

**VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
OCTOBER 10, 2016**

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

Mr. Wolter moved, seconded by Mr. Brown to approve the minutes as written for Council September 26, 2016. On roll call; six ayes, no nays.

Mayor Policastro read the following communications:

From Police Chief Hines: September 2016 Monthly Report

From Assistant Fire Chief Kiefer: September 2016 Monthly Report

From Service Superintendent Scherpenberg: September 2016 Monthly Report. Ms. Schwartz asked when leaf collection will begin. Superintendent Scherpenberg said either the last week of October or first week of November.

From Building Administrator Keyes: September 2016 Monthly Report

From Tax Administrator Busam: September 2016 Monthly Report

From Assistant Fiscal Officer Wendler: September 2016 Fiscal Officer's Report

Mr. Rob Bartlett, 3611 Mound Way, was granted permission to address Council. He thanked Mrs. Singleton and Mrs. Van Pelt for posting on Nextdoor Mariemont the laws regarding political signs as he found them very helpful. The Ordinance states that the signs shall not be more than six square feet and should be placed 15' from the street, unless there are shrubs or topography that block the view. Then an exception can be granted by the Mayor. He is sure that is the case with the signs at Jerry Vianello's house. He is concerned about the signs in front of the Tudor style apartment building on Center Street. There are three signs closer than 15' from the street with no shrubbery blocking the view. Two of the signs are 15 square feet which is two and one half times larger than what is allowed by ordinance. He is curious if anything is going to be done to get them to comply with the law.

Mayor Policastro said he has talked with our Village Solicitor. The Village has been sued two times over the last ten years regarding political signs. The Solicitor has said if they are not in violation or causing a safety problem it is best to leave it alone.

Mr. Bartlett questioned even the size part of the ordinance could not be enforced.

Mayor Policastro said these are our laws and they did not work a few years ago and the Village had to pay \$10,000.

Mr. Bartlett asked if Mayor Policastro has checked with other communities nearby to see if they have successful laws. Mayor Policastro said we check with our Solicitor. We were sued a few years ago by an attorney named Chris Finney over this.

Mr. Hlad said the size of some of the signs on Center Street are positioned in such a way that if you are driving in a certain direction they do obstruct your view of oncoming traffic. He asked if it would be possible to have them push them back a bit.

Building Administrator Keyes said the ordinance states the sign should be back 15' and asked if we can ask the owner to move it back. Mayor Policastro said no – we cannot go by our ordinance. We tried to do that a few years ago and the American Civil Liberties Union jumped all over us. As Mayor he has the right to let them put up signs as long as they are safe.

Mr. Bartlett said that is not what the Village Ordinance says – it says only if it is blocked by shrubbery can they move it closer. Mayor Policastro said our Ordinance says that but not the Supreme Court of the United States. It is a Supreme Court decision. Mr. Bartlett said he will look that up. He does not know why we have it in our code. Mayor Policastro said we probably should change it. If we can prove that it is a safety concern we can ask them to move it. Otherwise, he does not want to end up in a courtroom. Mr. Bartlett said it is a shame because he believes it is a good ordinance to have in place to help keep the historic charm of the Village.

Mayor Policastro asked Police Chief Hines to take a look at the signs to see if they pose a safety concern.

Mrs. Linda Bartlett, 3611 Mound Street, was granted permission to address Council. She said she remembered the lawsuit and thought it was because we original banned political signs. Mayor Policastro said there were two lawsuits. The first was because we did not allow signs at all and then the second lawsuit was because we tried to limit size etc. Mrs. Bartlett asked if you can restrict putting signs in the Village right-of-way. Mayor Policastro said you have to give permission.

Mr. Brown asked if the amount of signs is unlimited. Mayor Policastro said people can put up as many signs as they want and they can leave them up for as long as they want per the Supreme Court decision.

Ms. Schwartz moved, seconded by Mr. Marsland to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. On roll call; six ayes, no nays.

