

**VILLAGE OF MARIEMONT  
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS  
MARCH 27, 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, Ms. Palazzolo, Ms. Schwartz and Mr. Wolter.

Ms. Palazzolo moved, seconded by Mr. Hlad to excuse the absence of Mr. Marsland. On roll call; five ayes, no nays.

Mayor Policastro said Police Officer Hammock has completed his 180 day probationary period and it is recommended by Chief Hines that he be made a Full-Time Regular employee. Officer Hammock is a 2013 graduate of Batavia and a 2015 graduate of Hocking College with an Associate's Degree in Police Science. He was hired as a Part-Time Mariemont Patrol Officer in January of 2016 and promoted to a Probationary Full-Time Officer in August 2016. Chief Hines said Officer Hammock has progressed very well and looks forward to a long term relationship with the community and the Police Department.

Officer Hammock thanked Mayor Policastro, Council, Chief Hines and the Police Department for the opportunity to serve the Village.

Mr. Hlad moved, seconded by Mr. Brown to make Officer Hammock a Regular Full-Time Employee. On roll call; five ayes, no nays. Officer Hammock was congratulated by the members of Council.

Mr. Wolter moved, seconded by Ms. Schwartz to approve the minutes as written for March 13, 2017. On roll call; five ayes, no nays.

Mayor Policastro read the following communications:

From Police Chief Hines: February 2017 Monthly Report.

From Tax Administrator Busam: February 2017 Monthly Report

From Police Chief Hines: Memo Dated March 13, 2017 re: Kona Ice Vendor Permit. Mayor Policastro said Kona Ice applied for a vendor's license to sell snow cones at the 4<sup>th</sup> of July fireworks. The Police Department did the required background check and they paid the license fee. He believes the kids will enjoy it.

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

From Engineer Ertel: Memo Dated March 20, 2017 re: 2017 Street Rehabilitation Project. Mayor Policastro said we got great bids and hopefully we can start on Settle Road in the next two months.

From Hamilton County Municipal League: E-mail Dated March 21, 2017 re: Meeting May 22, 2017

From Steve Orr: Article re: Lunken Airport. Mayor Policastro referred that matter to the Public Works and Service Committee for a report on what this can or cannot do to the Village of Mariemont.

From Friends of Read Wildlife Sanctuary: Sanctuary rules for Safety and the Protection of Our Wildlife. Mayor Policastro said in 1949 the Whiskey Creek area of the park was made a wildlife and bird sanctuary. He referred the matter to the Health and Recreation Committee to broaden the 1949 Ordinance that disallows bicycles in the area. Parks Board President, Louise Schomburg, has indicated that we clearly should not be riding bicycles in that area because of what the tires can do to the topsoil. We also need to remain on the path to become compliant with the Army Corps of Engineers. We will need to strengthen the laws we have on the books for Dogwood Park to disallow bicycles.

Mr. Jerry Vianello, 6570 Wooster Pike, was granted permission to address Council. He requested Council to take some time and investigate the type of direct TV dish that are installed in the Village. They are all different shapes and sizes. They are erected on garages, front, side and back yards etc. He believes the Village needs to get this under control. A lot of these dishes do not comply with the current Village Ordinance. He knows in some instances permits are not being secured by residents. He talked with the Building Administrator and found that laws have changed since the Ordinance was put in place and that Direct TV people have access to the strongest signal. He contacted Direct TV and they said as long as the antenna is pointed in the same direction and has a clear shot to the signal it should not matter where it is located but it could affect the cost of installation. He asked that the requirements be communicated to the residents.

Policastro said he will put something in his Mayor's Bulletin reminding residents that they must get a permit.

Mr. Hlad said depending on what product is ordered from Direct TV you do not have an option if you want their service how big the dish is. Part of what we should review in the Ordinance is that our language is concurrent with what the current dish standard sizes are.

After discussion, Mayor Policastro referred the matter to the Planning and Zoning Committee for further review. He suggested having the Solicitor look into what the federal guidelines are because those have probably changed as well.

