

**VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
JUNE 12, 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.

Mr. Hlad moved, seconded by Mr. Wolter to accept the minutes as written for the May 22, 2017 Council meeting. On roll call; six ayes, no nays.

Mayor Policastro read the following communications:

From Police Chief Hines: May 2017 Monthly Report/Memo Dated June 5, 2017 re: Parking Pads. Mr. Hlad asked what the factors are contributing to the 30% increase YTD offenses. Chief Hines said unfortunately it is starting off to be a busy summer. Drug arrests and thefts offenses are up. There were two auto thefts in one weekend. We were able to recover both vehicles. Heroin is a big part of the drug arrests with crack cocaine making a comeback. Mr. Brown asked if officers carry Narcan. Chief Hines said the police department does not carry Narcan in the cruisers due to the Board of Health but the paramedics do. Mr. Wolter asked the status of the two stolen cars. Chief Hines said keys were in one vehicle and the second vehicle was locked but they obtained the keys. Mr. Hlad asked if the Village provided mutual aid to the incident in Fairfax and if so how are our officers doing. Chief Hines said yes our officers were second and third on the scene. It was a tragic situation but our officers are doing fine.

From Assistant Fire Chief Kiefer: May 2017 Monthly Report

From Service Superintendent Scherpenberg: May 2017 Monthly Report. Mr. Brown said he saw that paint was purchased. Superintendent Scherpenberg said they have started painting some of the curbs but they have some major projects going on right now so it may be late June early July before it is complete. He updated Council on sewer rehab work that is going on. By the ballfields on Pleasant Street there is extra pipe that is broken and it also has a lot of dirt and debris. It will need to be repaired and cleaned. The part where the pipe drains from the manhole down in the woods (by ballfield #3) is 14' deep and approximately 90' that will need to be repaired. The estimate is \$15,000-\$16,000. There is another pipe on Pleasant that has apparently been broken for a while. It is 7' deep. He said we will probably fill the hole and try to compact it with cdf. They have cleaned some of the lines surrounding the Municipal Building. There is a "Y" area from the front to back that is clogged. We are going to have to dig 7'-10' down to open, clean it out and put in a manhole.

Mr. Hlad said he fielded a lot of questions regarding the Bell Tower Restrooms and asked if there is a schedule for when they are open. Earlier in the ball season the facilities were still locked. Chief Hines said the Police Department opens and closes them daily. Superintendent Scherpenberg said they usually do not open them for the season until late May. There have been occasions when they opened them earlier they had issues with pipes freezing. The Emery Foundation is actually the ones who give us the authorization to open them.

Mayor Policastro asked Engineer Ertel where we are with the Permanent Improvement with all these surprises. Engineer Ertel said \$262,000 was the bid, we added \$50,000 for the Settle Road pipes and \$18,000 for the Murray Avenue Parking pads. \$330,000 minus the \$99,999 grant which brings us to \$230,000. Mayor Policastro said it is going to cost approximately \$50,000 to secure the hillside at 6610 Mariemont Avenue. He referred it to the Committee of the Whole. Once he gets the GeoTech report we will need to meet to discuss. Engineer Ertel said he did get a \$15,500 estimate to do the water run off work by ballfield #3 referenced by Superintendent Scherpenberg. He suggests waiting and bidding it out in the 2018 Street Rehab work. Mayor Policastro said we want to have good flow so basements do not flood like they have in the past.

From Tax Administrator Busam: May 2017 Monthly Report

From Swim Pool Manager Schad: May 2017 Monthly Report

From Council Member Palazzolo: Memo Dated June 7, 2017 re: Written motion to Refer Study of All Aspects of Allowing Bicycles on Whiskey Trail to the Health and Recreation Committee. Mayor Policastro asked if there was a breakdown of what she wants studied such as water pollution, tree damage, environmental (which would cost a lot of money), safety, Indian Mound. Ms. Palazzolo said she wrote the request broadly because she thinks there are a lot of issues to study there. She would like to look at safety data on places where people walk and bike ride on multi-use trails together, a map of the trail (possible aerial view) to see if there is a way to re-route the trail away from the kiln. It would also show the potential historic sites are that Council may consider designating. A study of erosion, but not a formal engineering study, but focus on the wear and tear of the path and soil. Ms. Schwartz said a study of the soil would need to be done by an expert.

