

**VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
AUGUST 13, 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: Mrs. Graves, Ms. Palazzolo, Mrs. Rankin and Ms. Schwartz.

Mayor Policastro presented proclamations to the Girls' High School Lacrosse Team which won the State Championship for the first time. He read the proclamations and presented them to team members: Abby Ewart, Kendall Dewey, Gracie Lyons, Ellie Poindexter, Payton McGowen, Charlotte Coates, Hannah Coates, Abbie Kapcar, Sophie Borgerding, Isabella Paz, Kate McIntosh, Lily Toman, Marley Megowen, Sari Gall, Sophie Toman, Chole Telgkamp, Holly Byers, Emma Kuwatch, Kyra George, Courtney Robinson, Marah Campbell, Danielle Bryan, Mollie Sullivan and Frances Harrington.

He also presented proclamations to the coaches, Graham Harden, Julie Morgan and Kevin Ferry. Coach Ferry said the year started off with setbacks after losing the first game. He believes it inspired them to bring their level of play up. They have always been extremely competitive. Several games they battled and came back to win in overtime. They are very talented with many going on to play at the college level.

Christine Fisher, running for State Representative in the 27th district, was granted permission to address Council. She is a mom of 2 young boys and worked at Procter & Gamble for 13 years as a finance manager. She had a passion for public service from a young age. She was raised by two professors who instilled in her the value of service and education. The value of a strong education has been a thread in her own family story. Her grandfather was an Iron miner in Michigan and her mother was the first in her family to graduate college. Her mother went on to graduate school after having her three kids and became a professor. Because of a great education, she was raised in a very different environment than her mom was. She went to a public STEM focused high school which fostered her interest and talent for math. She went on to study engineering in college where in her senior year she was elected student president representing 15,000 students to all levels of government. As students, they also managed the campuses businesses. At the age of 21, she was the CEO of a \$10 million business with 500 employees. After graduating, she started working at Procter & Gamble where she spent 13 years as a finance manager. She had a number of roles while there including profit forecaster for our largest business Tide. She helped to manage all their sites around the world as the finance leader for the facilities and real estate team. Most recently, she was the finance leader for the Charmin Brand with over \$2.5 billion in sales. Through the exciting world of soap and toilet paper, she developed critical business and management skills. She left her job at P&G to pursue running for office full time. She is running for State Representative to bring her business experience to the state house. The current administration has been balancing their budget by cutting critical funding for local schools and communities. This has forced local communities to raise property taxes which is a big burden on property owners. She particularly is concerned for our elderly community who have worked their whole lives to pay off their mortgages and are now on a fixed budget and struggle to stay in their houses due to rising property taxes. She is also running to ensure we invest in strong public schools. Public education is not only a social and more responsibility but it is also one of the best investments we can make in our future. She sits on the Audit Committee for Cincinnati Public Schools as well as the Preschool Promise Board and is committed to every child in our community having the opportunity for a high-quality education. She thanked the Mayor and Council for the opportunity to speak and said to feel free to reach out to her on social media on Facebook or on twitter @VoteFisher.

Mrs. Graves asked that the Council minutes be amended on page 10 to read after Mayor Policastro said 'if the people voted, they would not vote for Frank Raeon' to include her response "Mayor you should not speculate how the people will vote. You do not know how the people will vote".

Ms. Palazzolo asked that the Council minutes be amended on page 12 to read 'Ms. Palazzolo said this is a letter of engagement, not a contract stating we can only use this particular law firm'.

Ms. Palazzolo also asked that the tape be listened to again during the Sunshine Law discussion. She was certain that Solicitor McTigue made the comment based on what he had heard so far he did not believe or see a reason that a violation had been committed.

Ms. Palazzolo said the minutes were sent out to the whole Village prior to approval and it does not make sense to her that that is normal practice. On all other boards she has sat on minutes are approved and then made publically available. Council should be able to make changes, in case of a glaring error or misquote of some sort and then make them available once they are correct. Mrs. Van Pelt said years ago there were requests from residents who wanted the minutes prior to meetings so they could be informed before the next meeting. Ms. Palazzolo believes we need to review the procedure. Transcripts are available through ICRC if people want to look at them to see exactly what was said unlike the minutes. Mrs. Van Pelt said ICRC did not tape the last meeting. Mayor Policastro referred the matter to the Rules and Law Committee.

Mayor Policastro asked that the minutes be amended to read 'Mayor Policastro said he could sign an affidavit to waive his right to appoint someone after 30 days and let Council be the ones to decide...he said what he said was let the people be the ones who decide. Ms. Palazzolo and Mrs. Graves asked the record to be checked. Mayor Policastro said that is what he meant.

