

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
REGULAR MEETING HELD IN COUNCIL CHAMBER
AUGUST 12, 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. Stelzer asked that the minutes be amended to read "would not have been able to escape" Mr. Miller moved, seconded by Mr. Sheeser to approve the minutes of July 8, 2013 as amended and the Budget Hearing minutes as written. On roll call; six ayes, no nays.

The following communications were read by Mayor Policastro:

From Police Chief Hines: July 2013 Monthly Report. Mr. Stelzer said he contacted Chief Hines regarding the number of bike thefts recently and asked if he could share what proactive steps the department is taking. Chief Hines said every year in the summertime we see a rise in bike thefts. In the past it has been 12-13 year old kids but they are seeing more adults stealing the bikes. He attributes it to drug dependency. The department is actively attacking the issue and has made some arrests. It is important for residents to keep their garage doors closed and locked. In addition, he encourages residents to call and report any activity that is unusual or out of the ordinary. He said people use Next Door Mariemont to alert neighbors but he would rather have residents sign up for Nizle.com which is a non-social media site and geared more towards neighborhood crime alerts. Mr. Wolter asked about having a non-removable sticker to place on bikes. Chief Hines said we have a program like that in place where bikes can be registered and checked for safety. Many times the stickers are painted over and the serial numbers are grinded off. He suggested that people take pictures of their bikes which gives officers more to go on and they can be also be shared with local bike shops. While bike thefts are up from last year - thefts overall are down from last year.

Mr. Andrews said the other statistic up from last year was DUI's. Chief Hines said that is due to the hiring of the 10th officer and now having a full compliment on third shift.

Chief Hines reminded Council that Safety Services Night will be held Tuesday August 13, 2013 and encouraged all to attend. He is hoping it will be a fun night for the entire community.

From Assistant Fire Chief Feichtner: July 2013 Monthly Report.

From Superintendent Scherpenberg: July 2013 Monthly Report. Mr. Stelzer said we are a little behind on getting the sign up at the South 80 acres. The sign is being provided by MPF through a grant. We got some estimates previously but they were high. At a recent meeting with Hamilton County Park District provided us with some additional sources for signs. Superintendent Scherpenberg said he is currently checking to see if they will take a purchase order or if we need to take a check.

Mr. Wolter asked what the plan for the fence area that was recently cleared out at Isabella Hopkins Park. Superintendent Scherpenberg said he met with Mary Alice Maze to go over the landscape plan. He believes some of the work should begin next week. He did speak with the new owner next door and updated him on what was going on. Mayor Policastro said he spoke with the new owner as well and he is fine with it. Mr. Wolter thanked Ms. Schwartz and Jerry Wilson for helping clean up the area on such a hot day.

From Building Commissioner Hodulik: July 2013 Monthly Report. Mr. Stelzer said he contacted Commissioner Hodulik to see if we can compare permit activity from year to year to see if we are up on construction etc. Commissioner Hodulik said he was able to compare the first seven months of this year to last six years the estimated value of permits have been fairly steady with the exception of 2010 which was significantly lower and 2008 which was significantly higher. The total permit fees have been fairly steady. Mr. Scheeser commented that we did increase the permit fees to coincide with Hamilton County in 2010. Mr. Stelzer asked if the data could be shared in the monthly report from now on. Building Commissioner Hodulik said he would incorporate the information in his monthly report.

From Tax Administrator Busam: July 2013 Monthly Report/Waste Collection Fee Report.

From Swim Pool Manager Schad: July 2013 Monthly Report. Mr. Scheeser said June and July are showing significant declines. He wonders if it has to do with the wet cool summer or if this is a trend of residents spending their time in other places. Mayor Policastro said it is due to the weather and the rain. When the weather is hot we have a lot of people at the pool. We have had a lot of rain this summer plus a cool summer. Mr. Stelzer said he looked at the numbers and YTD we are off \$9000 from the prior year. We had a cool May and people did not buy pool passes. We will not know until next year if this is a new trend. He would like to see the pool utilize more social media to market the pool. Clerk Borgerding commented that school dismissed late this summer and the children will go back earlier this year than last year. Mr. Scheeser said we might consider doing a survey next year to see who uses the pool. It may be premature but it is something to consider.