Mr. Hlad said he believes this makes sense because there are so many important voices that have chimed into the conversation. He reads this request as asking if we can put the general issue, biking or no biking, because technically the Village does not have anything on the books allowing or not allowing biking there. These are trails that have formed over time and people are using them. We should listen to all the experts such as Dr. Tankersley, MPF, and look at the soil and erosion so Council can make a decision based on specific reasons to allow or disallow bikes. So many people have an opinion that it has reached that level that Council should discuss it.

Mayor Policastro said the decision will be made by ARB. We are in danger of losing our historical status because of what happened with the Indian Mound. We need to do something soon. He needs to write a letter with facts on how we are going to go about this.

Mr. Wolter said the common thread that he has gotten from listening to both sides of this is both sides want an objective fair shake look at this based on data and facts. It went one way and then it went another way in nonofficial interface with Council. Votes were never taken causing a lot of confusion. He believes we have an obligation to look at all of the factors so neither side feels cheated. No one wants to make a rash decision

Mr. Hlad said from reading the ARB minutes it appeared that many of the members abstained from voting because there was confusion and no one wants to make the wrong or rash decision. Mayor Policastro said he believes that for years most everyone thought ARB just dealt with aesthetics not realizing they have complete power over a historic area. He believes once members read the opinion letter from our Solicitor they will change their minds.

Ms. Schwartz said the letter from our Solicitor says that this was never designated as a bicycle path. Mayor Policastro said if you have been down in the area there is a cliff 25' down that would be very dangerous for a child. We also need to stop any bike riding near or along the Indian Mound – we cannot lose that landmark historic designation. Ms. Schwartz said the confusion she had at the ARB meeting she no longer has.

After discussion, Mayor Policastro referred to the Health and Recreation Committee to review further the matter and present those findings and recommendations to the ARB. It was agreed that it was of utmost importance to protect the Indian Mound and kiln. The Health and Recreation Committee will look at (1) Map of the trail outlining the boundaries of Dogwood Park with the historic sites circled and labeled; (2) Safety data for multi-use trails.

From Council Member Dennis Wolter: Memo Dated June 8, 2017 re: Landscaping Plans for the Murray Road Median. Mr. Wolter said he has heard a lot of concerns about the landscaping in the area. He would like to see something in the graphic to show how we are going to forest the area with the parking pads and some kind of easement for a potential multi-purpose trail. Mayor Policastro said Duke Energy has made it very clear that they will tell us where the Village can plant trees and the trees can only grow to 15'. He has communicated this information several times in a Mayor's Bulletin. The residents in the area said they wanted a screen to block Larry Daniels. He and the Service Superintendent went to Natorp's and picked out Fat Alberts. We cannot plant at this time of year. The Planning Commission will be involved in this.

Mr. Jerry Vianello, 6570 Wooster Pike, was granted permission to address Council. He said as a Member of Planning Commission he talked with resident Rob Bartlett regarding the parking pads, specifically the ones closest to Plainville Road. Mr. Bartlett's concern was the electrical box and a fire hydrant basically in the same area. If we are going to design the area so there may be a potential multi-purpose path, we need to take that into consideration and allow the path to move. He feels Mr. Bartlett is right and will suggest to the Planning Commission that the slab is either reduced by 2 or 3 parking spaces. Or maintain the parking spaces and move the parking area more to the west to allow for an "S" cut. He also looked at the trails along Whiskey Creek and saw the damage. He asked Mr. Bartlett to take a look at the damage that has been done. We will need to determine this so Planning Commission can see the final drawings to make the final decision. He said at the ARB meeting there were a lot of people who attended and gave input regarding the proposed fence by Mr. Spinnenweber and the bike trail. He walked the trail with Dr. Tankersley and saw the damage. When the Committee looks at this matter if bikers are allowed to go (down there) you are not going to be able to control what they do. When the decision is made he is hopeful that it will not include biking at all. After reading the letter from Dr. Tankersley and the people from The State of Ohio it may be taken out of your hands if it takes too long to review. They may come look at it and slap our wrists. Mayor Policastro said there may be someone coming on the Federal level as well. It is not good to destroy a Native American mound. We have to work with Dr. Tankersley on how we are going to repair it.

