

**VILLAGE OF MARIEMONT  
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS  
NOVEMBER 13, 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. Marsland, Ms. Palazzolo, Ms. Schwartz and Mr. Wolter.

Mr. Marsland moved, seconded by Mr. Brown to excuse Mr. Hlad. On roll call; five ayes, no nays.

Mr. Michael Heines updated Council on the progress of the Steam Plant project. He said years ago it was a wooded site with rough terrain. It is now cleaned and a doable site. The name of the project is Central Steam Row and will house 14 units. In the original drawing we were going to cut into the hillside. We have moved the project more to the west and will not disturb the hillside.

Mr. Mitch Hart, CVC Engineering, explained that early on there were plans to cut into the hillside but then determined that it would not be the best approach. There is sufficient room between the existing slope and the railroad property line that will allow a flat area to be built out by bringing in soil to the site. The soil will fill the site to a level area. It will allow for the development of the site without cutting into the hillside. The original soil in the area is a sandy silt soil. He explained the process of surcharging where there has been additional fill put on top of what is needed. It includes monitors that will survey through the winter to verify that this pre-settlement is taking place with the soil below. Once it is determined that the surcharge soil did its job it will be removed. The settlement that would have been created by the weight of the building will have been taken out. Nothing will be done to the hillside besides possibly changing the original creek channel. To meet the site grading it is probably going to be moved to the east to better fit how the road is laid out.

Mr. Brown asked if there was any work to determine the existing stability of the hillside. Mr. Hart said the hillside is the same as it was before any work was done. Mr. Brown asked how the water will be diverted when running down the hillside. Mr. Heines explained how they will channel the water. They are working with Hamilton County and the Village Engineer to create the proper easements. There is a water retention basin that was done years ago and part of that basin is on his property. They are working to upgrade it to modern standards. When this was done in 1924 the Village put in proper drainage underneath the tracks. The pipes are in magnificent shape just covered in mud. Now the water is flowing the way it was intended.

Mr. Wolter asked how the drainage will be contained. Mr. Heines said it will be in pipes. Mr. Wolter asked about the porous sub terrain with the water meandering around all this stuff. Mr. Hart said that it is not needed to stop the moisture from getting below ground. The type of soil being used, as long as it remains compacted, water can come in and out and not cause a problem. The fill that has been brought in is not the same – it is more of a clay type material. It will reduce the infiltration. Mr. Wolter asked do you establish the density. Mr. Hart said a technician has been on site anytime any fill material has been placed. Onsite nuclear density testing has been performed. Mr. Wolter asked how much the elevation has been increased. Mr. Heines estimated anywhere from 10'-15'. Mr. Brown asked once the surcharge is removed is there a test process to determine the compaction of the soil that will be built upon. Mr. Hart said the soil is verified during placement by field density testing and settlement monitors. It will continue to be verified. Mr. Brown said a general rule of thumb is not to build on compacted soil. Mr. Hart said there are very few places that fill is not placed. And if it is not done properly it can be a problem. Mr. Brown asked if there was any guarantee or insurance should there be cracks in the foundation – he asked who would be responsible for that. Mr. Hart said as engineers all they can do is ask if they met the standard of care and have we done what any reputable engineer in our situation would do. He believes that they have by monitoring, verifying and testing the fill. Mayor Policastro said he is sure the builder will have liability insurance. Mr. Brown asked if it will be made known to the potential buyers that the building is built on compacted soil. Mr. Heines said yes and most people do their own soil inspection and not to do so would be a mistake.

Mayor Policastro said there were runoff pipes from Pocahontas down on to the project site that were in a terrible mess. Mr. Heines said he has been working with Hamilton County and Village Engineer Ertel to make sure that they funnel correctly.

Mr. Mike Jordan, Jordan Realtors, said there are a few variations of home design that they are looking at. A few lots will contain a one story home. For the most part the homes will have approximately 2500-2700 sq. ft. or 2000-2200 sq. ft. There also will be one or two ranch homes available. The price will range from \$450,000-\$550,000. The homes will have high end cabinetry, wood floors first floor, granite countertops and stainless steel appliances. The builders have built in the Mt. Lookout and O'Bryonville area. In the next few months they will begin to start to take lot reservations. Mayor Policastro said they would sell really fast if they had a master bedroom on the first floor.

Assistant Fiscal Officer asked if in the future the hillside starts to fall would it be Mariemont's liability to the homeowner's to maintain the hillside. Mr. Heines said that was a good question. He is donating the hillside to the Village for greenspace and a bird sanctuary. Mayor Policastro said we will ask the builder to have an insurance policy to cover that. The Village would not be negligent and they should have something in place for protection. Earth movement is not covered under a homeowner's insurance policy.

Ms. Schwartz moved, seconded by Mr. Marsland to approve the minutes as written for October 23, 2017. On roll call; five ayes, no nays.