From Iris Simpson Bush: Letter Dated July 3, 2013 re: Thank You Flying Pig Marathon

From Kim Sullivan: Letter Dated July 1, 2013 re: Thank You Police Department

From BWC: Check Dated June 27, 2013 re: Premium Surplus Refund \$21,867.50. Clerk Borgerding said all Ohio employers received a refund equal to approximately one half of their 2011-2012 premium. It is a one time deal due to the reserve being too large.

From Solicitor McTigue: Letter Dated July 22, 2013 re: Rule 25 Motions to be Made in Writing. Mr. Scheeser asked if a motion was submitted in writing prior to the Council meeting can the Mayor elect to not put it in the packet since he has the authority to set the meeting agenda. Mayor Policastro said a motion would go into the packet and on the agenda. Mr. Andrews said he has talked with Solicitor McTigue regarding Sunshine Provisions regarding agendas for regular Council meetings and Special meetings. It is pretty clear that an agenda is only required for a Special meeting. He would question the idea that it needs to be on the agenda to be discussed. Solicitor McTigue said it has to be on the agenda to be voted on. Mr. Andrews said we have operated differently many times and the one that comes to mind is when the representative from the library came and we moved and voted to approve a Resolution of support. Solicitor McTigue said if a member of Council or the Mayor asks for a motion to be put in writing - it needs to be put in writing. Mr. Andrews asked if it is black and white or is it really up to the Mayor and Council. Solicitor McTigue said Rule 25 is black and white. He contacted the Ohio Municipal League and their response was if it is placed in writing it should be discussed etc at the next meeting so residents can voice their input if desired. It is a recommended practice. Mayor Policastro said if we all agree it is something we can act on we can at that meeting but if one person wants it reduced to writing them we have to wait until the next meeting. Rule 25 also allows time for the Solicitor to do any needed research. Mr. Stelzer said we should not be blind siding each other but instead give ample notice so people can prepare and ask questions. Getting it on the agenda and getting it in writing at some point in advance probably makes some sense.

After discussion and clarification Solicitor McTigue said he will look into the three questions raised by Mr. Scheeser and Mr. Andrews: (1) If someone makes a motion and either a member of Council or the Mayor requires it to be in writing - does it need to be in writing. The answer is yes. (2) In a regularly scheduled Council meeting may we discuss anything we choose to discuss (3) What do we do to compel the Mayor to include any written motion in the Council packets of a future meeting.

Engineer Ertel said he received a call from OKI that the Village's application under the Safe Routes to School was approved for a Hawk Light at Belmont and Wooster Pike. He distributed a picture for Council to review. The Hawk Light is a light with a pedestrian signal to stop vehicular traffic. The signal will only cycle yellow and red with no green light. The cost is \$180,000 which will be paid by the grant. Mayor Policastro referred the matter to the Safety Committee. We have 30 days to respond to OKI. This is a start. We can ask for another study next year (once the Hawk light is in) for a regular light.

From Clerk/Treasurer Borgerding: June 2013 Monthly Report/Trend Analysis. He said the Paramedic Fund has not been getting charged much the first half of the year. We just switched it in July so those payroll funds will not be coming out of the General Fund. Last year it was just the opposite. Mr. Andrews said in the past we have much of our cash on hand invested in CD's. It looks like those have expired except for one. Clerk Borgerding said he is going to start looking to see if he can find better rates.

From Administration Office: 2nd Quarter MTD/YTD Report

From Mayor Policastro: Letter dated July 31, 2013 re: Proposed Response Re: Norfolk Southern Railway Company Rail Abandonment. Mr. Stelzer said the request came from Cincinnati Council Member Laure Quinlivan. He attended the meeting at City Hall two months ago. It was decided at that meeting that they would solicit this type of support letter from various communities along the way where the Wasson Way may connect. Part of the process that Norfolk Southern has to go through is to go to the Service Transportation Board and formally abandon the line. They do not like to do this until they have a clear indication that they have community support along the rail line. This letter provides support by the Village of Mariemont that we do not have a problem if the line becomes a bike trail. Hamilton County Parks owns the right-of-way going through the Wooster Pike corridor through Columbia Township. They are positive about putting the bike trail through there. Mayor said if there were no objections he would go on and send the letter. Mr. Wolter said they could put light rail in should they decide to do it. Mr. Stelzer said he has been to meetings where the comment was made that light rail and bike could co-exist along the path. The backers of the Wasson Trail bike path have said that they would abandon the bike trail in favor of light rail if it is ever built.