Mr. Wolter said he and Mr. Brown were looking at the area Sunday morning. He has a traffic count showing average spaces available in three different areas along there. The parking pressure indicates that we could move the site more to the west and still be effective.

Mr. Hlad said there are probably residents in the area that would like to have input on what type of trees etc. Mayor Policastro said he has been working with residents Lisa Wharton and Merritt Collister. According to Section Code 96.01 B the Mayor controls the trees. He has been working on this for a year. He has also been working with Michael Bailey (who is a horticulturalist) and Jason Brownknight. There are only eight kind of trees we can use and some of them look like bushes.

Mr. Wolter said the Ordinance says the Mayor supervises the trees but does not give total control. He believes a Committee can do a much better job than one person. He has never heard Duke saying we are limited to what we can plant there. He has had a lot of negative feedback about the "Christmas Tree Farm". Mr. Wolter and Mr. Brown said there have been negative comments. Mr. Brown asked if there was a plan. Mayor Policastro said there won't be a plan until we get the parking pads in.

Mr. Hlad said after the pads are in place hold a meeting and have the people who care about what is planted in the area come to the meeting. You will build community spirit. Mayor Policastro said he would like Council members Hlad and Schwartz to be involved because they represent those districts. He wants the residents who live there to be involved. He does not think the residents who live on the south side of the Pike should be coming and telling people how to live. Mr. Wolter said they are not going to tell them how to live...we are going to put together a plan and graphic to show people what we are going to do there. Mr. Hlad suggested that once the pads are in place the Mayor can refer it to a Committee of Council to come up with a plan. The Mayor should be involved because he supervises the trees in the Village. Ms. Schwartz asked why the Mayor cannot then come up with the plan. Mr. Hlad said this is a fun project there should not be drama or stress. We are planting trees.

After discussion and debate, Mr. Wolter moved, seconded by Ms. Palazzolo to amend the original written motion to include after the parking pads have been installed the matter will be assigned to the Public Works and Service Committee. Mr. Wolter said Council wants to be involved with all of the discussions. Mayor Policastro said this is under protest and he is going to send it to the Solicitor because the Code clearly states that the Mayor shall control supervision of planting, care and protection of street trees and plants. Mr. Hlad asked the Mayor what his objection is to it being in a Committee that he will be at. Mayor Policastro said it is in the wrong Committee. It would go to Health and Recreation because it has to do with park and green space. Mr. Hlad looked up and read the Committee assignment definitions. Mr. Wolter moved, seconded by Ms. Palazzolo to amend the motion to read that once the parking pads are laid the matter be placed in the Health and Recreation Committee for review. On roll call; six ayes, no nays.

From Mayor Policastro: Chapter 96 Code of Ordinances re: Trees

From Mayor Policastro: Pictures re: Landslide Behind 6610 Mariemont Avenue. Mayor Policastro referred the matter to the Committee of the Whole. It is going to cost approximately \$50,000 to fix. Mr. Hlad asked if we had a cost for the initial study. Mayor Policastro said \$5,000. We will need to spend \$10,000-\$15,000 from the General Fund since we are over budget in the Permanent Improvement Fund.

From Solicitor McTigue: Memo Dated June 5, 2017 re: Powers of the Architectural Review Board

From Brent Eberhard, Archaeology Survey & Data Manager, State Historic Preservation Office: E-mail Dated June 8, 2017 re: Spice Bush Mound

From Dr. Ken Tankersley, PH. D., University of Cincinnati: Letter Dated June 8, 2017 re: Issues Concerning Whiskey Creek

Mr. Rob Bartlett, 3611 Mound Way, was granted permission to address Council. Mr. Bartlett said people are just wanting a fair process with the Whiskey Creek Trails. We need to know what the data says. He agrees that we should protect potential historic areas. It is why he recommends checking areas where there is hiking as well. A map would show what areas are forbidden to go on. He personally believes there is a chance for both to peacefully coexist together.