Mayor Policastro read the following communications:

From Police Chief Hines: October 2017 Monthly Report

From Assistant Fire Chief Kiefer: October 2017 Monthly Report

From Service Superintendent Scherpenberg: October 2017 Monthly Report. He said that one of the leaf trucks is down waiting on parts for repair but he is hopeful it should be back up running by tomorrow.

From Building Administrator Keyes: October 2017 Monthly Report/ Memo Regarding 6924 Mt. Vernon Avenue. He said that the property has been reviewed by several Mariemont citizens and committee members who judged it to be appropriate for entry into the Historic District as it is over 76 years old and is the first house to be built on Mt. Vernon by the Mariemont Company. He included for review the Mariemont Code Section 151.075 (C). Mayor Policastro referred it to the Economic Development Planning & Zoning Committee for further review. The application would be reviewed by the ARB and designation would need to be approved by Council. He would like to save the building.

Building Administrator Keyes said there is a spot in the code where the Village Square is declared a Historic District and there is another part of the code that says only the north side of the square is Historic. He put in a request to have "north" taken out of code. It languished for a while and eventually fell off the list. Mayor Policastro referred the matter to the Rules and Law Committee. We just need to take out the word north. It would then include the Municipal Building.

From Tax Administrator Busam: October 2017 Monthly Report

From Jessica DeLong: Grants Administrator Ohio Facilities Construction Commission: E-mail Dated November 6, 2017 re: Approval of the Mariemont Native American Education Center Project. Mr. Brown said this is good news and means that we have pretty much jumped through all the hoops that were required. In order to get grant money you have to comply with processes and paperwork. As soon as the Mayor signs the Cooperative Use Agreement it will go through the final phase for the Village to begin to be able to draw on the grant money. The timing of the draws on the monies is still yet to be determined.

From Fred Schlimm: Hamilton County Engineer's Office: E-mail Dated November 9, 2017 re: Small Government Projects. Mayor Policastro said he is on this Board. He is working with the Village Engineer to get a grant for Madisonville Road. Presently we are in third place. This is somewhat of a carbon copy of what happened last year with Settle Road. It is possible in February if we ask for a loan (similar to Settle Road \$50,000 loan term 25 years no interest) that it may bump up our points and put us in first place. Ms. Palazzolo asked if we had a project cost yet. Mayor Policastro said no hopefully we can go out to bid in early January. Ms. Palazzolo asked what the definition of readiness to proceed means. Mayor Policastro said he admits that he does not follow it too well. When he meets with the committee he will go over everything with him. It may have to do with the size of the road and how easy it would be. He wanted to make Council aware that we may have a shot in February to change this application by applying for a loan.

From Superintendent Scherpenberg: Memo Dated November 9, 2017 re: Outsourcing Mowing and Trimming. We do not have to do a formal bid and will send out soft bids to local companies. Mayor Policastro referred the matter to the Public Works and Service Committee.

From Assistant Fiscal Officer: Fiscal Officer's Report October 2017

Mayor Policastro said Mr. Spinnenweber's attorney, Joe Trauth, wrote to our Village Solicitor. Mr. Trauth claims that our ARB architect, John Bentley, is not a registered architect. He is a registered landscape architect. To him this is splitting hairs. Solicitor McTigue is looking into the matter. John Nolen who built Mariemont was a landscape architect. Mr. Brown asked if it is specific in our code. Mayor Policastro said the code states 'registered architect'. Landscape architects do need to be registered. It seems like this is never going to end unless it goes to a court of law. Mr. Marsland asked how long it has been since we had a structural architect on ARB. Mayor Policastro said never. He is considering switching Bob Rich to ARB since he is a registered architect and putting Mr. Bentley on Planning Commission should Solicitor McTigue say we need to.

Mr. Jerry Vianello, 6570 Wooster Pike, was granted permission to address Council. He said approximately 6-8 months ago he brought to Council's attention Direct TV and the problem with the satellite dishes. The Ordinance calls for the dishes not to be in front or on the side of a building. He knows Mr. Brown has been working on this and that Building Administrator Keyes has sent letters. In his area there are several people who are very upset with Council because Council chooses not to enforce the ordinance. One resident said he was going to talk with his attorney. He believes the dishes make the Village look tacky. We should follow the ordinance and place them where they are supposed to be or change the ordinance. Building Administrator Keyes said he has written letters. Some are grandfathered because we do not know when they were put in. He does not have control unless Council decides we are not going to allow them even if they are grandfathered. We would have to change the code to make it so you can't allow them to be there regardless of when they were put in. Mr. Brown said it is in his committee and he has had conversations with the Building Inspector, Dave Tensi. He is going to try to generate a report by next Council so we can clarify our code. He is not sure that residents are aware of what the code on this is. They do not get a building permit. When they do get the permit we should have a specific set of instructions that explain where and how the dishes are to be placed. The technician cannot place the dish where it is easy for them citing they cannot get a signal elsewhere on the house. If no signal can be found it should be verified by the building inspector. Ms. Palazzolo said we could incorporate the legislation that the Solicitor put together for fences. It has been used for signage as well. It is kind of the same concept as a nuisance. Mr. Vianello said in some instances the homeowner is directing the installer where to place the dish because they do not want to pay more to have it installed where it should be. Mr. Brown said if no building permit is taken out then the inspector does not know to go look to make sure it is installed correctly. Discussion ensued regarding procedures to make homeowners and installer/vendors aware of the permit process.

