

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

Mr. Miller moved, seconded by Mr. Andrews to approve the minutes as written for January 28, 2013. On roll call; four ayes, no nays (Mr. Scheeser and Mr. Stelzer abstained due to absence)

The following communications were read by Mayor Policastro:

From Police Chief Hines: January 2013 Monthly Report/2012 Annual Report. Mr. Wolter commented on the great job the department achieved by coming in \$72,000 under budget. Mayor Policastro said it was a large part of the financial success of the Village.

From Assistant Fire Chief Feichtner: January 2013 Monthly Report/2012 Annual Report

From Superintendent Scherpenberg: January 2013 Monthly Report. Mr. Wolter thanked the department for cleaning up the debris from the Beech Grove. Volunteers are scheduled to do more work in the near future. Mayor Policastro said there have been quite a few rodent sightings in the Village. He is going to stress in the next Mayor's Bulletin that residents must have sealed waste cans. Superintendent Scherpenberg said he has been keeping track of which streets have been called in. They also have been keeping track of what bait has been put down each sewer.

From Building Commissioner Malone: January 2013 Monthly Report

From Tax Administrator Judd: January 2013 Monthly Report

From Christine Masur: Letter dated February 1, 2013 re: Waldorf School

From Vice-Mayor Stelzer: Memo Dated February 7, 2013 re: Defense of Village's Position Against Eastern Corridor Preferred Route

From Chief Hines: Memo Dated February 7, 2013 re: 10th Police Officer. Mr. Scheeser said he and Chief Hines had a long conversation and he wanted to clarify his public comments. His comments did not have anything to do with part-time nor with the 10th man. He believes Chief Hines's e-mail was appropriate but his comments on the issue do not reflect concerns about part-time or the 10th man. Chief Hines said his concern was with the comment that Council thought that nine officers was the right size. Council did not say nine was the right number. In fact that is why the Ordinance was never changed. Mayor Policastro said John Feldmann was retiring at the time. It was a perfect scenario to bring him back part-time since he already had the uniform and the experience. Chief Hines said he has helped to fill in some of the gaps but he is retired and not always available. Mr. Andrews said he did not read Mr. Scheeser's comments but the concern he has is that this was done with zero discussion on the financial scenario involved with adding another officer. The financial impact of any staffing decision is something Council should have discussion on. He believes it is inappropriate that Council did not. Mayor Policastro said he differs with Mr. Andrews because he brought it up for discussion at the Council meeting. He let it be known that that is what he planned to do. The Code of Ordinances says the Mayor appoints and he is not going to wait when we have had three houses broken into. The common denominator as long as he is here is safety. The Police Chief came to him and explained everything along with the Safety Committee Chairman that we need to do something fast. Mr. Miller said we are not adding a police officer but simply going back to what we had maintained. Mr. Andrews said the reason Council held at nine was due to financial concerns. He does not believe that most of the impact from the State's cuts to our budget has not hit us yet. Any time there is a staffing change he thinks Council as the legislative body and the Finance Committee should have proper discussion about the cost and how we are going pay for it. At the last Council meeting the Mayor announced that he had hired the tenth officer and his concern is that discussion did not occur in a Committee meeting of Council. Mr. Stelzer said we have always had ten police officers but over the last few years it has been nine full-time with one part-time. The part-time hours have been diminishing as Officer Feldmann went on. He did check into the financial aspect of the process including looking to see if we had extra room

in the budget because of some favorable revenue results in 2012 that are expected to continue in 2013. There is probably money in the budget. We have had problems with recent break-ins. To error on the side of caution and to go ahead and make the quick decision - he does not have much of a problem with it. It should be commendable that the Mayor was willing to make the call quickly. Mr. Andrews said he does not doubt that the money is there and he does not doubt that the tenth officer is needed. He just thinks the discussion should have taken place.

Mayor Policastro said Officer Feldmann probably will not be working as much any more but he is still going to keep him on. He was making approximately \$25,000 per year. He also gave credit to the Fire Department. The individual who used to clean the municipal building is no longer doing so saving \$6,000 per year. The Fire Department has stepped in and is cleaning the building adding to our savings. He said the Assistant Police Chief, Tim Messer, is planning on retiring in the next year. If we are having financial difficulty we can choose to go with nine and a part timer. But he does not think that is going to happen because we are doing really well financially. Economic development is unbelievable right now with the way things are going. It should add another \$25,000 to the budget to add the 10th officer. Now we are getting the protection that we always needed.

Ms. McCarthy moved, seconded by Mr. Scheeser to pay the bills as approved by the Mayor, Chairman of the Finance Committee and the Clerk. Mr. Andrews questioned the one year membership of the Criss Cross Directory. Mayor Policastro said it is needed in the Administration and Police Departments for collections. We are going to start a program in the Historic Area and with the continuous updates the directory will be very helpful with contact information. On roll call; six ayes, no nays.

