

**VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
OCTOBER 23, 2017**

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.

Ms. Palazzolo moved, seconded by Mr. Wolter to approve the minutes as written for October 9, 2017 and the rewritten minutes from the Committee of the Whole meeting August 22, 2017. On roll call; six ayes, no nays.

Mayor Policastro read the following communications:

From Hamilton County Municipal League: E-mail dated October 10, 2017 re: Legal effort to challenge provisions to HB 49. Mayor Policastro said we will go into Executive Session to discuss.

From Administrative Office: MTD/YTD 3rd Quarter 2017 Report

From Police Clerk Maupin: Mayor's Court Statement for September 2017

From Mr. Joseph Trauth, Legal Representative for Spinnenweber Builders: Letter dated October 17, 2017 re: ARB meeting held October 16, 2017. Mayor Policastro said Mr. Trauth implied there are two things the Village is doing wrong. We need to have a registered architect on the ARB. We are going to pass legislation this evening as an emergency to appoint Mr. Bentley. In addition, we will appoint Brad Lockhart as an emergency with Ms. Schwartz coming off the ARB so there will only be one Council representative on the board. Ms. Schwartz said it might be good in the future to clarify the Ordinance so if there is a vacancy the Village can still go about and do business while trying to fill the vacancy. Mr. Wolter said it is an Architectural Review Board and that an architect is the foundation of the board. Without an architect the board is operating out the intent of the committee. Mayor Policastro said what could be changed is that the members need to live in the Village. Solicitor McTigue said on the night in question we did not have a registered architect on the board and in abundance of caution he would recommend that the ARB reconvene and hold another meeting. Mayor Policastro said that was what they were planning on doing. Ms. Schwartz asked if we have to go through all of those meeting if they are not valid. Mayor Policastro said yes we will have to do the meeting again but Dr. Larkin should not have to redo her presentation.

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

The Committee of the Whole met on Monday, October 16, 2017 at 6:30 p.m. in the Village of Mariemont Council Chambers located at 6907 Wooster Pike, Mariemont, Ohio 45227, to discuss the hillside repair on Whiskey Creek. Present at the meeting were Vice-Mayor Eric Marsland, Committee Members Bill Brown, Maggie Palazzolo and Mary Ann Schwartz. Also present were Mayor Policastro, Mariemont Executive Assistant Joanee Van Pelt, Parks Board Chairperson Louise Schomburg, Village Engineer Chris Ertel and Mariemont residents Clem Luken and Linda Bartlett. The discussion of this topic began at 7:35 p.m. after a discussion of landscaping on the Murray Avenue median at Plainville Road. Initial discussion focused on the need to complete the project and it was unanimously recommended that GSI perform the work. Concern was raised over the drain pipe centered on said hillside that shunts water from downspouts at 6610 Mariemont Avenue and whose responsibility it is to mitigate the drainage before initiation of the project. The timing of the payment for the completed project was also discussed. Mariemont has the funds available in the General Fund to pay for the project, but the preferred method of payment is from the Permanent Improvements Fund that is replenished shortly after the first of the year. It was decided that Chris Ertel and Eric Marsland would make calls to our representative at GSI for clarification on the drainage issue and financing respectively. The meeting was adjourned at 8:10 p.m.

Mr. Marsland said he received an email from Justin Anderson, GSI, to address the concern of the drain pipe. He read in part the email... "I visited the site again last week as discussed and have revised our proposal to include reinforcement of the noted wash out area adjacent to and extending below the top gabion wall. This looks to be created from runoff from the swale that has been recently constructed that runs perpendicular to Mariemont Avenue. Our plan is to install 14- 10' long micropiles to anchor down a reinforced shotcrete trough area that we will construct over this washout area. This will provide hard armor against the scour while eliminating the need for us to track large equipment over the new swale area as in the other scenario we considered using shot rock and riprap to reinforce the area. The pricing works out to be similar in either case. I have attached a copy of my quick hand sketch of the repair plan for clarity. As such, we are proposing to increase the price of the original proposal by \$17,320 from \$167,565 to \$184,885 to construct the washout area reinforcement using 10' micropiles and 6" shotcrete cover across the limits of the 10' wide ditch. Please call if you would like to discuss or if you have any comments or concerns. Best regards, Justin Anderson".

Mr. Brown moved, seconded by Mr. Wolter to table the matter for further discussion by the Committee of the Whole. On roll call; six ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Leaf pick up will begin Monday October 16, 2017. Last day of leave pick up will be December 22, 2017. Mayor Policastro said after that December 22, 2017 leaves will need to be bagged in brown paper bags for Rumpke to pick up at the curb on said trash day.

Beggar's Night will be October 31, 2017 6:00 p.m. to 8:00p.m.

The Council meeting for December will be Monday December 18, 2017 at 7:00 p.m. The Civic Association Raffle winner will be pulled after the meeting.