Mayor Policastro read the following communications:

From Police Chief Hines: July 2018 Monthly Report. Chief Hines reminded everyone that Safety Service Night out is tomorrow at the Bell Tower 6:00 p.m. to 8:00 p.m. The helicopters will be landing at 6:00 p.m. and 6:15 p.m. Food will be available.

From Assistant Fire Chief Kiefer: July 2018 Monthly Report

From Service Superintendent Scherpenberg: July 2018 Monthly Report. He said there are two plates along Miami Road that are in bad shape. One by the Bevis household is 1' x 2' with the underneath up to 8'. The other plate is by Rowan Hill with an 8" hole. The Village Engineer has already spoken with a company and has an estimate. Mayor Policastro said we need to get going on it as soon as possible. Superintendent Scherpenberg said he talked with Mercy St. Theresa and is going to check to make sure our pipe is still good.

From Building Administrator Keyes: July 2018 Monthly Report

From Tax Administrator Busam: July 2018 Monthly Report

From Swim Pool Manager Schad: July 2018 Monthly Report. Mayor Policastro said he received a call from Ms. Schad. With the terrible rains we have been having the Terrace Park Swim Pool had to close. They had a sewer break and the pool will be down for a week or two. Ms. Schad asked if the Mayor would allow those who belong to Terrace Park to use our pool as a good neighbor. Some day that could happen to us. Mrs. Schwartz asked how many members Terrace Park has. Mayor Policastro said he had no idea. Mrs. Graves asked what our capacity at the pool is and are we ever at capacity. Mayor Policastro said no except maybe a couple hot days at the beginning of the season. The season will be over in two weeks. Mrs. Graves said there is a pool party coming up. Mayor Policastro said Ms. Schad does a great job and she would control everything. Council agreed that to allow temporary use of the pool for members of the Terrace Park Swim Club.

From Duke Energy Business Team: E-mail Dated July 24, 2018 re: Grid Improvements. Mayor Policastro said we do have a grid running through the Village and we have to go by what they wanted when they took down our trees. They are going to give funds to have them replaced with trees 15 feet or lower.

From Hamilton County Auditor Dusty Rhodes: E-mail Dated August 2, 2018 re: Refund Real Estate Assessment Fund.

From Assistant Fiscal Officer Wendler: July 2018 Monthly Report

From Police Clerk Maupin: Mayor's Court Statement July 2018

Mr. Dennis Wolter, 3804 East Street, was granted permission to address Council. He said now that we have had a second resignation on Council he was curious that it was not on tonight's agenda and he wants to know how the seats are going to be replaced and what the plan is so we can have a whole functioning government again. He wanted to know the timeline and the process. Mayor Policastro said Eric Marsland is making up his mind whether he is going to stay or not. Mr. Wolter said Mr. Marsland called him Tuesday morning and was told he had given the Mayor his resignation letter. Mayor Policastro said Mr. Marsland did give it to him but he did not accept it at this point. He told Mr. Marsland to go on vacation. Mr. Wolter asked the Mayor what authority does he have to not accept someone's resignation. During his ten years of service people gave verbal notice and that was considered a resignation. Mayor Policastro said Mr. Marsland is considering coming back. Mrs. Graves said Mr. Marsland sent an e-mail at 6:16 saying he definitely was not coming back to Council and provided Mayor Policastro with a copy. Mayor Policastro said since he just got this he cannot say at this point how they will go about replacing Mr. Marsland. As far as Mr. Hawkins a notice was distributed to the residents, it was posted on the posting boards, put it on the calendar and so far we have seven interested residents. The vote will happen on the 28th of August. Mrs. Graves said we will need to discuss how that process is going to work.

