

**VILLAGE OF MARIEMONT  
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS  
NOVEMBER 23, 2015**

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. Hlad, Mr. Marsland, Mr. Miller, Ms. Palazzolo, Ms. Schwartz, and Mr. Wolter.

Mr. Marsland moved, seconded by Mr. Wolter to approve the minutes as written for October 26, 2015. On roll call; six ayes, no nays.

Mayor Policastro read the following communications:

From Police Chief Hines: October 2015 Monthly Report

From Assistant Fire Chief Kiefer: October 2015 Monthly Report

From Service Superintendent Scherpenberg: October 2015 Monthly Report

From Building Administrator Keyes: October 2015 Monthly Report

From Tax Administrator Busam: October 2015 Monthly Report

From Fiscal Officer Borgerding: October 2015 Monthly Report. Fiscal Officer Borgerding said the money is coming in and we are on track for ending the year on budget (\$100,000 deficit) but overall we will have 1.2 million in the General Fund.

From Police Clerk Maupin: Mayor's Court Statement October 2015

From Police Chief Hines: memo Dated November 12, 2015 re: Traffic Study Mt. Vernon and Emery Lane

From First Suburbs Consortium of Southwest Ohio Membership 2016: E-mail Dated November 14, 2015 re: Membership. Mayor Policastro said he believes years ago we were a member but the membership became too expensive. The group does a lot of good and he thinks for \$200 it would be a good investment. Ms. Palazzolo asked about their charter. Mayor Policastro said it is sort of like the Municipal League. We will have meetings together and work together for the benefit of local governments. It will help with concerns such as municipalities only being able to tax citizens and not those who work there. Mr. Wolter said it sounds like a bargain for \$200. They would be helpful in the fight against centralized tax collection. Mr. Wolter moved, seconded by Mr. Miller to join the First Suburbs Consortium of Southwest Ohio. On roll call; six ayes, no nays.

Mr. Rob Bartlett, 3611 Mound Way, was granted permission to address Council. He said he has a petition signed by 73 residents of Mariemont that respectfully request two things. First, to remove the three stop signs at the Emery Lane and Mt. Vernon intersection, and to remove the three stop signs at the northern end of Center Street. While we are sure these were well intentioned when installed, all of these stop signs violate the Ohio Manual on Uniform Traffic Control Devices, which is based on the Federal Manual on Uniform Traffic Control Devices. Because they violate these manuals, we believe these stop signs put the residents of Mariemont at a greater risk. Also, by choosing to violate these manuals, de facto the Village is at greater risk from a liability standpoint. By choosing not to follow these guidelines, it creates the legal presumption that Council's actions are negligent. In addition to violating those two manuals, there have been numerous studies done throughout the United States on the use of stop signs to try and manage speed and traffic, many of which have been published by the Institute of Transportation Engineers, whose stated goal is to provide safe and efficient movement of people on surface transportation systems. Specifically: (a) 19 studies have been conducted looking at speeds before and after the installation of multi-way stop signs that showed the stop signs did not reduce overall speeds on residential streets (b) 15 studies have been conducted that showed that at unwarranted multi-way stop signs, speeds actually increased after the intersection as people tried to make up time from what they considered to be an unnecessary stop (c) 19 studies showed that stop compliance is poor at unwarranted stop signs, with non-compliance sometimes greater than 50% (d) 13 studies showed that the safety of pedestrians, especially small children, got worse where unwarranted stop signs were installed (e) 6 studies showed that local jurisdictions felt they had higher liability exposures with stop signs that did not follow their state's manual on Uniform Traffic Control Devices (f) 3 studies showed that removal of unwarranted stop signs resulted in improved compliance at justified stop signs in the same community. Bottom line in spite of all the best intentions, the data shows that more stop signs do not necessarily equate to greater safety: (1) By putting more stop signs in areas where there isn't ready justification as laid out in the manuals mentioned, Council is desensitizing people to the use of stop signs. They begin to ignore them or treat them more as yield signs than stop signs. And that behavior begins to carry over to other stop signs that are warranted, which is not good. (2) Moreover, pedestrians are assuming cars will fully respect those stop signs creating a false sense of security and less attentiveness. But if vehicles don't follow the stop signs for the

mentioned reasons that leads to safety issues especially with young children. Hence our concern about the safety of these stop signs at these locations.

