

VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
March 11, 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, Mrs. Graves, Ms. Palazzolo, Mrs. Rankin and Ms. Schwartz.

Ms. Schwartz moved, seconded by Mrs. Rankin to accept the minutes as written for the Council meeting February 25, 2019. On roll call; six ayes, no nays.

Mayor Policastro read the following communications:

From Assistant Fire Chief Kiefer: February 2019 Monthly Report

From Service Superintendent Scherpenberg: February 2019 Monthly Report

From Tax Administrator Busam: February 2019 Monthly Report

From Solicitor McTigue: Email Dated February 21, 2019 re: Proposal to Allow Mariemont City Schools to Use Public Library Land during Construction of Mariemont High School. Solicitor McTigue said he sent the Mayor a copy of the deed when the Village conveyed the property to the public library in 1970. There is a reverter clause that says if at any time the property is not being used for public library purposes the real estate reverts back to the Village of Mariemont. The concern is that if the construction company building at the high school is going to use part of the library property as a staging/office area for the construction it might trigger the reverter clause. He personally does not believe it will. They want to draft an agreement between us and them. That says as far as the Village is concerned it is fine if the high school uses the property for a staging area for the construction at the high school and as long as that is being done the Village will not implement the reversion clause. The agreement will also make sure that the property is fully restored. The Prosecutor's Office will prepare the agreement. Mr. Brown asked if it will be up to the contractor or the school to make sure the property is fully restored. Solicitor McTigue said he expects it will be the contractor but from the Village's perspective what difference does it make? Mr. Brown asked who would be easier to shake down if needed. Mayor Policastro asked if the library property was the Village's. Solicitor McTigue said it is not the Village's land but if the library ever decided to close up the Village would get the property back. Mr. Bartlett moved, seconded by Mr. Brown to agree that the contractor for the Mariemont School District can utilize library property as a staging area for the construction process and in so doing it will not trigger the provision in the deed that says if the property is not used for library purposes the Village gets the right to reclaim the property. On roll call; six ayes, no nays. Solicitor McTigue said he will prepare the necessary legislation with an emergency clause.

From Dr. Tankersley: Letter Dated February 2019 re: Several Issues Addressed Concerning Dale Park

From Mayor Policastro: From Village of Mariemont Code of Ordinance Section 131.34 Digging Prohibited and Section 95.09 Permits

From Engineer Ertel: Memo Dated March 7, 2019 re: 2019 Street Rehabilitation Project. Mayor Policastro said Mrs. Rankin did a nice job on this. Engineer Ertel said the bids came in and he has been in contact with the low bidder, Ford Development. Ford Development is fine with not performing the Albert Place Lane work and proceeding with the rest of the work. Ford Development wants to proceed with the work as soon as possible due to the May 1, 2019 Homewood Road work deadline. He suggested having a committee meeting soon to approve the bid recommendation and pass the necessary legislation. Mr. Bartlett said we saved the materials for the Homewood Road project and clarified that the work quoted is for labor only. Engineer Ertel said it includes the materials that were purchased and held onto. The \$252,000 is the net incremental. The previous contract was closed out for \$84,000 with \$38,000 used to layout the job, find utility conflicts etc. and approximately \$46,000 in materials. \$252,000 plus the \$46,000 totals the project price of \$298,000. The estimate last year with Rack & Ballauer for the project was \$285,000-\$305,000. We have the whole construction season to work on it and will not have to pay for asphalt at the winter

rates. The last he has heard ODOT plans to start work on Wooster Pike July 30, 2019. We have a bit more of a window to get this done should we run into a problem. The contractor would like to start work April 1, 2019. He also explained the details of the catch basin work to be done on Miami Road by Mercy St. Theresa. It was agreed to talk in more detail at the committee meeting.

From Assistant Fiscal Officer Wendler: Fiscal Officer's Report February 2019. Mayor Policastro said it does not look as good as it used to.

Mr. Mike Smythe, 3607 Flintpoint, was granted permission to address Council. He said Village Department Heads are running on all 8 cylinders. He commented that all the departments – Assistant Fire Chief Kiefer, Police Chief Hines and Superintendent Scherpenberg along with the efficiencies of Mrs. Van Pelt and Mrs. Singleton in the Administration Office who give detailed information in a timely fashion when asked, work at all eight cylinders. Council needs to look at our Department Heads and look at the fact that they are all running on eight cylinders. The maintenance crew is always out working while the Police are doing an unbelievable job while watching the elementary school traffic. He wants it on record that he has never seen our Village working with the Department Heads as best as they are today.