Mr. Bob Van Stone, 4050 Lytle Wood Place, was granted permission to address Council. Since the last council meeting, he has received records from many Council Members and the Mayor. He has transcribed all of them into a single document and have provided them to Mrs. Van Pelt. On July 15 Maggie wrote to Eric "Hi, Any thoughts on the plan? I was hoping to tell Kelly and Avia to call and interview him so they can vote. I do want to keep it a secret until the last minute for strategic reasons." The next day Maggie wrote "OK. What do you think about doing it Monday rather than waiting [to see if] Troy can vote? I'm afraid to ask him bc he doesn't like keeping things from Dan. I don't want to talk to Dan till we have our plan." The following day Eric wrote "I think getting everyone on board including Dan is the way to go. I think laying it wide open is the best route." Later, Maggie wrote "I spoke with Frank and shared our plan and he thinks it is good. He is sending me a letter to proof and then he will email it tomorrow." The voicemail from Troy to Maggie expressed Troy's enthusiasm with Frank Raeon and "Thanks for suggesting him." And "I guess I would be interested in hearing if there has been any development on Monday's meeting and ... how to handle that. I am very comfortable voting for him if that's what we decide to do." It should be noted that at the July 23, 2018 council meeting, council members stated they had no knowledge of how anyone would vote. This appears to be less than honest. In a letter to Maggie and Kelly, Mr. Ayers stated "I think Frank would be a good choice for Council" and "Of course, he also supports having a Village Administrator" and "all these things are anathema to our current Mayor." There had been communications with at least one citizen while still keeping "the plan" from both the Mayor and Mrs. Schwartz. This is nowhere close to the full transparency. It also seems like a criterion for the new councilperson was an individual who would oppose the Mayor on many issues. The Mayor provided notes he took during two telephone conversations with Eric on July 20. The notes say that Eric informed the Mayor he was calling for an unidentified group of councilmen that have the votes to put Frank Raeon in office at a vote on Monday's council meeting and that they want Troy to vote at that meeting. Eric was not part of this group. They will force a special meeting for the vote. The Mayor noted that this sounds like a sunshine law violation and questioned why other councilmen were not asked to be part of this discussion. The Mayor's notes report that Eric called back and said they will not

force a vote or a special meeting. Eric reviewed the note and reported that he said he thought they had the votes.

Throughout the Marsland – Palazzolo string, Maggie refers to a “plan” a total of four times. In an August 1 email to me, Maggie wrote,” The discussion around our “plan” was about how to approach Dan about Frank being a potential candidate because we knew his history with Frank may be problematic for him. .. This topic of conversation has always been limited to Eric and myself”. This seems to be inconsistent with Troy’s voicemail and the level of coordination reflected in the call between Eric and the Mayor. There is clearly a lack of transparency and ethical behavior and violation of the spirit of the sunshine laws. These records show that it was the intent of some members of council to hand pick a candidate with secrecy and without the most Mariemont citizens knowing about it.

Mr. Van Stone said he is in contact with a lawyer concerning full compliance with the open records request and potential sunshine law violations. He does not think further legal action is a benefit to the village. The Council has the potential of avoiding this by being totally transparent and publicly describing the full details of “the plan” and all the people who this was discussed with including Mr. Ayers and presumably Mr. Bartlett.

Communications provided to Bob Van Stone by Mariemont Council members and Mayor as of August 10, 2018

1. Frank Raeon letter of interest to Council and Mayor (July 18, 2018) Page 2
2. Troy Hawkins letter of resignation (pdf file) (July 20, 2018) Page 4
3. Message from Matt Ayers forwarded to Eric Marsland from Maggie Palazzolo (July 23,2018) Page 5
4. Transcription of Voicemail from Troy Hawkins to Maggie Palazzolo and sent to Eric Marsland Page 6
5. Text message string between Eric Marsland and Maggie Palazzolo (July 15 to July 22?) Page 7
6. Email from Maggie Palazzolo to Bob Van Stone (August 1, 2018) Page 10
7. Texts between Maggie Palazzolo and Kelly Rankin (dates unclear) Page 11
8. Texts between Maggie Palazzolo and Avia Graves Page 12
9. Transcript of notes taken by Mayor Policastro during telephone conversations with Eric Marsland (July 20) Page 13
10. Email to Bob Van Stone from Eric Marsland to check accuracy of Mayor Policastro’s notes (August 10) Page 14

11.

Council Communications

July 18, 2018 Frank Raeon letter of interest to Council and Mayor

Source: Eric Marsland

From: Frank Raeon

To: Maggie Palazzolo, Eric Marsland, Avia Graves, Mary Ann Schwartz, Troy Hawkins, Dan Policastro

Subject: Expression of Interest

Council and Mayor Policastro:

I would like to take this opportunity to express my interest in being considered for appointment to the Village Council seat that Troy Hawkins is planning on resigning as a result of a planned relocation.

My wife Ange and are longtime residents of the Village. We built our home on Park Lane and moved here in 1993. Our son Zach (Vancouver, Washington) and our daughter Whitney (Chicago, Illinois) graduate from Mariemont High School. We are the proud grandparents of two girls – Addie (2 ½) and Perry (3 months) Henninger.

Over the years, I've been actively involved in the Village, starting with my appointment to the **Mariemont Village Square Improvement Plan Committee** in 2000 – a group I was elected chairman of. Shortly afterward, Mayor Dan Policastro appointed me a member of the Village's **Architectural Review Board**. I served on this important body until 2010. In 2008, I was elected a trustee of the **Mariemont Preservation Foundation**.