The second part of the petition requests a committee create a documented process for determining when traffic calming is warranted and that this process be data based, criteria driven and follow guidelines that have been established by professionals in this area. We also believe the process should assess all potential means of traffic calming to determine the most appropriate method. For the stop signs that were installed at Emery and Mt. Vernon, the most recent Mayor's Bulletin said that the justification was because: (1) there is a high amount of traffic on this street – 127 vehicles in a 4 hour period on one day and 290 during a 6 hour period on another day (2) there are no sidewalks and a large number of pedestrian traffic (3) there is a large number of juveniles who live and play in the area (4) there are 3 large trees that block the view of vehicles coming off Emery Lane. So what exactly is the threshold for "high traffic"? One day, Mt. Vernon averaged 32 vehicles an hour, the other day 48 in one hour. So is that "high traffic"? How does this compare to other streets in the Village such as Crystal Springs, Mariemont Avenue and others. Does this mean that any street that averages more than 40 vehicles/hour should have a stop sign at it? And what about the speed of vehicles? Doesn't that have an impact as well as the number of traffic tickets that have been issued at that location? And what hard data is there to indicate what has changed versus the previous fifty plus years when children were being raised on these same streets without the need for stop signs at this intersection. The current process is simply too arbitrary. The Mayor also said that Chief Hines was consulted which is great. What other professionals though did the Committee seek for their input? Again, based on numerous studies that have been conducted across the U.S., unwarranted stop signs can actually make things worse, not better. It seems like we if we are truly going to put the safety of our residents at the forefront, then we should also be using professionals in the area of traffic safety to help with these decisions. The Village needs and deserves a documented process for handling traffic calming. Other communities around Cincinnati have such a documented process so why doesn't the Village of Mariemont? Interestingly, we do. In looking at the Mariemont website there is a document dated September 28, 2011. The Safety Committee, chaired by Mr. Wolter at the time, put together a traffic calming plan and he complimented Mr. Wolter on the thoroughness of the document. It is excellent. It lays out a data based, criteria driven process, including using a point system which gives heavier weighting to safety measurements. It looks at things like number of accidents over the last 5 years, the speed difference between the 85<sup>th</sup> percentile speed and the regulatory speed, the traffic volume, if there is a school or other special pedestrian generator like a playground within 500 feet and other measures as well. Clearly though this process was not used for the decision to install the stop signs at Mt. Vernon and Emery Lane because on a scale of 0-4 in the point system created by the Safety Committee where more points means it is more unsafe, the traffic numbers quoted by the Mayor that were so critical to the decision to install the stop signs at this location would have resulted in 0 points. In the Safety Committee's point system, it would have required 51 vehicles per hour in order to get one point and again it goes all the way up to four points. The data quoted in the Mayor's Bulletin was an average of 40 vehicles per hour. Also in the Mayor's Bulletin there was no mention of speeds being measured or accidents that have been reported over the past five years at that location. So this excellent process created by the Safety Committee was essentially ignored. In addition to being less arbitrary, having a documented data based, criteria driven process also helps ensure consistency, both in applying the criteria at different locations throughout the Village and when there is turnover on Council. And it also helps in explaining to residents in a very concrete way the basis that is used for determining when traffic calming is warranted and when it is not.

The last concern related to the stop signs at Emery and Mt. Vernon is when the decision came before Council it was passed under an emergency clause. Instead of three readings at three separate Council meetings and allowing residents to have input on the proposal, it was all done in one meeting. That means these stop signs that registered a score of 0 for traffic levels and have not been there for 50 plus years were deemed so critical to install that the decision was made to not allow other residents to share any safety concerns they might have with Council before Council voted on and passed this Ordinance. That is not democracy. People are elected to represent all of the residents of Mariemont, not just a vocal minority, who again, while he is sure they were well intentioned, are incorrect about the safety of installing a stop sign at this location, as evidenced by all of the research done on this topic and even by the scoring system that the Safety Committee developed to assess just such a situation. If Council is truly concerned about the safety of all the residents of Mariemont, Council will put in place and use a process similar to what the Safety Committee has already created and remove the stop signs that are included in this petition.

Mr. Jerry Vianello, 6570 Wooster Pike, was granted permission to address Council. He said many may be aware of the work that is being done at the Boathouse and he wanted to thank Council for the support and the Maintenance Department for their help and use of equipment. It is a three phase approach to the work. Ms. Schwartz and many volunteers are contributing and coordinating with this effort.