Mr. Jerry Vianello, 6570 Wooster Pike, was granted permission to address Council. He said somewhere there must be an ordinance because there are no bicycles at the Bell Tower. There are two signs so they were either put up illegally or there is an ordinance in place. After talking with other people there is still concern of people coming from outside the Village. He believes Council should draft a letter (if it is decided that no bikes are allowed) to CORA directing them to put a disclaimer on their website that the previous reference to the Village was an error and that there is no biking in this area. Council needs to do this study as soon as possible because he believes when the State comes down they are going to hit us with a fine and may in fact jeopardize the status of the community from a historic perspective.

Dr. Lisa Larkin, 3908 Miami Road, was granted permission to address Council. She said she was grateful that the ARB voted to disapprove the fence as proposed by Mr. Spinnenweber to go up behind her building and Graeter's. It was assumed that the decision would be appealed to Council and that is her expectation. She updated Council that today a gentleman was spraying yellow spray paint on her property. The gentleman indicated to her that he was hired by the fencing company in preparation of the fence install to identify where the gas lines were located. She spent her day in communication with her attorney and officials from the Village. She finally called the fencing company to explain that Mr. Spinnenweber was denied permission to install the fence. The fencing company was clear that they would not speak with her except if the fence installation was not approved and no permit was issued they would need to hear from the Mayor. Mr. Keyes told her that he had a conversation with a representative of Mr. Spinnenweber's office who said the fence installation is not going up which she would love to be true. She has a great concern that the fence is just going to be installed with very little notice and having it removed will be a far bigger issue than actually trying to prevent it from being installed. If there is a decision by a Village organization that says the permit is not allowed and a citizen goes out and installs the fence the precedent has been set that the Committee really does not mean anything. It is an independent decision by an independent property owner that flies in the face of all the committee discussions that have been going on for the last year relating to her building. Any property owner, herself, Graeter's or Mr. Thurner, etc. can start doing the same thing. This should not be a parking lot full of the war of fences. We should all be good neighbors. She implored Council to look into this because it should not be her fighting this battle – this is bigger than a personal issue. She does not want the fence because it would have negative effect on her business but because she is worried it is setting a bad precedent.

Superintendent Scherpenberg said he was with Mr. Spinnenweber last week. Mr. Spinnenweber received a call from Mills Fencing and he did tell them he had to cancel the order because it was not approved by ARB. What Dr. Larkin saw today was representatives from Ohio Utilities marking the lines. They will still come out and mark the lines if they do not know that a job has been cancelled.

Mr. Marsland 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; six ayes, no nays.

Mr. Brown moved, seconded by Ms. Palazzolo to accept the recommendation of the Safety Committee which met on May 22, 2017 to discuss philanthropic naming rights process and regulations. Present at the meeting were Committee Chairperson Lorne Hlad, Committee Co-Chairman Maggie Palazzolo and Committee Member Bill Brown, Mayor Dan Policastro, Council Representatives Eric Marsland and Mary Ann Schwartz. The Safety Committee recommends to Council the draft document "Philanthropic Naming Rights Policy for the Village of Mariemont" to be adopted for use in determining philanthropic naming rights opportunities as they arise within the Village. The Safety Committee also recommends a Philanthropic Naming Rights Opportunity Plan be created in compliance with the document "Philanthropic Naming Rights Policy for the Village of Mariemont". Mr. Brown complimented Mr. Hlad on a comprehensive report. Mr. Hlad said this is for philanthropic naming rights where the goal is to raise money. It does not deal with honorary naming rights. On roll call; six ayes, no nays.

Miscellaneous:

The 2018 Budget Hearing will be held at 6:00 p.m. Monday July 10, 2017. Fiscal Officer said we will need at least five members present to invoke the emergency clause.

Resolutions:

"Resolution Authorizing Construction Loan for Mariemont Administration Building" had a third reading. Mr. Marsland moved, seconded by Mr. Brown to adopt the Resolution. On roll call; six ayes, no nays. Resolution R-16-17 was adopted.

“To Appoint Jill Mehl as a Member of the Pool Commission for the Calendar Years of 2017 and 2018 (to Fill the Vacancy of Maggie Palazzolo) had a second reading.

The meeting adjourned at 8:12 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Fiscal Officer