Besides serving MPF first as Vice President and later as President, I was the Chairman of the **Sister City Committee** as well as a member of the **Vision 2021 Committee**. Through significant community participation, including Village Council, the ARB, and the Planning Commission, MPF identified a blueprint for the future of Mariemont.

I am proud to have been a guest lecturer in the Planning, Geography, and Real Estate Departments at the University of Cincinnati, and, to have taught site selection as well as planning continuing education courses for the Cincinnati and Dayton Area Boards of Realtors as well as the Kentucky Real Estate Education Foundation. In addition, I've been a presenter at a National Conference of the American Planning Association, and, have authored a book on how to find "home run" locations- The ABC's of Site Selection; How to Pick Winners and Avoid Losers.

I am a **TEAM** player (Together Everybody Achieves More) am goal and results oriented, am comfortable taking leadership positions, and, welcome public, business, property owner, and schools participation in the decision making process. I pride myself on being a hard worker, an "ideas" person, and someone who strives to make a difference.

If appointed to Village Council, one of my priorities will be to grow our local tax base through economic development. As a result, I am especially interested in becoming a member of the Village's Planning, Zoning, and Economic Development Committee.

If appointed to Village Council, I am interested in working with elected and appointed officials as well as staff to further enhance our local quality of life.

Thank you for your consideration.

July 20, 2018 Troy Hawkins letter of resignation (pdf file)

Source: Avia Graves, Maggie Palazzolo, Mary Ann Schwartz

Dear Mayor and Members of Council,

I am writing to resign my position as a member of Village Council effective July 31, 2018 or at the time Council appoints a representative to complete the term. This has been a difficult decision. The resignation is due to the fact that I accepted a new position at Argonne National Laboratory and our family will be moving to the Chicago area. While we decided this move was best for our family over the long term, it is hard to leave Mariemont, the community where we have loved living for the past eight years and where we have dear friends. The move was not planned, in fact when I ran for Council it was due to my thinking we would be permanent Mariemont residents. Life has a way of throwing curve balls.

I would like to thank each of you, as well as Dennis, Sue, Joanee, Rick, John, Ed, Eli, Don, Tony, Jason, and Patty for your support and patience, both during the election and during my brief time on Council. I have learned a lot through each of you sharing your experiences over long phone calls, meetings for coffee, and debates over complex issues. The wisdom you have shared with me is very valuable and I will try to honor you by putting it to good use in my future endeavors.

Please do not hesitate to reach out if there are ways I can help during and following the transition.

Sincerely,

Troy Hawkins

July 23, 2018 Message from Matt Ayers forwarded to Eric Marsland from Maggie Palazzolo

Source: Eric Marsland

From: Matt Ayer

To: Maggie Palazzolo and Kelly Rankin

Subject: Frank R

CONFIDENTIAL

Hi Maggie and Kelly,

I have only talked to him a couple of times (and he likes to TALK) but I think Frank would be a good choice for Council.

He may be 71 years old but he is a free thinker; is not a 'this is how we have always done it' kind of guy at all; has some interesting long-term ideas for the Historic District; would be someone to lead a Master Planning effort for the S80, etc.

Of course, he also supports have a Village Administrator; a 3CDC like development organization and Housing Authority; a volunteer Vision Committee that reports to Council...all these things are anathema to our current mayor.

I do wonder, and JUST DON'T KNOW, how was he so involved at MPF and principal author of the Vision Plan, but now he does not even serve on the MPF's large board? I just wondered... would ask him.

<https://mariemontpreservation.org/wp-content/uploads/2013/06/MPF-Vision-2021.pdf>

-Matt

Transcription of Voicemail from Troy Hawkins to Maggie Palazzolo and sent to Eric Marsland

Source: Eric Marsland and Maggie Palazzolo

Hi Maggie,

This is Troy. I was just calling to say that I just met with Frank and he's great. Uh yea. I'm super enthused. That's all really. Thanks for suggesting him. Bye bye. I am really impressed, and it gives me peace of mind. I guess I would be interested in hearing if there has been any development on Monday's meeting and [muffled] how to handle that. I am very comfortable voting for him if that's what we decide to do.

Text message string between Eric Marsland and Maggie Palazzolo (July 15 to July 22?)

Source: Eric Marsland and Maggie Palazzolo (last message from Maggie provided only by Maggie)

Eric: Yes, ma'am. It's been a day. We missed the first half of a swim meet this morning that we thought was tomorrow

Maggie: Ugh. Love those days.

Sunday, July 15, 5:51PM

Maggie: Hi, Any thoughts on the plan? I was hoping to tell Kelly and Avia to call and interview him so they can vote. I do want to keep it a secret until the last minute for strategic reasons.