Mr. Doug McClintock, President Off-Road Alliance (CORA), was granted permission to address Council. He distributed to Council a proposal for Whiskey Creek Trail. They are the region's leading natural surface trails advocate. They maintain approximately 60 miles of natural surface trails that are multi-user throughout the Tri-State. It can to their attention that there may be an opportunity to leverage some funds with one of their grant funds which is REI. They give money back to communities for trail efforts. What they like to see are areas where they can preserve access for all users. They want to put money into the community in an effort to bring more people into that community. With local matches from interested private parties, CORA estimates there may be up to \$7,000 worth of investment available for Whiskey Trail. Natural surface trails do not necessarily take a lot of money to build but they do take a lot of maintenance and effort. They feel it is important to preserve access for all users, including bicyclists. CORA would appreciate Council's consideration and look forward to the opportunity to discuss the matter further.

Mr. Brown asked what the natural service trail is made of. Mr. McClintock said it is made from the existing soil that is already there. They construct sustainable trails based off of US Forest Service Guidelines developed with the International Mountain Biking Association. They have a very strong relationship with the Army Corps of Engineers. This is a long term investment and asked Council to consider their proposition and enter into a Memorandum of Understanding with CORA. We will bring funding every year for the maintenance of the trails, volunteer efforts, as well as educational efforts and community efforts to help bring people to utilize the wonderful facilities here in Mariemont.

Mayor Policastro said Dogwood Park is a Wildlife Sanctuary and asked if there would be funds available for walking trails only. He does not believe we are going to allow bicycles in that area but they are allowed in the South 80. Mr. McClintock said they are aware that is what is presently being discussed however if you look at studies that show that foot use traffic and bicycle traffic use on properly constructed trails are identical in use case. They work in sanctuary environments even federal wildlife preserves.

Mr. Wolter said some of the bikers go through there like they are out to win a race and with the confined space and the topography in the area the concern is for the people and children on the trails. He is not sure how you would control that. Mr. McClintock said it is a challenge and definitely something they have dealt with. User conflict and management is something they really excelled at in the past several years. Education has a lot to do with it with the use of signage "Bikes Yield to Everyone". Mr. Wolter asked to walk the trail with Mr. McClintock. Mayor Policastro asked if they were not interested in the South 80. Mr. McClintock said they love the South 80 acres but it is important to preserve the access for all human power trail is really where they think they can make the biggest impact. Mayor Policastro said in 1949 the Village made that a wildlife sanctuary. Mr. McClintock said if you read the Ordinance it does not have a provision prohibiting bikes. If we were to maintain the trail the Village would need to pass a resolution to preserve the traffic.

Ms. Linda Kerdolff, Arrowhead Way, was granted permission to address Council. She e-mailed members of Council regarding her concern with the noise coming from the Kellogg's factory. Something at the factory changed approximately six weeks ago increasing the noise level 24/7. She is aware that the Village of Mariemont has a noise ordinance. Kellogg's is in the Village boundaries and asked what Council can do about this problem.

Mayor Policastro said we follow Hamilton County's noise ordinance. He is not sure what the Village can do as this is a civil case. He will work with Kellogg's and see if he can find out what the noise problem is. Once the weather breaks he will go in the woods to see how the noise vibrates etc.

Mr. Hlad said his understanding was it was a high pitched squealing noise. They figured out what it was, remedied the problem but the noise is still happening just not at the high pitch level. It seems like a long term pattern of noise complaints. Kellogg's always responds and tries to identify. It appears they have identified the problem but it is still a nuisance.

Ms. Schwartz said she spoke with Kellogg's and it is her understanding there is something wrong with the generators outside so they brought in temporary diesel generators which were placed outside. Based on the complaint they were switching the diesel generator with an electric one. Ms. Kerdolff said the diesel generator produced a high pitched noise and the electric generator is producing a low pitch noise.

Ms. Kerdolff said her communication with Kellogg's has gone quiet but the noise is still there.

Mayor Policastro said he does not think Hamilton County would come out to measure the noise level unless it was a violation of the law. He believe that is something Ms. Kerdolff would need to hire an attorney or expert and go to court.

Mr. Hlad asked if there was a loud party and complaints of loud noise the police department would enforce the ordinance and asked how this is different. Mayor Policastro said the difference would be the decibel level and that this it is happening in the Industrial Park area which is allowed. Mr. Hlad said he has sympathy for Ms. Kerdolff and others that live in the area and is trying to figure out if there is anything we can do to look into it.

Mr. Wolter said he has found Kellogg's to be a good neighbor and respond whenever we have had issues.