Mr. Wolter, seconded by Mr. Miller to accept the recommendation of the Safety Committee that the following streets be brought into compliance with Ohio Fire Code appendix D, sections D101.1 thru D103.6.2, to insure safe access and egress for emergency equipment. (1) Hammerstone Way (between Pleasant and Flintpoint) Paint corners of curbs at intersections of Hammerstone and Flintpoint, Hammerstone and Cachepit and Hammerstone and Pleasant Street to state standards for parking setback. Install six to seven "No Parking" signs along south side of the street between Pleasant and Flintpoint. (2) Center Street (from Mt. Vernon to Miami Bluff) Paint corners of curbs at intersections of Center Street and Miami Bluff and Center Street and Mt. Vernon to state standards for parking setback. Install three "No Parking" signs along the east side of Center Street. (3) Flintpoint Way (between Miami Bluff and Mt. Vernon) Paint corners at intersections of Flintpoint Way and Miami Bluff, Flintpoint Way and Hammerstone and Flintpoint Way and Mt. Vernon to state standards for parking setback. Install three "No Parking" signs along the east side of Flintpoint Way. (4) Mound Way (between Miami Bluff and Mt. Vernon) Paint corners of curbs at intersections of Mound Way and Miami Bluff and Mound Way and Mt. Vernon to state standards for parking setback. Install three "No Parking" signs on the east side of Center Street. (5) Emery Lane - Paint corners of curbs at intersection of Emery Lane and Mt. Vernon to state standards for parking setback. Install one "No Parking" sign on the east side of Emery Lane and install three "No Parking" signs in the cul-de-sac. Mr. Wolter said this is what we are doing progressively throughout the Village. He estimates that the Committee is half way through. His hope is to be done by late spring. On roll call; five ayes, one nay (Mr. Scheeser dissenting).

Mr. Scheeser moved, seconded by Ms. McCarthy to accept the recommendation of the Safety Committee which met on Wednesday February 6, 2013 at 6:00 p.m. to discuss the 2013 Safe Ways to School grant. All items approved in this grant will be implemented in 2014. Present at the meeting were Safety Committee Chairman Dennis Wolter, Committee Vice-Chairman Joe Stelzer, Committee Member Cortney Scheeser, Mayor Dan Policastro, Police/Fire Chief Rick Hines, Elementary School Principal Lance Hollander and Caroline Duffy from Barr & Provost Engineering. After a presentation by Caroline Duffy outlining details of these grant proposals and much discussion and review of plans, the Committee recommends that the Village accept the 2012 and the 2013 grant proposals per the attached lists and approve the spending of these funds. (See attached lists for total costs). Council is now waiting for the Mariemont Planning Commission to make a decision about the approval of the installation of curb bulbs at three locations on Wooster Pike and striping for a bicycle lane. Mr. Wolter said we cannot have an official bicycle lane on Wooster Pike because the street is officially one foot too narrow. It will be striped off and can be used by bicycles but it will not be a marked bicycle lane. On roll call; six ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Village Offices will be closed Monday February 18, 2013 in Observation of Presidents' Day

Resolutions:

“To Authorize the Solicitation of Bids for Street Repair and To Declare Emergency” had a second reading. Mr. Andrews moved, seconded by Mr. Scheeser to suspend the rules to allow for the third reading. On roll call; six ayes, no nays. The Resolution had a third reading. Mr. Wolter moved, seconded by Mr. Scheeser to adopt the Resolution. On roll call; six ayes, no nays. Ms. McCarthy moved, seconded by Mr. Wolter to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-3-13 was adopted.

“To Amend Resolution of Existing Pick-Up plan for the Mariemont, Ohio Police Department” had a first reading.

“To Amend Resolution of Existing Pick-Up plan for the Mariemont, Ohio Fire Department” had a first reading.

Ordinances:

“To Accept Bid of Grass Cor Lawn and Landscapes and to Authorize Contract” had a second reading.

“To Amend Section 78, Schedule I of the Mariemont Code of Ordinances to Include No Parking on certain Streets Within the Village” had a second reading.

“To Amend Mariemont Code Section 78, Schedule III of the Mariemont Code of Ordinances; and To Declare Emergency” had a first reading. Mr. Miller 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. After discussion it was decided by Council that the emergency clause was not necessary.

Mr. Wolter said he is sure that we are all aware of the parking pressure we are seeing in the business district. With the theatre being expanded and another future project (west side of Mio’s) parking is being utilized by construction equipment. In the meantime we need to get a public awareness program going to get people to realize that there is other parking available in the evening. He suggested a letter to the merchants on how to educate their patrons with alternative parking. Mr. Andrews and Mr. Wolter suggested if Village funds would be used to light parking etc. that it should be discussed in a Committee. Mayor Policastro referred the matter to the Safety Committee.

Mr. Stelzer brought Council up to date on the Eastern Corridor Project State Route 32 Relocation:

At an August 2nd, 2012 public involvement meeting, ODOT and some of their implementation partners announced that all other routes for the relocation of State Route 32 between Red Bank Road and Newtown were eliminated and the remaining route to be studied would be through Mariemont’s South 80 Park.