Mr. Stan Bahler, 6965 Crystal Springs, was granted permission to address Council. He complimented Mr. Bartlett on his presentation and he agrees whole heartedly. More needs to go into when we put up a stop sign. He appreciates all the work that members of Council do. He believes it would help if Council would do more as far as communication when trying to reach out to people. He came and looked at the minutes and is not sure why the matter of the stop signs was given to Public Works. The Committee report indicated the date and time of the meeting, mentioned that a petition was submitted and a few residents came. It further said after discussion it was determined to put in three stop signs. That was the substance of the report – no mention of why the Committee came to this decision. He does not know what data the three Committee members used as their basis for approving the recommendation to Council. There was nothing in the report indicating it needed to be an emergency. When he was Clerk/Treasurer there were more meetings than not when no residents came to the meeting. Residents expect Council to do these things for them. He believes more needs to be put in Committee reports to inform residents of why something was/was not done. The Mayor's Bulletin came out and listed several reasons after the fact of why this was done which he believes should have been included in the Committee report.

Chief Hines said in the letter he sent to Mayor Policastro he was asked by the Committee to look at this matter and study it. He has 31 years of experience of law enforcement and he has heard people say that that does not constitute an expert. He disagrees with that. If you look at the wall in the hallway you can see the many awards that have been given to the Village for traffic safety from AAA six years running. We have won the Platinum Award which is the highest award given. In the Tri-State the award is given to only 6-9 police departments. He thinks his department is doing a pretty good job keeping the streets safe. There are no sidewalks in the area of Mt. Vernon and Emery Lane. There is a large number of pedestrian traffic. Several occasions he witnessed people running, walking and residents pushing jogging strollers. There are a lot of children in that area. He does not understand personally how the signs being put up is a bad thing. If it enhances the safety just a little bit he believes that is a good thing. If it helps with safety he is sorry if people are inconvenienced by having to stop or if they find it aesthetically non pleasing. That is his two cents as the person in charge of safety in the Village. He feels like he is an expert when it comes to safety and evidently Mr. Bartlett does not agree with him and that is okay – we do not have to agree.

Mr. Wolter said he is an over view person. He moved to the Village probably for the same reasons as most people. We have operated with what he calls a soft touch. Council does not take these issues lightly. Even state code recognizes the importance of local rule – it was mitigated ten years ago when the state tried to take away local rule. It went to vote and wholeheartedly held in place because it is important. There was a process in place with the stop signs at Emery and Mt. Vernon. 19 people signed a petition. In response to that the Mayor and himself stood in the area for over an hour with several residents and looked at what was going on. It was decided that in the view of safety to send Chief Hines, whom he considers an expert on maintaining safety in the Village, to evaluate the area. His recommendation is what we talked about. He thinks it is better to err on the side of safety and if there is an aesthetic, whether perceived or real compromise, it is a small price to pay for someone getting hurt. He grew up near an intersection in Clifton and for years Clifton Town Meeting tried to get a stop sign installed. An elderly gentleman crossing the street was hit and died on the scene. A week later, after years of being turned down, there were four stop signs. Where would Council be if we now took these stop signs out and someone got hurt? We would be behind the eight ball legally. Morally Council has an obligation to do what is best for the Village. He is beginning to question what is driving the motivation behind all the pushback. Is it just that people do not want to be inconvenienced to stop one more time on your way home from work etc.? Do people really think that the stop sign is aesthetically detrimental that it is hurting the quality of life? He has heard that people fear it will decrease the value of their home. Mariemont houses are easy to sell compared to other neighborhoods. Even in the downturn of 2008-2009 houses were selling quickly and for good prices. He does not believe that house values are effected by stop signs nor does he believe a realtor has ever said I lost a sale because there was a stop sign there. He is beginning to wonder if this is being driven by political fervor. Since he has been on Council he has heard all kinds of negative comments about Mayor Policastro and he believes it is being carried over to this Council. There are some folks who are just waiting to find something to come in and try to embarrass this administration. Council is just trying to do the right thing. We believe in using the soft touch and using people who have proven their method as a good leader for our police and fire departments and do the right thing. He is totally confused about what to do here. What gives one group of people the right to take something away from another group of people that is important for their safety? And what if something happens there? He prays nothing does happen but then how are we going to feel? Those stop signs cannot make that big of a difference in the quality of life in the Village. He has been through several other communities where they have stop signs where we do not have them here in the Village. We are behind the eight ball with a lot of safety issues. We have gotten away with it but times have changed. We have a lot more cars, distracted drivers etc. When Wooster Pike is busy where do the cars go – they go to the parallel streets. We have to do something – we cannot wait for something to happen. He has been misquoted by several people and accused of wanting to put a plethora of stop signs around this Village - -he does not want to do that. He has been accused of wanting to put a stop sign at every intersection. If he sees a need and it is confirmed by the Police Chief and it is wanted by the residents who live there then he is going to be supportive. There is a lot of tension created over something that he thinks is very intuitive and the responsible thing to do. If we take those stop signs down we will have exposure that we will not be able to hide from.