Mr. Dennis Wolter, 3804 East Street, was granted permission to address Council. He said he got a copy of Captain Feichtner's letter regarding the need for a new ambulance. He remembers it was nine years ago that we bought the current machine. He is questioning the reason why we need to replace with as low mileage as it has. He wanted to take this opportunity to say that there are people in the Village that know a lot about these kinds of things and if we can partner with the Council members and whatever entity that needs to acquire a piece of equipment and do research to find out how other departments manage replacing a piece of equipment like this. Questions include how much they are used, how many years they have had them and what issues they may have had with specific vehicles and can those issues be mitigated at cost that precludes having to buy new as frequently as we do. He feels we have greater priority and needs in the Village particularly in this piece of architecture with the firemen in the basement. We could save money by keeping the ambulance in service for another four or five years and save for a substantial down payment on this building. The talent in this Village is not being accessed and he would like to see that included in the research that Council members do. He suggested having these people come to the Committee meetings and give their expertise on whether it be finance or law. We went through the law process and he believes that was a step in the right direction. Let's do this in all the major expenditures in the Village. Mr. Bartlett said he would welcome the expertise as he is not an expert on fire trucks. He would like to have more conversation and learn more and work together as a group to see if there is something we can do to help get the cost down in some way. We can still have another meeting when Chief Hines gets back and invite the experts to come to talk through this. Mr. Wolter said there are a lot of communities that track this sort of data and know when the sweet spot is to get rid of a piece of equipment. Mr. Bartlett said he will call together another Finance Committee meeting to discuss further.

Mr. Bill Spinnenweber, Spinnenweber Builders, 6880 Wooster Pike, was granted permission to address Council. He just got the notice from the Safety Committee a couple of hours ago regarding the fire hydrant by Mio's. He was confused and asked for clarity. He has a quote from Henry Wallace from April and the cost to move the hydrant was \$3,200. He was the new quote is approximately \$5,500 and he is unclear as to why it would be more to cap the hydrant than to move it. He has taken over the parent company in January and was not involved in any of this last year. He is in receipt of the letter stating that the Village would take care of removing the hydrant and that Spinnenweber Builders would be responsible for restoring the curb, backfill and replacement of the base and paving. He asked if splitting the cost of removal includes splitting all the costs. He was hopeful that the Committee would meet again to discuss the matter in more detail as he does not believe a vote is appropriate right now. Mayor Policastro said he believes it should go back to committee. Mr. Spinnenweber said the fire hydrant cannot really be used for anything because it is too close to the building. If it is cheaper to move it than cap it perhaps it should be moved. The Village would still have the ongoing maintenance as the Village owns the plug. In the quote he received it stated that there was a possible crack and to replace the head was \$2,000 plus tax and shipping. The Village runs the risk of having liability down the line. The reason for the request is that Mio's wants to have outdoor dining in the back. The plug is in the way because the parking would need to be straightened out. Mrs. Graves said she is happy to have more discussion on the matter but said she did reach out to Mr. Spinnenweber and left a message on his phone regarding the Safety Committee meeting. Mr. Spinnenweber apologized stating he never got the message. He will forward his quote from Mr. Wallace to the Village Office.

Mayor Policastro said he got a phone call from Duke Energy and we should be receiving \$18,000 soon. Mr. Brown said he has the new current list of available trees and he has met with the Parks Board

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. Palazzolo moved, seconded by Mr. Brown to accept the recommendation of the Finance Committee which met on Wednesday, February 27, 2019 at 2:00 pm in Council Chambers to discuss the annual waste fee for Mariemont residents. Present at the meeting were Finance Committee Chair Rob Bartlett, Finance Committee Members Bill Brown and Kelly Rankin, Tax Administrator Patty Busam and Assistant Fiscal Officer Eli Wendler. The committee recommends that the Village increase the annual waste fee from \$75 to \$100 for houses and townhomes, and from \$45 to \$70 for apartments. The waste fees were last increased in 2011. As a result, the income from all of the waste fees plus recycling credits have not been covering the costs for some time. Moreover, as the table below indicates, the shortfall has been getting larger and larger every year.

Year	Annual Waste Fees Collected	Stickers Fees Collected	Recycling Grant Received	Rumpke Costs	Sticker Costs	Shortfall
2015	\$96,189	\$105,177	\$17,964	(\$264,763)	(\$1,668)	(\$45,086)
2016	\$95,971	\$94,744	\$13,386	(\$264,763)	(\$1,668)	(\$60,314)
2017	\$97,449	\$94,524	\$13,236	(\$291,496)	(\$1,668)	(\$85,938)
2018	\$99,194	\$90,579	\$9,501*	(\$302,670)	(\$1,668)	(\$112,547)

*the grant is paid in arrears, so this represents roughly half a year

This proposal does not impact the garbage stickers in any way. Assuming 1,355 waste accounts, the increase in the waste fee will reduce the shortfall by \$33,875. Hopefully, the shortfall can be further reduced when the waste collection contract is renegotiated this fall. The Finance Committee is proposing this change go into effect at the end of May, 2019, when the annual waste fees would normally go out. Once this change has been approved by Council, the Finance Committee will work with Patty Busam on educating the Village about the upcoming change. It is recommended that the Solicitor prepare the necessary legislation. The Finance Committee also discussed having Greater Cincinnati Water Works (GCWW) collect the annual waste fee. GCWW currently does this for fifteen other municipalities. This will help enable the Village to go down by one person in the Tax Office when Patty Busam retires at the end of this year. With the current focus on training the new Assistant Tax Administrator, the Finance Committee decided to wait until later in the year to make specific recommendations on this change. Mr. Bartlett said it will be \$25.00 over the board. Mayor Policastro said the most complaints come from the apartments. Mr. Bartlett said there are now fewer apartments due to the Greiwe developments which have their own garbage collection. One of the reasons the number is down is because there are fewer people paying in. When we look at the contract next we need to look into how to get the cost down. On roll call; six ayes, no nays.