From Clerk/Treasurer Borgerding: General Fund Budget Summary (Revised July 2014)

From Matt Fellerhoff: Letter Dated July 31, 2013 re: Eastern Corridor Project. Mr. Stelzer said this is a letter that our attorney sent to the Federal Highway in response to a meeting we had. In February ODOT wanted to start the study of archeological historical impact of the Eastern Corridor Project. Before the start of the meeting we received notification from ODOT that the process had been put on hold because the Federal Highway Administration was reviewing the project. He just received in the mail today notice of a meeting August 26, 2013 with ODOT, Federal Highway Administration and representatives from Newtown and other areas. The letter from Mr. Fellerhoff does outline areas where we believe there have been errors in the past during this project. The letter from the Department of the Interior that was attached was the result of the work of Millard Rogers and

Karen Sullivan plus others from our Community Partner Committee and he thanked them for their work over the past year. We continue to get support from elected leaders who do not support the route going through the South 80 acres. This past month the Madisonville Community Council looked at all the alternatives for the Red Bank Corridor and adopted a "No Build". As long as they are projecting the amount of traffic along Red Bank he does not think there will be much of a change with the Madisonville Community Council. Recently Newtown put out a flyer outlining their objections. National Trust is working hard behind the scenes for us. We are getting some advocacy from some powerful groups. He did a forum on WVXU with Ted Hubbard. The project seems to be stalled at this point but we will see what happens at the meeting scheduled for the end of the month. Mr. Miller asked if it would make sense to have Mr. Fellerhoff attend the meeting as well. Mr. Stelzer said it would be considered to bring him to the meeting.

From CMC Property Management: Letter Dated July 25, 2013 re: Jordan Park Condominium Association. Mr. Wolter moved, seconded by Mr. Andrews to allow the Condo Association to opt out of the trash fee. On roll call; six ayes, no nays.

Ms. Arlene Brill, 3924 Petoskey Avenue, was granted permission to address Council. She does not feel the Ordinance regarding trash collection is being enforced. Many people in the Village are not in compliance. She is referring to trash and recycling cans being picked up from the rear of the residence. It is stated on the Village website. Personally she has problems because she does not take her cans to the curb whereas the residents on her street do. She is constantly missed and has to contact the office for a special pickup. She did not have service July 11-23. On more than one occasion the supervisor had to return to pick up her trash/recycling at the end of the week. Most containers are left at the curb all day long and it is unsightly. It makes Mariemont look like any other suburb. She was told by the Village office that it was optional whether or not you put cans at the curb. She thinks Council needs to address the issue and also need to re-educate the residents. People who move into the Village need to receive a list of the ordinances that they will be dealing with while they live here. The non-compliance somehow needs to be monitored. You pay for what you get and cheaper is not always better. She believes Council has choices to look at other services. They may cost more but she believes they would provide better service. She hopes this is considered a serious request. In regards to the recent survey the 65 gallon recycling cans are too big and would be ludicrous. There are people in the Village who cannot physically move things back and forth to the curb.

Mr. Andrews thought that the same issue came up at the June meeting regarding residents along Bramble Hill. Mr. Miller said the driveways are very narrow and steep along Bramble Hill and there is no where else for people to put their cans. The drivers have a hard time maneuvering around vehicles parked in the driveway. Ms. Brill said the Ordinance states placing the containers behind the house.

Mayor Policastro said we are going to have a Meeting of the Whole once the results of the survey are tabulated. Garbage has always been a problem in the Village and probably always will be.

