

**VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
NOVEMBER 26, 2018**

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. Bartlett, Mr. Brown, Mrs. Graves, Ms. Palazzolo, Mrs. Rankin and Ms. Schwartz.

Mayor Policastro asked for a moment of silence in memory of Harriet Parker who was a resident of the Village for fifty plus years.

Mayor Policastro asked if there were any changes for the Council minutes November 12, 2018. Mr. Bartlett asked that the minutes be amended to read: 'Mr. Bartlett said, for clarification, the general powers of the legislative body (Council) control the financial matters per the code book and as such Council should be involved in the ultimate decision making'. Mr. Brown moved, seconded by Mrs. Rankin to accept the amended minutes. On roll call; six ayes, no nays.

Mayor Policastro read the following communications:

From Michelle Dershaw: Email Dated November 19, 2018 re: pedestrian Cross Walk Miami Road and Rembold Avenue. Mayor Policastro referred the matter to the Safety Committee.

Ms. Lisa Wharton, 3867 Homewood Road, was granted permission to address Council. She thanked Mr. Brown and the Health and Recreation Committee for setting an accelerated schedule for review of the multi-use path. She is deeply committed to the landscaping and is grateful that the meeting was pulled together under fairly pressured circumstances.

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

Ms. Schwartz moved, seconded by Mrs. Graves to accept the recommendation of the Rules and Law Committee which met at 6:00 PM on November 12, 2018 to discuss the Noise Ordinance. In attendance were Rob Bartlett, Chief Rick Hines and Maggie Palazzolo. While doing further research about how to limit noise from the barn, the committee chair, Maggie Palazzolo found that when the Planning Commission approved the Barn to be occupied by the Woman's Art Club of Cincinnati Foundation, they left the zoning of the building as Residential "A", but granted the owners conditional use. The approved uses are listed in the March 21, 2007 minutes of the Planning Commission and also the December 2006 Resolution resulting from Council's approval of their decision. The zoning limits them to "Use as an art gallery, art studio, classrooms and offices; and office space and office space use be consistent with the project" and "When is reasonably anticipated that there will be an exhibit or other activity at the facility which will require more than the allowed parking spaces, that there will be a shuttle parking arrangement entered into approved by the Mayor or Building Commissioner." Therefore, they are not permitted to host parties and receptions. The committee recommends to Council that we communicate this to them and grant some variances for things they already have scheduled. Then the Village will work with them to define some mutually acceptable terms and event types if they would like to come before the Planning Commission and ask for additions to their conditional use. Ms. Palazzolo said the plan was to work with Building Administrator Keyes to determine how to go about talking with the Barn about this giant change and how long to go out granting the Barn variances for their parties. We do not want anyone's wedding to get cancelled. Due to Mr. Keyes's brief absence she was not able to discuss this with him but will do so. Mayor Policastro asked if Ms. Palazzolo has talked with Lynn Long at the Barn. Ms. Palazzolo said Mr. Keyes was going to talk with her and she does not know if he has or not. She will touch base with him to schedule a meeting as she believes it is best to have it come from Mr. Keyes as the Building Administrator and he has a personal relationship with her. Mr. Brown asked about the shuttle service. Ms. Palazzolo said that is the wording in the agreement that was worked out with former Building Commissioner, Dennis Malone and Jane McDonald. She believes it was left unclear on purpose to let them decide how they wanted it to work. She said going forward a variance needs to be granted for what is on the calendar now and then the Barn will have to go before the Planning Commission to request a use. The hope is Planning Commission will be fairly conservative and suggest daytime events, acoustic instruments etc. Mr. Bartlett said the Planning Commission provided the original conditional use. Ms. Palazzolo said going forward the Planning Commission will determine what they are going to do. The Barn would need to go to the Planning Commission to ask for additional conditional uses. She said there are two things

going on. One, the Village was not enforcing this properly and the neighbors were being tortured. For the events already on the calendar the Barn will go before the Planning Commission to get a variance. If they want to change their conditional use going forward to have wedding receptions, etc. they would need to go before Planning Commission and ask for an additional uses to be added to their conditional use. She believes Mr. Malone was very concerned about this type of thing happening and was very conservative about it. On roll call; six ayes, no nays.

Mrs. Graves moved, seconded by Ms. Palazzolo to accept the recommendation of the Rules and Law Committee which met at 6:00 PM on November 12, 2018 to discuss the Timing of Posted Minutes. In attendance were Rob Bartlett, Chief Rick Hines, Maggie Palazzolo, and Joannee Van Pelt. The committee members spoke with members of council, Mayors/Administrators and attorneys who represent several local municipalities. All stated that the councils approve their minutes before they are released to the public. The municipalities they spoke to were: Terrace Park, Columbia Township, Fairfax, Silverton, Blue Ash, Springboro, Granville, Indian Hill and Delhi Township. The committee recommends that we will make a change to our procedure that council will approve minutes before sending them the community or posting them to the village website. Mr. Brown said technically when the minutes are prepared the draft copy is considered a public record and should someone request it – it must be released. Ms. Palazzolo said she spoke at length with Solicitor McTigue who said it has to be a written request. Most municipalities have a general form to fill out for a public records request to conform with certain guidelines. The Solicitor has prepared a form for me to give to Mrs. Van Pelt. If someone makes a formal records request prior to the minutes being approved they are welcome to them. But without the request form they are not going to be sent out. Mr. Brown clarified that every time someone wants a copy they would need to fill out a new request. Ms. Palazzolo said for each occurrence a public records request form needs to be filled out. Mr. Brown said he wants to make sure that there are no ramifications for the office. Ms. Palazzolo said no they made sure of that with the Solicitor. Mrs. Van Pelt said we discussed this in the meeting but it is not reflected in the report. She suggested amending the report to reflect the change. Ms. Palazzolo moved, seconded by Mr. Brown to amend the report to add that each public records request needs to be individually requested with the form supplied by Solicitor McTigue. On roll call; six ayes, no nays. Mr. Bartlett moved, seconded by Mrs. Rankin to accept the amended report. On roll call; six ayes, no nays.