Mr. Hlad thanked everyone for attending and showing such passion about this issue. One thing he hears that he thinks goes a long way in all matters is to try to inform residents when issues are going to be discussed. He believes going forward Council is learning lessons on what it means to engage the community at the Committee level and seek a broad consensus to hear dialogue from surrounding residents at an earlier stage. Moving forward he would like to find a way to come together when there are sensitive issues.

Mayor Policastro said for years we had a Council that did not want to do anything with stop signs. Then we had a child hit on a bike by the Tot Lot. Right away we put in stop signs. He heard a lot of push back and all he could think was this is where kids play and they need to be safe. He also was criticized for putting the fence around the Tot Lot because they thought it looked horrible. He does not understand it. At West and Fieldhouse there was a car accident and we were not proactive again and a kid got hurt. Residents questioned why there were no stop signs and we put them in. He wants to be proactive and he wants Council to be proactive. This is one of the best Councils he has ever been associated with and to say that you need to do another study especially when our Police Chief, who is our Safety Director, made the call. Now days we have huge SUV's, people on cell phones talking and texting driving down the road. It is a huge new environment. It seems to him that the Village has experience an explosion of children and we have more young families that want to move into the Village. Mariemont is about children! Mary Emery went as far as to have streets in the Village named after her sons (Albert and Sheldon). The greeting from Mary Emery "...is your housework somewhat easier, and the children, do you feel safer about them, are their faces a bit ruddier and their legs a little more sturdier, do they laugh and play out loud in Mariemont. Then I am content..." If you look at the logo for the Village of Mariemont the Latin translation means dedicated to youth. As Mayor he will continue to do everything he can to protect our children. Our Town Crier gives a blessing at the end "God Bless the United States of America, our sovereign State of Ohio, the Village

of Mariemont, our Mayor and our beloved children. He cannot blame anyone for what they are trying to do here to try to protect our children.

Mr. Wolter said regarding Mr. Hlad's response about trying to get more interface with residents and Council members. The place to do that is at the Committee meetings. At any time residents are free to contact a Council member. He is surprised at how little communication he gets from residents. An e-mail list is available through the Village office for those who want to be alerted to upcoming meetings etc. He has a personal policy of not just 24 hour notice but three days before he will hold a Committee meeting to give people plenty of time to get the email and read the announcements. He appreciates all of Mr. Bartlett's research on the state regulations, but all the horrible signs on Wooster Pike that everyone hates are per the regulation letter of the law. He is hoping under local law that we will be able to remove a lot of them. We are all in this thing together so let's start working together more. E-mails are great but sometimes a phone call is more effective and can go a long way. The inflection in a person's voice can go a long way and he would rather communicate more. If residents wait until Council is ready to vote on an issue it is usually too late as most opportunity has already been missed to change our minds.

Ms. Jan Ring, 6920 Miami Bluff Drive, was granted permission to address Council. She was unclear on why the need for the new stop signs on Center Street. Mr. Jerry Vianello said his son along with Jerry and Callie Stephens led the request for the kids that play in the area especially in the green median. Cars were flying 35-40 mph from the Concourse area around the bend and the concern was a child being struck by a car. The request was put in with input from the residents in the area.

Mr. Vianello said he thinks part of the problem maybe Council does too many emergency clauses when passing legislation. He believes from the Bartlett's perspective he thinks they just want to know that they count and that someone is going to take the time to listen to them. Many times there are too many quick emergencies that some people are made aware of and many people are not aware of them. People as a general rule just want to be heard. When there was a problem at Homewood and Hawthorne he picked up the phone and had the Mayor and Mr. Wolter there within a half hour. They agreed that it was a horrible situation and the stop signs went up immediately. It is not unusual for Council to take immediate action when they think it is the proper thing to do. He appreciates as a citizen having that kind of response.

Mayor Policastro said in response to Mrs. Ring's question he remembered that meeting and one of the problems was when you drive through there after 3:00 when the kids are out of school it is like a playground. Kids spill out into the street from the median grass island. It was done to protect the children.