Monday, July 16, 10:39 AM

Eric: Sorry. Yesterday turned was a maelstrom of donations and house cleaning. I've read the code and all it says is that Council has 30 days after which the mayor appoints.

Maggie: OK. What do you think about doing it Monday rather than waiting she Troy can vote? I'm afraid to ask him bc he doesn't like keeping things from Dan. I don't want to talk to Dan till we have our plan.

Monday, July 16, 12:25 PM

Eric: I think getting everyone on board including Dan is the way to go. I think laying it wide open is the best route.

Monday, July 16, 2:01 PM

Eric: Sorry. Phone was on silent.

Monday, July 16, 6:08 PM

Maggie: We can meet early if you are free to come up now. Arb meeting was short.

Eric: On my way.

Tuesday, [July 17], 8:05 AM

Maggie: Hi. 2 things... Rick asked me last night if we are still on for meeting this thurs morning to discuss his retirement situation. We can meet here if you like. Also, do you have Frank Raeon's cell number?

Eric: Yes ma'am. That'd be awesome. Sorry I did not confirm. I do not have Frank's cell. I'm at a swim meet. All. Day. Long.

Eric: I'll see if I can track his number down.

Maggie: I hope they do well.

Tuesday, [July 17], 12:45 PM

Maggie: Hi. I'm not sure if you got the message I sent from my computer but we are on to meet w Rick about his contract on Thursday morning at my house at 9:15.

Eric: Great. Thanks.

Maggie: So many things... I hear George is a phenom. The exact word used! so cute.

Thank you for the clothes and umbrella. They are big hits.

I spoke with Frank and shared our plan and he thinks it is good. He is sending me a letter to proof and then he will email it tomorrow. Problem is, the village has my email wrong on the website. Again.

Tuesday [July 17], 9:55 PM

Maggie: Frank will send it any time now. I think he's a good pick. Very qualified.

Wednesday [July 18], 3:33 PM

Maggie: Can I call you at 4?

Eric: That'd be great.

Maggie: Boys will be in swing m class.

Maggie: Swim

Thursday [July 19], 8:40 AM

Maggie: See you at 9:15.

Eric: Yes ma'am. Thanks for the reminder.

Maggie: We are in he back. Come on in and meet us.

Thursday [July 19], 10:43 PM

Maggie: Should we get an item added to the agenda called "Discussion of replacement council member?" Or do we need to make sure Frank's letter of intent is included in communications and make the motion then?

Thursday [July 19], 12:54 PM

[Voicemail -1936.m4a]

Hi Maggie,

This is Troy. I was just calling to say that I just met with Frank and he's great. Uh yea. I'm super enthused. That's all really. Thanks for suggesting him. Bye bye. I am really impressed, and it gives me peace of mind. I guess I would be interested in hearing if there has been any development on Monday's meeting and [muffled] how to handle that. I am very comfortable voting for him if that's what we decide to do.

Maggie: This is great. So we need our plan.

Friday [July 20], 12:35 PM

Eric: Would you give me a call when you get a chance?

Saturday [July 21], 2:26 PM

Maggie: Hi. So I just read the finance committee notice. Are you all not going to address Ricks contract?

Yesterday [July 22], 4:22 PM

Eric: Not tomorrow. I'll have another meeting before the next council meeting. I'm at scout camp until tomorrow.

Maggie: OK

Date Unknown

Maggie: Hi. I am prepping the info to send to Dr. VanStone. We have a bunch of texts that are unrelated mixed in. I really don't think it is anyone's business that your kids are good swimmers, that you clean your house, and that you have given us clothes. I would like to sort that out of the string of information I give him. Not sure how.

Also I am very close to resigning. This isn't what it should look like to do public

Email from Maggie Palazzolo to Bob Van Stone (August 1, 2018)

Just to help with this bc there are a lot... most are unrelated to council, but I decided not to sort them out for exclusion because I don't want it to look suspicious. I discussed this with Eric and he agreed. I do not think it's fair that our mundane conversations about our families become public, but I guess that what we signed up for.

The discussion around our "plan" was about how to approach Dan about Frank being a potential candidate because we knew his history with Frank may be problematic for him. We didn't want to upset him and cause a mess if Frank wasn't serious about pursuing this seat. This topic of conversation has always been limited to Eric and myself.

Also, there is a stray black mark over a word in the second picture. I'm not sure what I did. The ARB meeting had ended early that night and we had a Rules and Law meeting scheduled, but with a delay. Dan asked me to see if Eric could come early so we could just get moving, so I sent him a text. That's what it says under the mark, "The ARB meeting was short."