Mr. Brown said we had a similar incident with Bulkmatic and residents on Miami Bluff years ago. Someone was hired to come out with equipment to measure the noise level. He was never able to get a reading measurement that exceeded Hamilton County's limit.

Ms. Schwartz said that she will send an e-mail to Kellogg's and find out the timeframe for when they anticipate the generator to be fixed. Mayor Policastro said he will look into the matter middle of next month.

Superintendent Scherpenberg distributed copies of the tennis courts proposal. The Village, Mariemont Tennis Association and the school are getting together to redo the tennis courts. The Village put aside \$30,000 from the Permanent Improvement Fund, the Mariemont Boosters are putting in \$15,000 and we got \$10,000 from the insurance company when the fence was removed. The proposal from Mills Fencing includes removing and hauling away 329' of existing tennis court fence and furnish and install 270' of 144" H black 6-gauge vinyl coated 2" chain link with two new 3' wide x 7' high gates and 56" of 42" H black 6-gauge vinyl coated x 2" chain link with one 3' wide x 42" high gate and the needed posts for \$15,990. Harry Ewers and Sons, Inc. submitted a proposal to redo the entire court surface and any cracks will be thoroughly pressure washed to remove all contaminants that may inhibit the bond of the repair products. The lower two courts will be striped for pickle ball. He estimates that the work should last 3-4 years. The cost is \$39,805. There are plans to do a fundraiser to raise money for a new bathhouse. The landscaping will be changed a bit to allow for some bleachers. Mayor Policastro referred the matter to the Health and Recreation Committee. Coach Spreen said time is of the essence as the contractors are entering their busy season with the upcoming ATP Tennis Tournament and they would need to know as soon as possible in order to complete the work prior to the tennis season. He said the work could last for 4-8 years. Mr. Hlad moved, seconded by Ms. Palazzolo to approve the request as presented in order to facilitate the work in a timely fashion. On roll call; five ayes, no nays.

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

Mr. Brown moved, seconded by Ms. Schwartz to accept the recommendation of the Public Works and Service Committee which met on Thursday March 23, 2017 in Council Chambers to discuss acceptance of a contractor's bid for the 2017 Street Rehab Project from the bids that were submitted a the bid opening deadline of March 16, 2017. The project will include adding low curbs on Settle Road to elevate the easement of the driveways on the west side of the street for properties with a below-grade garage. Present at the meeting were Public Works & Services Committee Chairman Dennis Wolter, Co-Chair Mary Ann Schwartz, Committee Member Eric Marsland, Councilman Bill Brown, Village Engineer Chris Ertel and Mayor Dan Policastro. After discussion, the Committee recommends acceptance of the bid of \$262,094.00 from J.K. Meurer per the recommendation of Village Engineer Chris Ertel. The bid from J.K. Meurer was the lowest bid. Mayor Policastro thanked Mr. Wolter for getting the report done quickly. On roll call; five ayes, no nays.

#### Miscellaneous:

Village Offices will be closed Friday April 14, 2017 in observation of Good Friday

#### Resolutions:

"To Appoint Maggie Palazzolo as a Member of the Pool Commission for the Calendar Years of 2017 and 2018 (To Fill the Vacancy of Don Slavik) had a third reading. Mr. Wolter moved, seconded by Mr. Hlad to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-8-17 was adopted.

"A Resolution of the Village of Mariemont, Ohio Creating an Organization of Municipalities within the United States that have been Designed by Renowned City Planner John Nolen; and Providing an Effective Date" had a second reading.

"Resolution Declaring the Necessity of Levying a Tax in Excess of the 10 Mill Limitation for Permanent Improvements and Requesting the County Auditor to Certify Matters in Connection Therewith" had a second reading.

#### Ordinances:

"To Amend Ordinance O-15-16 of the Mariemont Code of Ordinance to Increase Payment for Employees" had a third reading. Ms. Palazzolo moved, seconded by Mr. Wolter to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-5-17 was adopted.

"To Amend Section 78, Schedule I of the Mariemont Code of Ordinances to Include No Parking on Certain Streets Within the Village had a first reading.

The meeting adjourned at 8:00 p.m.

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Dan Policastro, Mayor

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Anthony J. Borgerding, Fiscal Officer