Mr. Rob Bartlett, 3611 Mound Way, was granted permission to address Council. First, he recently saw the notes from the August 22, 2017 Committee of the Whole meeting and he has to say that in all his years living in Mariemont, he has never read in the meeting minutes or seen in the Council Chambers the kind of behavior the Mayor exhibited that evening. That kind of behavior is inappropriate for any elected official, but particularly for the Mayor in a public meeting. Furthermore Mayor, he remembers one time in these chambers that he said "there is no I in team" and he thought that was an excellent point – the Mayor and Council need to be working together for the betterment of Mariemont. However, when reading through the minutes from the August 22 Committee of the Whole meeting, the Mayor made a lot of "I" statements such as "I already did that". When the Mayor says "I already did that" that many times without any involvement from Council, then we no longer have a democracy here in Mariemont. In the October 2017 Mayor's Bulletin, the Mayor wrote

about how the Village would never make any disparaging remarks about people in social media, and how that kind of activity is not who we are in the Village. However, several people told my wife that the Mayor came to their door and made disparaging remarks about one of the people who was running for Council. Not only that, some of the comments were about that person's personal life and had nothing to do with their skills or qualifications to be a Council member. He asked the Mayor if that was just a little bit hypocritical to say in your Mayor's Bulletin you claim the Village would never make disparaging remarks about people, but then you go door-to-door and do just that. He said the Mayor's actions at the Committee of the Whole meeting and going door-to-door making disparaging personal remarks about someone running for Council are inappropriate and inexcusable. This Village expects more and deserves more from its Mayor. He said he knows the Mayor is capable of doing much better and that the Mayor needs to start living up to those expectations. Mayor Policastro said he and Mr. Bartlett's family have been at odds for twenty plus years and hopefully we can bury that. Mr. Bartlett said he would love to do that. Concerning his mother he totally agreed and he has told her she cannot live in the past.

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

Mr. Brown said he was under the impression that there was going to be more data collected before the proposed Safety Committee report regarding parking on Cherry Street was going to be submitted. Mr. Marsland said he believes we should go back to Committee and see what is incumbent upon us to accomplish. He does not want to speak for Mr. Hlad but we need to make sure we get the process correct. Mayor Policastro said he believes both the Engineer and Police Chief should be involved. Mr. Marsland moved, seconded by Ms. Palazzolo to table the report. On roll call; five ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Last day of leave pick up will be December 22, 2017. Mayor Policastro said after 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.

Village Offices will be closed Thursday November 23, 2017 and Friday November 24, 2017 in observation of Thanksgiving.

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.

Village Offices will be closed Monday December 25, 2017 in observation of Christmas.

Village Offices will be closed Monday January 1, 2018 in observation of New Year's Day.

#### Resolutions:

"To Reappoint Mike Kintner as a member of the Architectural Review Board for the Calendar Years of 2018 and 2019" had a third reading. Mr. Brown moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-25-17 was adopted.

"To Reappoint Linda Swensson as a Member of the Parks Advisory Board for the Calendar Years of 2018 and 2019" had a third reading. Mr. Wolter moved, seconded by Ms. Schwartz to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-26-17 was adopted.

"To Reappoint Ruth Varner as a Member of the Parks Advisory Board for the Calendar Years of 2018 and 2019" had a third reading. Mr. Wolter moved, seconded by Ms. Schwartz to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-27-17 was adopted.

"To Reappoint Louise Schomburg as a Member of the Parks Advisory Board for the Calendar Years of 2018 and 2019" had a third reading. Mr. Wolter moved, seconded by Ms. Schwartz to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-28-17 was adopted.

"To Reappoint Brian Kelly as a Member of the Pool Commission for the Calendar Years of 2018 and 2019" had a third reading. Mr. Marsland moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-29-17 was adopted.

"To Reappoint Anita Hunt as a Member of the Pool Commission for the Calendar Years of 2018 and 2019" had a third reading. Mr. Marsland moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-30-17 was adopted.

"To Reappoint Steve Spooner as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2018" had a third reading. Mr. Brown moved, seconded by Mr. Wolter to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-31-17 was adopted.

"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 third reading". Mr. Brown moved, seconded by Mr. Wolter to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-32-17 was adopted.

"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 third reading. Mr. Brown moved, seconded by Mr. Wolter to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-33-17 was adopted.

#### Ordinances:

"An Ordinance Authorizing Application and Contracting with the Ohio Public Works Commission" (First Reading) (Clean Ohio grant for Steam Plan Development Project)

The meeting adjourned at 7:57 p.m.

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Dan Policastro, Mayor

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Anthony Borgerding, Fiscal Officer