Texts between Maggie Palazzolo and Kelly Rankin

Source: Maggie Palazzolo

Maggie: anyone wants it or if we want to pick someone else

Kelly: We spoke about someone I think on his street and about Bill Brown. I think we avoid Town Meeting all together especially after the letter the lawyer sent. My understanding is TM is over and done with. Let's get together next week sometime.

Maggie: Yes, OK. I'll call you when we get home.

Unclear date/time stamp

Kelly: Can I call you around 12:15?

July 17, 2018 8:50 PM

Maggie: Frank Raeon. Ready for the interview. Call him anytime

Texts between Maggie Palazzolo and Avia Graves

Source: Maggie Palazzolo

July 17, 2018 8:50 PM

Maggie: Frank Raeon. Here are Frank's home and cell numbers.

Unclear date/time stamp

Avia: Photo of blackboard at National Exemplar

Unclear date/time stamp

Maggie: Let's do this.

Transcript of notes taken by Mayor Policastro during telephone conversations with Eric Marsland

Friday, July 20 (first call)

Eric Marsland called said calling for group of Councilmen. They have the votes for Frank Raeon to put him in office so the[y] want Council to vote at this Monday's council meet. He said he is not part of this group. He would not give the groups names. Told it is way early for a vote. He said they want Troy to vote. Told all Village citizens have a right to run for this position and will not vote till Troy quits or resigns. Also this sounds like a sunshine law violation. How come the other Councilmen were not asked to be a part of this discussion. Told Eric to quote him from the past, (this stinks!) Eric then said looks like they will force a special meeting for the vote. Told I see a sunshine law problem and we do not need this.

Friday, July 20 (second call)

Eric called back and said now they will not force a vote or meeting (special).

Email to Bob Van Stone from Eric Marsland to check accuracy of Mayor Policastro's notes (August 10)

Dr. Van Stone,

Thanks for doing this. I have a couple of additions and a comment. Additions/changes to the narrative are in red.

My comment: I had meant to communicate to Dan my fear that they might follow up with a special meeting. I was also concerned that there might be sunshine law violations with Maggie's text including Troy's voicemail. I possibly overstated the commitment of the group, but that was my impression.

I do not handle stress or adversity on my toes very well, and after hearing the possibility of having committed a felony, I basically shut down. I don't believe I said that I wasn't a member of the group, but I may have. I did not want to throw anyone under the bus.

As I am sure you are aware, I resigned from council on Tuesday. The time commitment and discord became too much for me and my family. I hope you understand.

Transcript of notes taken by Mayor Policastro during telephone conversations with Eric Marsland

Friday, July 20 (first call)

Eric Marsland called said calling for group of Councilmen. ***I stated that they would like to have Frank Raeon added to the agenda for Monday's meeting. I stated that I thought they had the votes for Frank Raeon not that they did.*** They have the votes for Frank Raeon to put him in office so the[y] want Council to vote at this Monday's council meet. He would not give the groups names. Told it is way early for a vote. He said they want Troy to vote ***as there was a historic precedent for doing so.*** Told all Village citizens have a right to run for this position and will not vote till Troy quits or resigns. Also this sounds like a sunshine law violation. ***Dan wondered if we had seen the news and that these are serious felony offenses.*** How come the other Councilmen were not asked to be a part of this discussion. Told Eric to quote him from the past, (this stinks!) Eric then said looks like they ***might schedule/hold*** a special meeting for the vote. Told I see a sunshine law problem and we do not need this. Dan

Friday, July 20 (second call) Eric called back and said now they will not force a vote or meeting (special).

Ms. Molly Perez, 3709 East Street, was granted permission to address Council. She has some concerns after reading about what has been going on. She has had a relationship with this Council because she has been involved with things with the Village. She is concerned with how people are being portrayed and the way in which people are interacting does not feel within the spirit of Mariemont. The reason we want to be here and live here is because we believe in Mary Emery and her thoughts and opinions. She is coming here as a voice and a question asker of what are we looking at and what are we trying to get to and what are we not accomplishing in other conversations. She does not have a personal conflict with anyone here but she is concerned that things are taking a trajectory that are not within how we usually operate.