Mr. Stelzer said we need to go out to the community and see what they want in this process. There is some opportunities to save some money through the use of the larger recycling bins because we do get a great benefit on trash contract rates if recycling percentages increase. We may also be able to get a significant increase in savings if the trash is brought out to the curb. However he does know that residents do like the trash collection from behind the house. There is a balance we are going to have to figure out. He appreciates Ms. Brill's comments but we need to look at this from a lot of angles. Mayor Policastro said there are many like him who has dogs in their back yards. He does not want people back there and risk someone getting bit or his dogs getting loose. Mr. Stelzer said it is going to be a process to determine what the community supports and balance it with what it is going to cost. We cannot make a decision house by house. To continue to have behind the house pick up is going to result in our fees to continually go up and we are going to have to figure out how to pay for it.

Mr. Andrews said we should make sure that residents are aware that they should be leaving their containers at the house unless there is some special circumstance. It seems that it is consistent on certain streets. We also need to make sure that Rumpke is going to pick up trash where they many not expect it sometimes.

Mr. Wolter said some of the problem is when Rumpke hires new drivers and they have to learn all of our routes. He cannot fathom how we could ever have one solution fit all situations. It is really complicated.

Mr. Andrews suggested Council communicate with residents of Petoskey and Bramble Hill so they know what they should be doing. And we need to make sure Rumpke knows if people bring their trash to the curb they need to go behind the house for those who do not take the cans to the curb.

Mayor Policastro asked if we cited residents for taking their cans to the curb could that be unconstitutional. Solicitor McTigue said off the top of his head he does not think it would be. Mayor Policastro said according the surveys received most people want to wheel the cart to the curb and save money. Ms. Brill said in the case of her street there would be no where to place the can because there is no sidewalk and the grassy area is on a slant.

Mr. Wolter said we should have an informational meeting with residents and a representative from Rumpke. He believes that residents will see the complexity of the issue as well. Mayor Policastro said when we have a meeting in a couple of months we will bring all the information along with a Rumpke Representative. There is a smaller recycling can however Rumpke wants to only service one size container throughout the Village.

Mr. Andrews said we can act on the short term and suggested contacting residents on the streets that take their cans to the curb, such as Petoskey and Bramble Hill. And to communicate with Rumpke that we have heard from residents on these two streets in the past few months and make sure the drivers are aware to look behind the house. Mr. Miller said Bramble Hill is an exception because the houses are on hills. You cannot expect the drivers to walk up a steep hill and back down toting garbage cans. Residents are taking their cans to the curb because they have no other choice. Mrs. Van Pelt said as passionate as Ms. Brill is about not taking her cans to the curb there are other residents who are just as passionate about not having the drivers walk through their property. They have complaints about the drivers damaging landscape, dragging the cans along the grass, making the dog bark, waking up the baby etc. Mayor Policastro said any Council member that wants to talk with people in their district to please go ahead. Mr. Stelzer said we can encourage people to get the cans back off the curb as quickly as possible. Mr. Miller said Rumpke should be fined for multiple occurrences of missed stops. Mr. Wolter asked what the process is for servicing missed stops. Mrs. Van Pelt said those who are missed are instructed to contact the office by Wednesday afternoon so we can send a list to the route supervisor. Rumpke sends a special truck out on Thursday to service those calls. We have had some residents on the list who are still not serviced. In that case the supervisor has sent another truck out on Friday or Saturday. They are responsive to correcting the error. Mr. Stelzer said there is a performance issue that needs to be addressed with Rumpke. This needs to be addressed when we negotiate the contract next year. We need to document the service issues. Mayor Policastro said it is documented. Mr. Wolter suggested an identifying flag to stick in the yard for the uncollected houses so Rumpke can easily locate the house to service. It is something we could ask Rumpke to supply.