Mr. Brown moved, seconded by Ms. Schwartz to accept the recommendation of The Health & Recreation Committee which met on Monday, November 19, 2018 at 6:00 p.m. in Council Chambers. Present at the meeting were Chairman Bill Brown, Vice-Chair Rob Bartlett, Member Mary Ann Schwartz. Also present were Mayor Policastro, Council members Kelly Rankin and Avia Graves, Village Engineer Chris Ertel. Village residents included Joe Stelzer, Dennis Wolter, Lisa Wharton, Bob Van Stone, Jerry Vianello, and others. Mr. Brown opened with a presentation explaining the grant from the Ohio Department of Natural Resources. The proposed project is a multi-purpose pathway within the Murray Avenue median, between Settle Road and Plainville Road. A lively question and answer session with residents followed. In order to proceed with the project, the Committee recommends engaging Choice One Engineering to produce a Thirty-Percent Planning Exhibit (Preliminary document.) This is to include a topographical survey, identifying utilities, and other obstacles, and to develop a Plan View Document of the proposed pathway layout. The cost of this work is to be \$15,000. The Committee also recommends that Council recognize Joe Stelzer and Rick Greiwe as organizers of a fundraising group for the express purpose of raising the matching funds required in the grant. Mayor Policastro asked the Village Engineer if he will be putting together a price estimation. Engineer Ertel said he does not yet have the figures for the construction cost or the design cost. Mr. Brown said Choice One's estimate was \$399,000 which included \$41,500 for landscaping and other miscellaneous items. The actual cost of construction was \$356,000. The grant was \$268,000 which left a match of \$89,000 for construction. Engineer Ertel said the match right now is \$89,000 for construction and depending if the design cost is paid from the grant or not – it could be \$130,000-\$170,000. Mr. Bartlett said the grant has the design built into it. Engineer Ertel said yes at a 75%/25% split. He has not used one of these grants before and he is concerned that there may be an error and wants to be sure the design is covered. He will put a spreadsheet together and have it available for the next Council meeting. Mr. Bartlett asked for clarification as he believed the design was built into cost on the application but does the Engineer not believe it will now be covered? Engineer Ertel said it was a conditional award. Right now ODNR is going through the process of categorical solution of the project to make sure there are no environmental concerns. We will not get the official word until December 2018/January 2019. On roll call; six ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Leaf Season will end the week of December 17, 2018.

Annual Tree Lighting and Luminaria will be December 1, 2018 5:30 p.m. -8:00 p.m.

The Council meeting in December will be December 17, 2018 at 7:00 p.m.

Council determined that the 2019 Permanent Improvement Fund meeting will be February 11, 2019 at 6:00 p.m. Mr. Bartlett asked how the General Fund Budget is set. Fiscal Officer Borgerding said that meeting happens in July. Council met in July 2018 to prepare the budget for 2019.

Resolutions:

“To Appoint Marcia Duval as a Member of the Parks Advisory Board for the Calendar Year of 2019” had a second reading.

“To Appoint Joan Vago as a Member of the Parks Advisory Board for the Calendar Year 2019 and 2020” had a second reading.

“To Appoint Andrew Seeger as a Member of the South 80 Trails, Gardens, and Park Advisory Board for the Calendar Year of 2019” had a second reading.

“Resolution Adopting the Hamilton County Multi-Hazard Mitigation Plan” had a second reading. Ms. Palazzolo asked if this is what the Village has adopted in the past. After reading it, it sounds like it changed. Mrs. Van Pelt said this is done every five years as Assistant Fire Chief Kiefer explained at the last Council meeting. It is adopting the changes Hamilton County has put into place. The Village has to adopt the Resolution should we need assistance/funding.

“To Authorize the Solicitation of Bids for 2019 Street Repairs; and To Declare Emergency” had a first reading. Mrs. Rankin moved, seconded by Mrs. Graves to suspend the rules to allow for the second and third readings. On roll call; six ayes, no nays. The Resolution had a second reading. Mayor Policastro said it is good that we are starting early. Mr. Bartlett asked if this included the project that was awarded a grant that the Mayor referred to at the Health and Recreation meeting. Mayor Policastro said no. That project is for Petoskey which we have two years to use. Engineer Ertel said it will take a year to get the design etc. The Resolution had a third reading. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the Resolution. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Mr. Bartlett to invoke the emergency clause. On roll call; six ayes, no nays. R-28-18 was adopted.

Mayor Policastro said we had a breach in our email at the Tax Department. We have turned it over to our insurance company. We have contacted those affected. He received one phone call over the holiday weekend. He instructed that homeowners contact their insurance company to see if there is coverage. Due to the sensitive nature we cannot discuss in an open meeting.

Mr. Bartlett asked that the matter of new software and systems for the Tax Department be referred to the Finance Committee. He will work with Assistant Fiscal Officer/IT Wendler and Tax Administrator Busam to investigate potential tax software systems to improve efficiency and security. Mayor Policastro referred the matter to the Finance Committee.

The meeting adjourned at 7:31 p.m.

Dan Policastro, Mayor

Anthony Borgerding, Fiscal Officer