Mr. Matthew Ayer, 3908 Pocahontas Avenue, was granted permission to address Council. He has been a resident for 31 years. He heard his name pointed out in an email he sent to Ms. Palazzolo. He wanted to point out that Frank Raeon is a good guy and a friend. He knows him and knew of his interest in running. He sent an e-mail stating that he supported him. He believes he would be a great choice. He put in that e-mail that Frank Raeon is an anathema to some of the things our Mayor believes. It is a public record in Mr. Raeon's vision document that he did when he was President of MPF that he is an advocate of having a Village Administrator who would run the Village more so than the Mayor does. What concerned him right from the beginning of the meeting was when the Mayor was asked about the process for the selection of the next Council person now that another person has resigned. The Code book is clear which the Solicitor can explain. It is not up to the Mayor how the process is run. It takes a majority of the sitting Council. He did not hear any Sunshine Law violations in the discussion. He heard some nebulous things but certainly nothing that sounded like a meeting being held outside of Council. We live in a representative government. We elect people and we trust them. How Council will decide the replacement is up to them and yes it should not be done in hiding. We had a public meeting and it is known that there is an opening. Council is being diligent working on a replacement. He commends Council for a lot of things. He likes what Council has done with the new building addition. He wants to support Council, do and understand what your job is. It is not up to the Mayor to decide how things go – it is up to Council. Read the code book and read Ohio Revised Code.

Mayor Policastro tried to speak and Mr. Ayer said he did not want to talk to the Mayor about it.

Mr. Rob Bartlett, 3611 Mound Way, was granted permission to address Council. At the last meeting the Solicitor said he wanted things to run smoothly with the election. He believes it would be very important tonight to get into specifics on how the election is going to take place. There are seven candidates involved which is fantastic that there is that much interest to be on Council. It would be nice for the candidates to know how the election process will take place in advance.

Mr. Jerry Vianello, 6570 Wooster Pike, was granted permission to address Council. He asked when no parking signs will go up on Homewood Road for the upcoming construction. So far there has been no communication with any of the residents. Mayor Policastro said his understanding was the pipe had not come in and it would be setback two weeks. Building Administrator Keyes and Village Engineer Ertel will see that the residents are informed.

Mr. Vianello said so far in this meeting he has heard twice about an administrative form of government. He said there are elderly residents in the Village that do not have computers and we say it is in the minutes and you can read it online, they do not have that ability. He has not been here over the last six weeks and he would like to know if there has been discussions in Council about changing from a Mayoral form of government to a City Manager type management. He looked in the notes but did not see anything. He asked if any member of Council had that type of discussion about switching to an administrative form of government. The Council members said no. Mr. Bartlett reminded Ms. Palazzolo that she did say something at the July 23, 2018 meeting. Mr. Vianello said the elderly residents are hearing that the Village is going to spend \$120,000 to pay for a City Manager and that makes some people nervous. If Council is considering a City Manager/Administrator type form of government it needs to be brought out in the open. Mayor Policastro said it is in the code that the Mayor would appoint an Administrator and Council would vote them in. He is not going to subject the Village to another two mills when we have great Department Heads. Mr. Vianello said people are saying we cannot afford it the taxes are high enough. Mayor Policastro said he agreed and he has no reason to want to do that but he has heard the rumors.

Ms. Molly Smyth, 3600 Mound Way, was granted permission to address Council. She said she understood Troy Hawkins resigned because he moved out of the Village but asked the reason Mr. Marsland resigned. Mayor Policastro said it has been tough on Mr. Marsland. Ms. Smyth asked if it was the last Council meeting. Mayor Policastro said he believes the last year with the discussion on bikes in Whisky Creek was the start and Council went downhill after that. There have been disagreements between Council and he believes Mr. Marsland just had it.

Ms. Marcy Lewis, 6824 Miami Bluff, was granted permission to address Council. She has been a Village resident for 12 years. As a member of MPF it was very clear from her first meeting that Mr. Raeon and Mayor Policastro do not get along. She has a couple concerns. When a Council position becomes available it should be public knowledge. In this day of social media there is no reason that it should not. She does not think that it is appropriate for Council to pick their best person. It is fine to ask people to put their name in the hat. Council took an oath to serve the Village. She does not see how creating contention or a one way or another bias is going to do that. She hopes that Council will take that oath to heart because there are people who really love it here in the Village and really care about it. Everyone in this room wants the same thing and we need to work toward the common goal and work out issues even when they get cantankerous and use civil discourse. She is putting that on all of Council and the Mayor as well. She is concerned about the process and she wants to see it fair and transparent.

Mayor Policastro said Ms. Lewis said he and Mr. Raeon do not get along. They get along somewhat. Years ago they had a disagreement over the Dale Park tee ball field when Mr. Raeon wanted to build a business office at that location. He said no that kids come first. Mr. Raeon wanted to take out the tennis courts and put them down by the river and tear down the Administration Office and place it where the tennis courts are. Mayor Policastro said no. We had a child drown there about five years ago. Our Police Department got awards for saving the child. Again kids come first. Mary Emery and John Nolen wanted the tennis courts exactly where they are. In addition, Mr. Raeon wanted to do a roundabout with 150 apartments across the Village border. The roundabout would have been the smallest roundabout in the world and the fire trucks could not get through. The Planning Commission said no.

