

**VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
JANUARY 28, 2019**

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, Ms. Palazzolo, Mrs. Rankin and Ms. Schwartz.

Mayor Policastro read a letter from Mrs. Graves requesting her absence be excused. Ms. Palazzolo moved, seconded by Mrs. Rankin to excuse the absence of Mrs. Graves. On roll call; five ayes, no nays.

Ms. Schwartz moved, seconded by Mrs. Rankin to accept the minutes as written for the Council meeting January 14, 2019. On roll call; five ayes, no nays.

Mayor Policastro read the following communications:

From Hartman & Smith Construction: Proposal Dated 10-29-18 re: Remove Existing Fire Hydrant Madisonville Road and Lane K. Mayor Policastro said this is right behind Mio's. Mr. Spinnenweber wants to do some remodeling and needs more room for parking. He knows that we looked at this about one year ago and decided that we did not need the fire hydrant but the Village never did anything. He referred the matter to the Safety Committee. He believes we need a written report from Assistant Fire Chief Kiefer for any future liability issues. Police Chief Hines said he will get with Assistant Fire Chief Kiefer tomorrow. Mr. Brown asked why the Village is paying for this. Mayor Policastro said to gather the information and have the discussion in the Committee meeting. Solicitor McTigue said if the fire hydrant is on Mr. Spinnenweber's property and he wants it removed it should be his responsibility to have it removed. Ms. Palazzolo said the Committee should have a legal opinion on who is financially responsible prior to the meeting. Mayor Policastro said the Village controls the fire plug. Solicitor McTigue said he would look into the matter.

Ms. Leah Geldbaugh, 6942 Murray Avenue, was granted permission to address Council. She ran the Farmer's Market several years ago and was approached by a previous vendor to start one up again in the Village. They were looking to have it run Sunday morning 9:00 a.m. to 1:00 p.m. starting the end of May through September. The market would be located in the Elementary School parking lot. Ms. Geldbaugh wanted to get permission from Council to move forward with planning the market. There would be ten vendors to start with. The vendors would be interviewed by her and one other vendor, Joseph. There will be a \$15.00 vendor license fee to participate. They will also need to provide necessary licensing, insurance and provide documentation that the Health Department checked their kitchens to make sure that their products are safe for consumption. This year the products are going to be products that need to be consumed by humans (no dog food, lotions etc.). It will have produce, artisans, bakers, eggs and meats. If it does go through she would like to get volunteers from the community to help with the actual running of the market.

Mayor Policastro contacted the school. He said years ago when the elementary school was rebuilt Council and then Superintendent Imhoff reached a deal where the Village helped pave the parking lot and in exchange the lot would be open after 6:00 p.m. weekdays and weekends for the merchants to use. He does not anticipate a problem. When the market was during the week there were conflicts during preparations for Homecoming.

Mr. Jerry Vianello, 6570 Wooster Pike was granted permission to address Council. As he understands should there be an incident on the parking lot the school system would be liable. He suggested touching base with the school to make sure they are in favor of this before proceeding. Mayor Policastro disagreed because the Village has an agreement with them that the Village would be liable. Mr. Vianello said when the Village fire truck damaged the turf at the high school, the Village agreed to pay some money but the school could not accept because it was the school's responsibility to cover their property. As he understands that is the law in the State of Ohio. Police Chief Hines said the Village did not agree to pay the school. Mayor Policastro said the Village has sovereign immunity. Mr. Vianello asked if the Village came to an agreement on liability. Mayor Policastro said it does not matter because the Village has sovereign immunity. Solicitor McTigue said liability flows to whoever the tortfeasor is (whoever was negligent).

If the Village was the one who was negligent then the Village could potentially be liable but we do have the concept of sovereign immunity that does protect the Village. The School Board does not have the same concept. Mayor Policastro said we have seven million dollars liability insurance but we have sovereign immunity – they would have to go through their own insurance company first before they could collect from the Village.

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

Mayor Policastro read the following miscellaneous announcements:

The Permanent Improvement Fund meeting will be Monday February 11, 2019 at 6:00 pm. Fiscal Officer Borgerding asked Mrs. Van Pelt to remind the Department Heads to submit their request to him as soon as possible.

The applications for Outstanding Citizen of the Year are to be turned in to Mrs. Van Pelt by Thursday March 13, 2019.

Village Offices will be closed Monday February 18, 2019 in Observation of Presidents' Day.

Mayor Policastro referred to the Safety Committee crosswalk lighting/camera at Pocahontas and Wooster Pike.

Mayor Policastro referred to the Health and Recreation Committee the request to increase Tennis Membership Rates.

Resolutions:

“To Appoint Becky Moore as a Member of the Pool Commission to Fill the Unexpired Term of Wes Iredale for the Calendar Year 2019” had second first reading.

“To Appoint Peter Wren as a Member of the Architectural Review Board for the Calendar Years 2019 and 2020” had a first reading. Mayor Policastro said Mr. Wren is a registered architect.

The meeting adjourned at 7:16 p.m.

Dan Policastro, Mayor

Anthony Borgerding, Fiscal Officer