Mayor Policastro reminded everyone that Beggar's Night will be Monday October 31, 2016 from 6:00 to 8:00 p.m.

Resolutions:

"To Reappoint Jane Stalzer as a Member of the Architectural Review Board for the Calendar Years of 2017 and 2018" had a second reading.

"To Reappoint Charlie Thomas as a Member of the Architectural Review Board for the Calendar Years of 2017 and 2018" had a second reading.

"To Appoint Don Keyes to the Position of Building Department Administrator for Calendar Years 2017 and 2018; To Set Compensation" had a second reading.

"To Reappoint Dave Tensi as Inspector for the Building Commissioner for the Calendar Years 2017 and 2018" had a second reading. Mayor Policastro said he has been with the Village for a long time and does a great job.

"To Confirm the Reappointment of Christopher M. Ertel as Village Engineer for Calendar Years 2017 and 2018, and to Set Compensation" had a second reading. Mayor Policastro said he does a great job for the Village and has been with the Village approximately ten years.

"To Reappoint Don White as Mayor's Court Magistrate for Calendar Years 2017 and 2018; To Set Compensation" had a second reading. Mr. Marsland asked how long has Mr. White worked for the Village. Mayor Policastro said he believes Terry Gaines left about five years ago.

"To Reappoint Peggy Keyes as a Member of the Parks Advisory Board for the Calendar Years of 2017 and 2018" had a second reading.

"To Reappoint Dave Wuertemberger as a Member of the Parks Advisory Park Board for the Calendar Year 2017" had a second reading.

"To Reappoint Joan Vago as a Member of the Parks Advisory Park Board for the Calendar Years 2017 and 2018" had a second reading.

"To Confirm the Reappointment of Edward J. McTigue as Solicitor for the Village of Mariemont for the Calendar Years 2017 and 2018" had a second reading. Mayor Policastro said he does a great job for the Village.

"To Reappoint Rhonda Materese as a Member of the Pool Commission for the Calendar Years of 2017 and 2018" had a second reading.

"To Confirm the Reappointment of Jordan Schad as Swim Pool Manager for Calendar Years 2017 and 2018; and to Set Compensation" had a second reading. Mayor Policastro said she has been in this position for two years. We are fortunate to have Ed Beck stay on to help but she has done a great job so far.

Ordinances:

"An Ordinance Authorizing Application and Contracting with the Ohio Public Works Commission" had a third reading. Mr. Marsland moved, seconded by Mr. Brown to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-17-16 was adopted.

"An Ordinance Entering Into Agreement with City of Cincinnati" had a third reading. Mr. Wolter moved, seconded by Mr. Hlad to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-18-16 was adopted.

"Ordinance Amending Section 151 of the Mariemont Code of Ordinances" had a third reading. Ms. Schwartz moved, seconded by Ms. Palazzolo to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-19-16 was adopted.

"To Amend Section 37.01 of the Mariemont Code of Ordinances To Increase the Number of Members of the Planning Commission from Five to Seven" had a second reading. Mr. Wolter said the need for this is to ensure that we have a quorum especially during the summer months when people are travelling etc.

"Ordinance to Amend Chapter 90.01 of the Mariemont Code of Ordinances to Prohibit Dogs from Fenced in Portion or Being Tied to Fenced in Portion of Bell Tower Playground "Tot Lot" had a second reading. Mr. Hlad said he would recommend that a sign be erected at multiple locations (by the two gates) to let people know that dogs are prohibited in the area. Mayor Policastro said he will have the Service Department make two signs to match the wood signs around the Village. Mr. Marsland asked what precipitated this. Mr. Hlad said there were several complaints from parents with small children who would go to the Tot Lot and encounter dogs (leashed and unleashed) running around the playground equipment. There were concerns of safety. Even a well-trained dog can snip at a child if its tail is pulled.

The meeting adjourned at 7:18 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Fiscal Officer