Mrs. Graves said it was brought to her attention that Mr. Raeon brought those things up for discussion not that it is what we have to do.

Mayor Policastro said he spoke with Joe Miller the other night and at a Vision 2021 meeting Mr. Raeon brought these thing up and he had a very angry disposition and Mr. Miller had to stop Mr. Raeon from coming at me.

Solicitor McTigue said we are not here to talk about Frank Raeon. We will address later questions that have come up regarding the process of filling the Council vacancy but we do not need to talk about who is qualified now. Mayor Policastro said sorry but he has to explain when he's gets accused of something.

Mrs. Graves 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; four ayes, no nays.

Mr. Bill Brown, 4030 Lytle Wood Place, gave a brief update on the Steam Plant. Last week, he along with Mayor Policastro, Ms. Rankin and Solicitor McTigue met with Michael Heines and his attorney regarding the northern property line. Because of the dispute surveys were done by the Village and Mr. Heines. There is a 20' discrepancy. If Mr. Heines's line were to prevail then he would be able to put a pathway to possibly access the top part of the hillside to put building sites there. Nearby residents would not find that desirable. The surveyors are going to meet to discuss and hopefully that issue will be resolved. If we cannot resolve it – it will need to go before a judge.

Solicitor McTigue said we need to talk about how Council is going to conduct the special election. At the last Council meeting it was decided by Council to hold the Special meeting on August 28, 2018 at 7:00 p.m. for the sole purpose of electing someone to fill the Council vacancy of Troy Hawkins. After research, if three members of Council are present it does constitute a quorum. What he would suggest is have the candidates give their three minute presentation as to why they want to be a Council member. Any member of Council may make a motion and if it is seconded then ask if there are any other motions. If there is only one person nominated and

seconded then there would only be one person to be considered. The Mayor does vote in the event of a tie. Ms. Palazzolo would like to add a deliberation period between Council to discuss a candidates qualifications. Mayor Policastro asked about resident input. Solicitor McTigue said the residents will have an opportunity to speak prior to Council deliberations after the candidates have spoken. With so many candidates we will have to adhere to the three minute rule. Ms. Schwartz said she is not sure about the deliberation period as she would find that it might be awkward for some of the candidates. Solicitor McTigue and said it may even be awkward for some of those on Council. Ms. Schwartz verified that each Council member could only nominate one person. There could be a total of four people nominated. They would have to get a second nomination in order to be voted on and then be voted on individually. Ms. Schwartz asked that the discussion between Council be eliminated. She does not believe it needs to be verbalized. Mrs. Graves said she likes the ability to have a discussion if needed. For clarification the process will have the candidates make a three minutes presentation, followed by comments from the audience and then discussion if needed by members of Council. A candidate must receive a motion and a second in order to be voted on.

It was determined that Tuesday September 4, 2018 at 6:00 would be the Special Meeting of Council to vote on the replacement for Eric Marsland. A new flyer and same process will be used. Flyers will be distributed with August 27, 2018 being the deadline for submitting letters of interest. Letters of interest received for Mr. Hawkins replacement will also be considered for Mr. Marsland. There will not be a need for those to submit letters of interest twice.

Ms. Palazzolo said one of the candidates indicated that they would not be available to attend the meeting on August 28, 2018. She asked if Council could interview him individually and he could still be considered. Ms. Schwartz said she talked with the candidate and he indicated that he may be able to attend the meeting.

Mrs. Graves said since Mr. Marsland has resigned we need to vote a President Pro Tem of Council to oversee the Special Council meeting. Mayor Policastro said he will put it on the August 27, 2018 agenda.

Engineer Ertel said there are two plates on Miami Road covering a hole that need replacing due to a storm sewer event. He has contacted T. Lucky Sons, Inc. and for a proposal to install an ODOT approved undersealing product under the Miami Road pavement near Rowan Hill Drive to stabilize the area. The estimated cost is \$9,750.00. The work should be done in 6-8 hours and could do the work earlier next week. Mayor Policastro said considering the emergency does Council want to authorize the work? Solicitor McTigue said if the Engineer believes it is a reasonable price and it is an emergency Council can vote on it right now. Engineer Ertel explained the work process and materials that would be used. After discussion, Council agreed to approve the work proposed by T. Lucky Sons, Inc.

The meeting adjourned at 8:17 p.m.

Dan Policastro, Mayor

Anthony Borgerding, Fiscal Officer