Resolutions:

“To Appoint Brad Lockhart as a Member of the Architectural Review Board for the Calendar Years of 2018 & 2019 (To Fill the Unexpired Term of Paul Allen)” had a third reading. Mr. Marsland moved, seconded by Ms. Schwartz to adopt the Resolution. On roll call; six ayes, no nays. Mr. Wolter moved, seconded by Mr. Hlad to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-23-17 was adopted.

“To Appoint John Bentley as a Member of the Architectural Review Board for the Calendar Years of 2018 & 2019 (To Fill the Unexpired Term of Mark Bruggeman)” had a second reading. Mr. Hlad moved, seconded by Mr. Brown to suspend the rules to allow for the third reading. On roll call; six ayes, no nays. The Resolution had a third reading. Mr. Brown moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; six ayes, no nays. Mr. Marsland moved, seconded by Ms. Schwartz to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-24-17 was adopted.

“To Reappoint Mike Kintner as a member of the Architectural Review Board for the Calendar Years of 2018 and 2019” had a second reading.

“To Reappoint Linda Swensson as a Member of the Parks Advisory Board for the Calendar Years of 2018 and 2019” had a second reading.

“To Reappoint Ruth Varner as a Member of the Parks Advisory Board for the Calendar Years of 2018 and 2019” had a second reading.

“To Reappoint Louise Schomburg as a Member of the Parks Advisory Board for the Calendar Years of 2018 and 2019” had a second reading.

“To Reappoint Brian Kelly as a Member of the Pool Commission for the Calendar Years of 2018 and 2019” had a second reading.

“To Reappoint Anita Hunt as a Member of the Pool Commission for the Calendar Years of 2018 and 2019” had a second reading.

“To Reappoint Steve Spooner as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Years of 2018” had a second reading.

“To Reappoint Karen Sullivan as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year of 2018” had a second reading”

“To Reappoint Mark Glassmeyer as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year of 2018” had a second reading.

Ordinances:

“An Ordinance Authorizing Application and Contracting with the Ohio Public Works Commission” had a third reading. (Potential Grant Funding for Madisonville Road). Ms. Palazzolo moved, seconded by Ms. Schwartz to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-20-17 was adopted.

“To Reappoint Anthony Borgerding as Village Fiscal Officer for the Calendar Years 2018 and 2019” had a third reading. Mr. Brown moved, seconded by Ms. Schwartz to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-21-17 was adopted.

“To Reappoint Elissa Wendler as Village Fiscal Administrative Assistant for the Calendar Years 2018 and 2019” had a third reading. Mr. Marsland moved, seconded by Ms. Palazzolo to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-22-17 was adopted.

“To Amend Section 151.025(A)(1)(a) of the Mariemont Code of Ordinances Relative to the Architectural Review Board and To Declare an Emergency” had a first reading. Mr. Hlad moved, seconded by Mr. Brown to suspend the rules to allow for the second and third readings. On roll call; six ayes, no nays. On roll call; six ayes, no nays. The Ordinance had a second reading. Solicitor McTigue said that was a bit nit-picky reading of our ordinance but it helps to clarify that one member of the ARB needs to own a property in a historic district not the historic district in which the board may be hearing a request for a Certificate of Appropriateness. The Ordinance had a third reading. Ms. Schwartz moved, seconded by Mr. Hlad to adopt the Ordinance. On roll call; six ayes, no nays. Mr. Brown moved, seconded by Ms. Schwartz to invoke the emergency clause. On roll call; six ayes, no nays. Ordinance No. O-23-17 was adopted.

Mr. Wolter moved, seconded by Mr. Hlad to go into Executive Session to discuss the coalition of municipalities within the State of Ohio to initiate formal legal action against the State of Ohio. On roll call; six ayes, no nays. Council went into Executive Session at 7:24 p.m.

At 7:45 p.m. Mr. Marsland moved, seconded by Mr. Hlad to go back into Regular Session of Council.

“An Ordinance to Authorize the Mayor to Join a Coalition of Municipalities Retaining Special Counsel for Purposes of Initiating Litigation to Challenge the Constitutionality of Amendments to Chapter 718 of the Ohio Revised Code Relating

to Municipal Tax and To Declare Emergency” had a first reading. Mr. Wolter moved, seconded by Ms. Schwartz to suspend the rules to allow for the second and third reading. On roll call; six ayes, no nays. The Ordinance had a second and third reading. Mr. Wolter moved, seconded by Mr. Marsland to adopt the Ordinance. On roll call; six ayes, no nays. Mr. Brown moved, seconded by Ms. Schwartz to invoke the emergency clause. On roll call; six ayes, no nays. Ordinance No. O-24-17 was adopted.

The meeting adjourned at 7:50 p.m.

Dan Policastro, Mayor

Anthony Borgerding, Fiscal Officer