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

Mr. Andrews moved, seconded by Ms. Schwartz to accept the recommendation of the Finance Committee which met on Monday August 5, 2013 in Council Chambers to review the renewal of the property and casualty insurance for the Village. The meeting began at 4:30 p.m. and Committee members Joe Stelzer, Jeff Andrews and Joe Miller were present. Also in attendance were Mayor Dan Policastro, Joanne Van Pelt, Jeff Branca and Karrie Novesl from Hylant Group, and Rob Beglin and Carter Kemper from Wells Fargo Insurance. The Committee discussed the proposal from the existing carrier, the Ohio Plan, whose quoted insurance renewal premium would increase \$3,200 to \$33,962 due to a 3% increase in rates and an increase in the scheduled values of insurance. Wells Fargo proposed two different policies to meet the Village needs. One of the proposed policies would require a premium slightly higher than the renewal quote from the existing carrier. The other policy which quoted a premium of approximately \$29,600 would require Mariemont to join a pool. The Committee reviewed the claim and service history for the current insurance provider. With the exception of the 1997 policy year, the claims history has been very good. In 1997, the insurance company paid 1.5 million to settle a very large claim. Mayor Policastro and Mrs. Van Pelt reported that service has been excellent and claims are handled fairly by the current insurance provider. The Committee unanimously recommends for full Council approval that the current property and insurance policy be renewed with the current provider. The Committee also recommends that during the next 10 months the Mayor review the possibility joining the pool to potentially lower insurance premiums for the Village. The policy renews on August 26th and the Committee was not comfortable rushing the process to enter into a pooling policy without adequate due diligence of all possible ramifications of this decision. The Committee also recommends this item be handled as an emergency measure due to the upcoming renewal date. Mr. Scheeser asked if the 10% savings with the pool was worth investigating but we simply ran out of time. Mr. Stelzer said we have already had unfavorable experience joining the medical insurance pool. With an abundance of caution we should not jump into a pool under this scenario for a potential 10% savings. The money is held in an escrow account but the Committee did not feel comfortable because of the past experience. It is something the Solicitor should review. The service claims have been handled fairly by the current carrier and that is why you buy insurance. If you switch insurance companies there is no certainty on how they are going to service the claims. We have been with the Ohio Plan for a lot of years. We should take a hard look next year at the pool process and then decide whether or not we take a chance with it. Mayor Policastro said the residents get a break with our current provider. They always pay the claim on damage by trees/tree branches when in actuality they could deny it based on "an act of God". They give the benefit of the doubt and he believes that is important. Mr. Stelzer said the good news is that we have another company bidding for the business which should make for a more competitive bid next year. Mr. Stelzer said the premium is higher due to the new fire truck and new equipment. It was a three percent increase in rate which is reasonable. Mr. Wolter said we should be motivated by two things (1) protecting the interests of the residents of the Village and (2) piece of mind knowing that the company will stand behind us should the need arise. They did in 1997 and settled a large claim. That to him is more valuable than saving 10%. Solicitor McTigue said he could not agree more. Hylant really stepped up to the plate back in 1997. Mr. Miller suggesting making a list of all the pros of the current provider so we can have on file when the renewal is due. On roll call; six ayes, no nays.

Mr. Miller moved, seconded by Mr. Stelzer to accept the recommendation of the Economic Development and Planning Committee which met on August 2, 2013 in Council Chambers to discuss the request from J. D. Spinnenweber to extend by 3 years (new expiration date October 10, 2018) the "sunset provision" set as a condition to the zone change for 6927 Thorndike road and 6928 Madisonville Road. On October 11, 2010 Council approved the change in zoning from Residence B to Business A conditional on development starting within 5 years. Joe Miller and Mary Ann Schwartz were in attendance. They both recommend to Council that Mr. Spinnenweber be granted his request to extend the zone change. The Committee further recommends that the Solicitor prepare the necessary Ordinance. Mr. Miller said the request was based on recent economic times. Mr. Spinnenweber has been able to complete the renovation of the theatre but asked for three more years to develop the property. On roll call; five ayes, one nay (Mr. Scheeser dissenting).

The Mayor read the following miscellaneous announcements:

Village Offices will be closed in observation of Labor Day Monday September 2, 2013

Ordinances:

“To Renew Current Contract for the Following Kinds of Insurance: Real and Personal Property, Comprehensive General Liability, Business Automobile and Other Coverage’s’ To Pay Premiums” had a first reading. Mr. Andrews asked that the renewal figure be double checked for accuracy in Section II. Mr. Stelzer said the Ordinance should have an Emergency Clause. Mrs. Van Pelt said she will make the changes for the next Council meeting.

The meeting adjourned at 8:25 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Clerk