Over the last ten years, ODOT engaged in a propaganda campaign with the elected leaders and residents of Mariemont in its attempt to minimize negative feedback to its predetermined plan. Examples of this deception include:

- Multiple assurances by ODOT and its contractors over the last ten years that the proposed route through the Mariemont’s South 80 would never be selected.
- Prominent use of a deceptive map indicating the State Route 32 relocation route would pass south of the Little Miami River. This map was included in public mailings, distributed to political leaders, displayed on the Eastern Corridor website and its social media sites. Mariemont complained about this map in September 2012 but ODOT continued to display this deceptive map until the news media brought the matter to the attention of the public in October and then the map was suddenly removed.
- It appears that ODOT reached its decision regarding the selection of the route through the South 80 sometime in early 2012, if not before. ODOT failed to share this information at a meeting with Mariemont elected leaders in Fairfax two weeks before the August 2nd 2012 Public meeting and at other previous meetings.
- ODOT selected the time (first week of August) and site (Anderson Township) of the August 2nd 2012 Public Meeting in an attempt to sneak its selected route decision through the Public Meeting process with a minimal amount of input from the residents of Mariemont. ODOT has been claiming

they contacted “someone” at the school district about a meeting in Mariemont but were told the facilities were not available due to construction. However, ODOT never contacted our elected leaders regarding the availability of facilities in the Mariemont area nor informed them about the content of these meetings. We are confident that if ODOT would have been honest with our elected leaders that facilities would have been made available for the August 2nd Public Meeting.

- At the January 22nd 2013 Community Update Meeting, ODOT attempted again to deceive the residents of Mariemont by presenting a Disneyesque image of what the roadway might look like. However, ODOT had already admitted in our previous meetings that the roadway would need to be elevated as it passed through the South 80 because of flooding issues. Therefore their image of the roadway through the South 80 was a complete distortion of the truth.

A State Route 32 Community Partner Committee or CPC including twelve residents of Mariemont was formed in September for the purpose of acting as a conduit for information between ODOT and the residents of Mariemont. Members of the CPC spent many volunteer hours reading a massive amount of misinformation created by ODOT in its attempt to support its flawed decision, attending meetings with ODOT and using its personal and professional contacts to lobby political leaders at the federal, state and local levels.

In November, we were encouraged when ODOT announced that a second alternative route between Red Bank and Newtown would be included in future studies. However, based on information provided in a January meeting with ODOT, the CPC become extremely concerned regarding ODOT’s commitment to this alternative route. We were also recently informed that ODOT was required to include this alternative route in its decision matrix because of the National Historic Landmark Status of the South 80 area.

At the January 22nd Community Update Meeting in Mariemont, the residents of Mariemont made it clear to ODOT they do not support relocation of State Route 32 through Mariemont or its South 80 Park. ODOT should have been embarrassed by its presentation and then should have given reasonable consideration to the feedback received. Instead ODOT announced they will continue on its plan to study the two remaining routes

We have given ODOT ample opportunity to change its flawed decision based upon the errors made in its process and the considerable negative feedback received from the community and many elected leaders from all levels of government. We have lost confidence in ODOT’s ability to consider feedback from the community and make the right decision.

Therefore, we have determined it is the proper time to engage legal counsel in our opposition to the relocation of State Route 32 through Mariemont’s South 80 Park.

He shared some of the CPC’s general beliefs to date that are based upon discussions with elected leaders, consultants and very informed groups and individuals:

The State Route 32 relocation will cost an estimated \$1.5 billion. State political leaders have assured us there will not be funds available for this project for at least 40 years. The State of Ohio is already struggling with funding the construction of the new Brent Spence Bridge which will clearly take preference over the State Route 32 relocation. However, ODOT has already started on the Eastgate segment of this project seven years ahead of schedule because the Obama administration found unspent highway funds from 2004. We are fearful that this project becomes a shovel ready project and gets funded with little or no public involvement.

Virtually all political leaders at various levels of government have indicated they will never support the route through the South 80 but we have not obtained any formal resolutions to date.

We are reviewing certain state and federal laws which give Mariemont the ability to block any roadway construction on the South 80.

ODOT might be informed during their Section 106 review this year that the route through the South 80 is not acceptable due to historical and archeological issues.

The Eastern Corridor Implementation Partners believe that the traffic counts need to be updated to determine if the information included in the original Purpose and Need analysis is still relevant. There is a chance that the new traffic count data that will be gathered in next several weeks will not support the continuation of the project.

It is truly disturbing that the Village of Mariemont must spend its precious tax dollars opposing a flawed process being perpetrated by irresponsible state bureaucrats using unchecked federal stimulus tax dollars on a project that is clearly not supported by the local communities.

Mr. Stelzer moved, seconded by Mr. Wolter to go into Executive Session to discuss the hiring of an attorney relative to the Eastern Corridor Project and the strategy relative to this hiring. On roll call; six ayes, no nays.

The meeting adjourned at 7:45 p.m. to go into Executive Session.

Mr. Scheeser moved, seconded by Mr. Wolter to return to Regular Session of Council. On roll call; six ayes, no nays. Mr. Stelzer moved, seconded by Mr. Andrews to request a legal proposal from a law firm to represent the Village in the Eastern Corridor project proposed route through the Village. On roll call; six ayes, no nays.

The meeting adjourned at 8:12 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk