

**VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
JUNE 26, 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.

Mayor Policastro asked for a moment of silence in memory of Ben Turner who was killed in an automobile accident.

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

Mr. Brown moved, seconded by Mr. Wolter to accept the minutes as written for the June 12, 2017 Council meeting. On roll call; five ayes, no nays.

Mayor Policastro read the following communications:

From Sunesis: E-Mail Dated June 19, 2017 re: Proposal Retaining Wall Mariemont Avenue. Mayor Policastro said this has been referred to the Committee of the Whole. The Committee will need to decide which of the two ways to go about this. The Engineer gave us an estimate and suggests that whomever prepares the design also do the work for liability reasons. The project is estimated to be over \$50,000 which mandates that the Village go out to bid. He suggests we bid it as we did when we built the Maintenance Facility – and bid it as a “Design Build”. He recommends having Engineer Ertel at the Committee of the Whole meeting. He is not sure if we will be able to do the project this year. Mr. Marsland asked if have invested any money so far. Mayor Policastro said we spent 39,000 to date which leave us \$35,000 remaining from the grant. We have five years to spend it or we have to give it back. Mr. Brown was curious how they came up with the estimate number without doing any kind of boring work. Mr. Wolter said he would like to see the project put on the front burner before it costs more. It is concerning to him that it is moving and putting the Lukens property at risk.

From Building Administrator Keyes: May 2017 Monthly Report/Memo Dated June 20, 2017 re: CRA Application. Mayor Policastro referred the matter to the Planning and Zoning Committee.

From Assistant Fiscal Officer Wendler: May 2017 Fiscal Officer’s Report

From Police Clerk Maupin: Mayor’s Court Statement May 2017

From Mary Ann Schwartz: E-mail Dated June 22, 2017 re: Thank You for Donation in Memory of her Father

From Dr. Tankersley, University of Cincinnati, E-mail Dated June 22, 2017 re: Maps. Mayor Policastro said he did an excellent job. Dr. Tankersley took the Mayor and the Solicitor for a tour of the area.

Solicitor McTigue said he has received a lot of calls regarding whether this should be an ARB decision or a Council decision to make regarding this proposed bike path. He believes it is a Council decision not an ARB decision. He suggested setting time aside at the next Council meeting to invite the public to come and express their views and then vote one way or the other. He was educated yesterday during the tour and it gave him a better understanding of the potential danger that exist. As we were there a cyclist came upon us and one of the boys almost got hurt seriously. We were blocking the path. Mayor Policastro said the cyclist fell off his bike on his head and was hurt pretty bad. I twisted my shoulder looking back when the bikes came upon us. Mr. Wolter said he believes every Council Member is concerned about safety in such a confined space.

Mr. Wolter said it would be helpful if Dr. Tankersley could put markers around the area so we can see them as they exist. He suggested that any interested party walk the area with Dr. Tankersley.

Mayor Policastro said he is going to call for a Public Meeting once the holiday is over. We will do an up or down vote and get this done. We have other problems we have to deal with and we have been kicking this can down the road for a while. We will put in on Next Door Mariemont, website and the posting boards.

Dr. Tankersley agreed to hold a public tour. He will provide the day, date and time for the Mayor to share with the public and members of Council. He went over the maps that were distributed to Council in their packets. One map shows what is Dogwood Park. It is Hamilton County data from CAGIS. It highlights what constitutes Dogwood Park. One map is confidential information, not available to the public (even Freedom of Information cannot grant you Archaeological site data) but he wanted to point out that Harvard Street actually crosses Dogwood Park. If you compare the first and second maps there was a plan that is still on the Hamilton County books for Mariemont to bring Harvard Acres on over to Harvard Street and cross over Dogwood Park with a bridge. The first map is what actually defines Dogwood Park. The third map shows the two burial grounds which are on the National Register for Historic Places. The partially excavated mound is called Spice Bush Mound and there is a completely unexcavated untouched burial mound which is right behind the swim pool. It is the largest burial mound of the Madisonville Site. The fourth map shows sites that are either on the National Register for Historic Places or places that are up for consideration such as the Ferris Distillery Kiln Site. We had a visit from the Regional Director of the National Parks Service and he said to treat these places as if they were on the National Register because they are eligible for nomination. This map is surveyed with a transit of the CORA bike trails. These are the trails that were put in by CORA which clearly go through every single historic site. Some of the sites went right through the center of the burial grounds. The last map is a Google Map showing the Dogwood Nature Trail.

Mayor Policastro said the maps are important. According to Section 151.025(B)(3) which states “in conjunction with the Village Preservation Foundation and other historic and archaeological experts, to review and facilitate all proposed National Register nominations for properties within the Village” he is going to bring MPF and ARB together to work with Dr. Tankersley on getting the eligible sites on the Register as soon as possible.

Mr. Brown said Dr. Tankersley referenced Hamilton County records when defining Dogwood Park, however in our Code Section 95.10(A) there is an explicit definition of Dogwood Park but it does not jive with Hamilton County records and asked what one Council is bound by and takes precedent. Solicitor McTigue said as a general rule the specific always controls over the general definition of something. He reads this more for prohibiting hunting, cutting timber and firearms in Dogwood Park. Mr. Brown said he is trying to establish what the working real definition of Dogwood Park. Dr. Tankersley said the original definition goes back to the will of Phoebe Ferris which established the park area. Mr. Brown asked if that is the adopted definition that the Village has been working with. When we have an up or down vote in terms of where we are or are not allowing bikes we have to have a clear definition of the actual area, by code or by historical accepted definition, so there is no confusion about what area we are talking about. Mr. Wolter said the value of that information goes beyond the bike question. It may have to be put both in an Ordinance and go back to Hamilton County. Dr. Tankersley said if you want to make it specific simply say the Valley of Whiskey Run Creek and it will remove any ambiguity. It includes the valley, valley walls and flood plain. Ms. Palazzolo said in her opinion that adds a ton of ambiguity because you need specific boundaries. Dr. Tankersley said it would be valley wall to valley wall. The baseball fields are not part of the valley.

Mr. Marsland asked if it is appropriate to have walkers on the trails. Dr. Tankersley said he walked the footpath as a child and before him his mother walked the trail. It’s been a nature trail since the Ferris Family owned it. The trail has now be altered and changed by CORA. Mayor Policastro said he is going to have to write a letter to the State of Ohio stating how we are going to correct all of this and repair the trail. Dr. Tankersley said at the ARB meeting he stated this could endanger the Village’s National Register District Status as well as National Historic Landmark Status. He contacted the State Official who is appointed by the Ohio State Governor who put it in writing that yes in fact the Village could lose their status. Mayor Policastro said that is not going to happen – we are going to repair it one way or another.

Ms. Schwartz asked if our Code of Ordinance needs to be updated to match the map (provided by Dr. Tankersley). Solicitor McTigue said our Code book is not very well written. We really need to look at some of these Code sections.

Chief Hines reported that the department made an arrest in the two recent home break-ins and the auto thefts.

Mr. Jerry Vianello, 6570 Wooster Pike, was granted permission to address Council. He said he may have overstepped his boundaries but he moved some of the honeysuckle by the mound by the pool. There was not a trail in the area. Now there is a trail 3’ wide. He noticed that all the honeysuckle had been moved away to make access to the trail. He put up yellow safety tape to block it. It has been removed and people are continuing to do damage on the mound.

Mr. Rob Bartlett, 3611 Mound Way, was granted permission to address Council. He said he does not think people should be walking on the mounds. There is one trail that goes along Whiskey Creek. CORA did not make the other trails. He grew up in the Village and went sledding on those trails. They existed long before this ever happened. They were more hiking trails than bike trails. As far as the Code the Madisonville Site does not match up with what Dr. Tankersley’s drawings show. He believes the Village needs to have an attorney help to clean up the code. It is the law we all need to follow so it needs to be done right. He personally believes that hikers and bikers can peacefully coexist on the trails. Trails can be moved – they are not permanent. People are saying there is digging going on and asked when the last time anyone saw a biker/runner carrying a shovel. We need to preserve it but we need to do it the right way and not just rush it through and blame it on one group of people. There is a set of multiple groups of people who need to be addressed in this situation.

Mr. Marsland thanked the Police and Fire Departments for their assistance this past week when the Norway Maple tree in the front yard split in half. He was out of town. By the time his wife was able to process that the tree was laying across the car it was cleaned and cleared out.

Ms. Schwartz moved, seconded by Mr. Wolter 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 Finance Committee which met on Wednesday June 7, 2017 at 10:30 a.m. to discuss hiring another full-time employee for the Maintenance Department. The Maintenance Department’s request for an additional employee was unanimously approved. The hiring of this employee is to replace the position that was laid off several years ago due to financial constraints. On roll call; five ayes, no nays.

Mr. Wolter moved, seconded by Ms. Palazzolo to accept the recommendation of the Finance Committee which met on Wednesday June 7, 2017 at 10:30 a.m. to discuss raises for the Police/Fire Departments. After discussion of the Village finances, it was unanimously decided that the pay scales for the Police/Fire Departments be adjusted by an increase for all levels by 18%. This will allow the Mayor room for future raises in the spring when monies from the levy being to come in. The Finance Committee further recommends that the necessary legislation include an emergency clause so an immediate increase of up to six percent may be implemented on the payroll beginning July 2, 2017. On roll call; five ayes, no nays.

Mr. Brown moved, seconded by Mr. Marsland to accept the recommendation of the Finance Committee which met on Wednesday June 7, 2017 at 10:30 a.m. to discuss turn out gear for the Fire Department. The request for turn out gear by the Fire Department in the amount of \$16,234.75 was unanimously approved on an emergency basis as well due to the lag time between ordering the gear and its arrival. Mr. Marsland said Assistant Kiefer has begun to get measurements but the gear has not yet been ordered. On roll call; five ayes, no nays.

Mayor Policastro went over the current Committee assignments. Mr. Brown is working with Solicitor McTigue on the Kirkwood Legislation. Building Administrator Keyes said we should increase our building permit fees. Mr. Wolter said he will call a meeting. Mr. Marsland said he is working with the Department Heads on updates to the website and suggested new phones be coordinated with the construction project for the Municipal Building. Mayor Policastro said he thought Public Works was working on Safeway to School grant for two historic lamps. Mr. Wolter said they need to go back and look at the area now that foliage is on the trees. Mayor Policastro said they have to be located along the path children will walk to school.

Miscellaneous:

2018 Budget Hearing 6:00 Monday July 10, 2017

Village Offices will be closed Tuesday July 4, 2017 in Observation of Independence Day

Village Fire Works will be held Monday July 3, 2017

Mayor Policastro referred the Trash/Recycling Contract Bid to the Health and Recreation Committee. He suggested getting an early start on it because we are utilizing our last option year contract and will need to go out to bid

Resolutions:

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

Ordinances:

“To Amend Ordinance O-5-17 of the Mariemont Code of Ordinances to Increase Payment for Employees; 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 readings. On roll call; five ayes, no nays. The Ordinance had a second reading. Fiscal Officer Borgerding said this was mostly to get the police department up to speed in regards to salary. A study was done to show that our Police Department were underpaid compared to similar communities. We bumped them up a bit last year and this year. Once the levy money comes in next year we will get them to where they need to be. The Ordinance had a third reading. Mr. Marsland moved, seconded by Ms. Palazzolo to adopt the Ordinance. On roll call; five ayes, no nays. Mr. Wolter moved, seconded by Mr. Brown to invoke the emergency clause. On roll call; five ayes, no nays. Ordinance No. O-14-17 was adopted.

The meeting adjourned at 7:47 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Fiscal Officer