Ms. Linda Bartlett, 3611 Mound Way, was granted permission to address Council. She would like to see the process that was put on the website and utilized in 2011 adopted by Council so a process such as this one at Emery and Mt. Vernon is done in a more thoughtful and data filled manner rather than perceptions. When her children were younger it seemed to her that cars were going really fast. She feels a lot of that was her perception. She feels if something is adopted the matter will be looked at longer and more people will be notified in the area. She does not feel that that location deserved to be an emergency. She grew up two houses away from that stop sign and raised her children in the area. She suggested if the area is of danger to extend the sidewalks. There is no animosity. A group of residents are just concerned about the number of signs that have appeared recently. We are getting so many stop signs that we are beginning to look like Fairfax. We are a Historic Village and on the National Registry of Historic Places and part of what brings people here is the lack of signs. That is part of the beauty of the Village. She would rather see enforcement of the speed limit. Ticket residents if you must if they are speeding. Hold people accountable if they run a stop sign or speed instead of a simple warning.

Mayor Policastro said one problem is there are healthy beautiful trees in that area where sidewalks would go.

Mr. Wolter said we are pursuing the Safe Way to Schools grants. From the time you apply to the time it is implemented is typically three years. The big priority for the Village is more sidewalks. We are a small Village and grant money is an important part of our ability to maintain a balanced budget. We have put many sidewalks in recently. If you drive in other communities look at the number of stop signs that they have compared to what we have. They are there for a reason. He believes the Village is playing catch up.

Mr. Grant Karnes, 6909 Mt. Vernon, was granted permission to address Council. Mr. Bartlett makes several good points. No one believes that we should not value our children. This is a community response to an action that was taken by the Village. That is all. It was not an attack on Chief Hines or any member of the Committee or Council. He believes it is incumbent upon Council to look at it, point by point in consideration of the facts that were presented and respond to it. At the end of the day having a process that is more data base driven cannot hurt anything. It does not hurt to go backwards in time and ask the question did we do the right thing. If we cannot do that as a community then we have lost the essence of what government is.

Mr. Hlad moved, seconded by Mr. Miller to pay the bills as approved by the Mayor, Fiscal Officer and the Chairman of the Finance Committee. On roll all; six ayes, no nays.

Mr. Miller moved, seconded by Ms. Schwartz to accept the recommendation of the Public Works and Service Committee which met on Friday November 6, 2015 at 5:00 p.m. in Council Chambers to discuss amending Ordinance Section 150.03 of the Mariemont Code of Ordinances to include hours of use for powered yard

maintenance equipment. Present at the meeting were Public Works & Service Committee Chairman Dennis Wolter, Committee Member Eric Marsland, Council Member Joe Miller, Mayor Dan Policastro and several Village residents. After discussion, it was determined that allowable time for commercial use of lawn mowers by Village contract grass maintenance crews will be as follows: 7:30 a.m. to 9:00 p.m. seven days a week. After discussion, it was determined that allowable times for residential use of powered yard maintenance equipment such as lawn mowers, leaf blowers, chainsaws and weed eaters, by residents of the Village of Mariemont will be as follows: 7:30 a.m. to 9:00 p.m. seven days a week. The prescribed times do not apply to the use of emergency equipment. The Ordinance shall go into effect at the earliest date allowed by law. On roll call; six ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Leaf Pick-Up will begin October 19, 2015 and end December 18, 2015. Mr. Hlad asked if there was a schedule for pick up.

Village Offices will be closed Thursday November 26, 2015 and Friday November 27, 2015 in Observation of Thanksgiving.

The Council Meeting for the month of December will be held on Monday December 14, 2015 at 7:00 p.m.

Ordinances:

“Ordinance To Amend Chapter 94 of the Codified Ordinances of the Village of Mariemont Regarding Municipal Tax” had a second reading. Mr. Marsland moved, seconded by Ms. Schwartz to suspend the rules to allow for the third reading. On roll call; six ayes, no ayes. The Ordinance had a third reading. Mr. Miller moved, seconded by Mr. Wolter to adopt the Ordinance. On roll call; six ayes, no nays. Ms. Schwartz moved, seconded by Mr. Miller to invoke the emergency clause. On roll call; six ayes, no nays. Ordinance No. O-26-15 was adopted. Fiscal Officer Borgerding said the reason for the emergency was since we did not have a meeting on November 9<sup>th</sup> due to a lack of a quorum, we had to pass it as an emergency tonight so it would be in effect by December 1, 2015. The effective date is January 1, 2016, otherwise we risk losing the capability of having an income tax in the State of Ohio.

“To Amend Section 150 of the Mariemont Code of Ordinances to Include a New Section 150.53 to Set Forth Hours of Use for Powered Yard Maintenance Equipment had a first reading.

The meeting adjourned at 8:04 p.m.

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Dan Policastro, Mayor

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Anthony J. Borgerding, Fiscal Officer