the throwback which will hurt the Village quite a bit. She has heard that it could reach the floor of the House as early as Wednesday with anticipation that it will pass quickly. There is a meeting scheduled with Mayor Policastro and Representative Peter Stautberg tomorrow morning to discuss our concerns.

Mr. Stelzer said he shared with Representative Stautberg that they should be considering if they are going to implement this in January 2014 with a bill that is being voted on in November 2013 they should either move the effective date a year later so municipalities have time to prepare for this or change some of the state funding to local governments to make up for this bill.

Mrs. Busam said she read that they have changed some of the start dates to 2015 and 2016 and will graduate the net operating loss carryover from 2017 to 2022. Some of the language is still questionable.

Mr. Wolter asked about the central tax collection plan. Mrs. Busam said right now it is not in the bill but it could rear its head at any time.

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

Mr. Stelzer suggested clearing some agenda items. Mayor Policastro said he will do that next month.

The Mayor read the following miscellaneous announcements:

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 starting at 5:30 p.m.

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

Mr. Stelzer said there was a meeting with ODOT central office last Tuesday. He distributed a document that talks about a new interagency working group formed that will have a significant number of federal agencies. They are also going to bring in the U.S. Institute for Environmental Conflict Resolution which will oversee how the working group is going to operate in the next 18 months including their interaction with the communities affected by this process. We view this as good news. The Federal Highway Administration and the Central Office of ODOT did listen to our concerns about what was going on with this project which is a good development. This is not a funding plan but a program to establish a long range direction plan with a delivery date of February 2015. We believe we will continue to have a seat at the table to continue to express our concerns about the route through the South 80. The problem we saw with District 8 and the way they were operating in the past is that they were on a divide and conquer path where they would try to identify people in the community who would support their plan to put State Route 32 through the South 80 and then try to elevate those individuals by alleging that they were the true voice of the community. We found out that there were only a couple of people in Mariemont who thought this was a good idea. It is good that it never got far enough to use their divide and conquer tactics. It was something we saw happen in Madisonville and Newtown with people being recruited to carry their water if you will which was really quite appalling that state agencies would do that sort of stuff. We are going to have to determine the structure with the Mariemont CPC in the future and whether we stay with the same group or if we make some changes. We will have to see what comes out of ODOT regarding the new interagency working group. They are trying to set up a meeting with the new Mayor of Cincinnati to get his input of the process. He thanked the members of the CPC who did a lot of work over the past months using their political connections to make some of this happen. He thanked the Mariemont Preservation Foundation and all the other preservation groups for all the work they did in the process.

Mayor Policastro said now we can step back and take a breath. He said it reminds him of fifteen years ago when this started and ODOT told us we will work together, hopefully that will now happen. Mr. Stelzer said we have a pretty effective coalition working right now. We are having some discussion on whether it makes sense to share legal fees in the process as we fight. There was some positive feedback. The U.S. Institute for Environmental Conflict Resolution has never been used on a State of Ohio highway project. Mr. Wolter asked if there might be a change in the engineering group. Mr. Stelzer said there is no way to handicap what the next step might be. It is a new process with a new group of people. Mr. Andrews thanked Mr. Stelzer for all his work.

#### Resolutions:

“To Reappoint Laura Stith as a Member of the Pool Commission for the Calendar Years 2014 and 2015” 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-30-13 was adopted.

“To Reappoint Mark Bruggeman as a Member of the Architectural Review Board for the Calendar Years 2014 and 2015” had a third reading. Mr. Wolter moved, seconded by Mr. Miller to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-31-13 was adopted.

Mr. Stelzer said he would like to have both the Ordinance to create the South 80 Trails Board and the projects in the designated area and to have both the board and the members established as quickly as possible. The expiration for the grant money is late January so time is of the essence. Solicitor McTigue said legally they can be made emergency clauses but his only hesitation is that everyone complains that Council does a lot of legislation on emergency measures. It blurs the line on what is truly an emergency. Public opinion sometimes gets down on us because we do so much legislation as emergencies.

#### Ordinances:

“An Ordinance to Adopt New Mutual Aid Agreement Regarding Hamilton County Local Government Mutual Aid for Law enforcement” had a second reading. Mr. Scheeser asked for a quick background on what this entails. Solicitor McTigue said it is a standard agreement that we had in the past with the surrounding communities that allows us to assist officers in the surrounding communities if the need arises and likewise for them to be able to assist us. It is helpful if a defense attorney tries to challenge an out of district officer arresting someone in the Village. Chief Hines said we have had a mutual aid agreement for as long as he can remember and this is more procedural. Mr. Scheeser asked if the Hamilton County Sheriff Department is a part of mutual aid. Chief Hines said absolutely. It is a Hamilton County agreement. Mr. Andrews asked the terms of the agreement. Chief Hines said it is usually reviewed every two years for any possible changes.

“To Create the South 80 Trails, Gardens and Park Advisory Board” had a first reading. Mr. Wolter moved, seconded by Ms. Schwartz 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 asked if there is any concern that it is not listed on the agenda as an emergency. Solicitor McTigue said no. Mr. Scheeser said the Solicitor makes good points and finds emergencies troubling but this adds a level of complexity that we are not even calling it out on the agenda. He is supportive of the idea but questioned if we are taking away people’s right to comment. Solicitor McTigue said many communities have all three readings in one meeting without necessarily calling it an emergency. If anyone wanted to come and voice their opinion they certainly can. Mr. Stelzer said it can always be challenged and reversed. The Board wants to get together as quickly as possible to talk about things prior to the grant money deadline. Mr. Wolter said this issue has a lot of public support and therefore Council should have a level of comfort. The Ordinance had a third reading. Mr. Miller moved, seconded by Mr. Andrews to

adopt the Ordinance. On roll call; six ayes, no nays. Mr. Wolter moved, seconded by Ms. Schwartz to invoke the emergency clause. On roll call; six ayes, no nays. Ordinance No. O-25-13 was adopted.

Resolutions:

“To Appoint Mark Erhardt, Andrews Seeger, Joe Stelzer, Chris White, Tim Duever, Rob Winget, Debbie Henderson, Karen Sullivan, Jason Brownknight, Doug Welsh and Mark Glassmeyer as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2014” had a first reading. Ms. Schwartz moved, seconded by Mr. Miller to suspend the rules to allow for a second and third reading in order to invoke the emergency clause. On roll call; six ayes, no nays. The Resolution had a second and third reading. Mr. Andrews moved, seconded by Mr. Miller to adopt the Resolution. On roll call; six ayes, no nays. Mr. Wolter moved, seconded by Ms. Schwartz to invoke the emergency clause. On roll call; six ayes, no nays. Resolutions No. R-32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42-13 were adopted.

The meeting adjourned at 7:34 p.m.

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Dan Policastro, Mayor

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Anthony J. Borgerding, Clerk