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the recommendation of the Finance Committee which met on Wednesday, February 27, 2019 at 2:00 pm in Council Chambers to discuss the annual salary increases for Mariemont employees. Present at the meeting were Finance Committee Chair Rob Bartlett, Finance Committee Members Bill Brown and Kelly Rankin, Patty Busam, Eli Wendler, Chief Rick Hines, Assistant Fire Chief Jason Kiefer, Fire Captain Tim Feichtner, Joanee Van Pelt, and John Scherpenberg. The Finance Committee reviewed two salary ordinances: the ordinance related to all grades of recreation employees, and the ordinance for all full-time and part-time employees. Ohio has increased the minimum wage to \$8.55/hour. Some of the recreation employee roles were scheduled to earn less than that. As such, the ordinance for recreational employees needs to be updated. Working with Jordan Schad, the Pool Manager, the Finance Committee is proposing the updated recreation employee ordinance which is included in the council packet. This puts the lowest wage at \$8.55/hour to comply with Ohio law, and then maintains the same hourly wage differential between roles and between years of service as the previous ordinance. The recreation employee ordinance also includes a 3% increase in the salary range for the Tennis Pro/Instructor, consistent with the 3% increase that Fiscal Officer Tony Borgerding has built into the 2019 budget. For full-time and part-time employees, the Finance Committee is recommending a 3% increase of the top salary range for all of the roles. Again, this is consistent with what Fiscal Officer Tony Borgerding has built into the 2019 budget. Chief Hines has also confirmed that this increase would keep the Fire and Police pay ranges competitive with their peer group. In order for this salary increase to truly be a 3% annual increase, it would need to go into effect on April 7, 2019. In

order to meet that timing, the Finance Committee is proposing this change be passed as an emergency measure, with the ordinance stating that the changes will go into effect on April 7, 2019. On roll call; six ayes, no nays.

Mrs. Graves moved, seconded by Mrs. Rankin to accept the recommendation of the Finance Committee which met on Wednesday, March 6, 2019 at 3:30 pm in Council Chambers to discuss salary increases for Mariemont employees who are appointees. Present at the meeting were Finance Committee Chair Rob Bartlett, Finance Committee Members Bill Brown and Kelly Rankin, Assistant Fire Chief Jason Kiefer, Police Lieutenant Tom Ostendarp, and Joanee Van Pelt. The Finance Committee had previously reviewed salaries for all recreation employees and all full-time and part-time employees. However, that did not include appointees, so the committee met to address these as well. The appointees that were discussed were Village Engineer Chris Ertel, Assistant Fiscal Officer Eli Wendler, and Fiscal Officer Tony Borgerding. Mrs. Van Pelt confirmed for the committee that the last time each of these appointees received a pay increase was May, 2017. As such, the Committee is recommending to give each of them a 3% increase, consistent with what Fiscal Officer Borgerding has built into the 2019 budget, to be effective in May, 2019. The previous salary and new proposed salary for each appointee is as follows:

<u>Name</u>	<u>Previous Salary</u>	<u>Proposed Salary</u>
Tony Borgerding	\$6,000 per year	\$6,180 per year
Eli Wendler (Finance)	\$3,500 per year	\$3,605 per year
Eli Wendler (IT)	\$40.00 per hour	\$41.20 per hour
Chris Ertel	\$50.00 per hour	\$51.50 per hour

On roll call; six ayes, no nays.

Ms. Palazzolo moved, seconded by Mr. Brown to accept the recommendation of the Finance Committee which met on Wednesday, March 6, 2019 at 3:30 pm in Council Chambers to discuss purchase requests by the Police Department. Present at the meeting were Finance Committee Chair Rob Bartlett, Finance Committee Members Bill Brown and Kelly Rankin, Assistant Fire Chief Jason Kiefer, Police Lieutenant Tom Ostendarp, and Joanee Van Pelt. The Finance Committee reviewed the purchase requests that were submitted by the Police Department as part of the Capital Improvement Budget process for 2019. The Police department is requesting the purchase of a used Ford Explorer plus equipment, new tasers, and a license plate reader. Because the Capital Improvement Fund is currently oversubscribed, the Finance Committee is recommending to hold off on the license plate reader for now. The cost of a used Ford Explorer is estimated to be \$30,000, with \$20,000 coming from the Drug Fund and the remaining \$10,000 from the Capital Improvement budget. Chief Hines is planning to buy the used Ford Explorer from Beechmont Ford. The cost of the tasers is \$6650. They will be purchased from Vance's Law Enforcement. This purchase will be funded by the Capital Improvement Fund. Chief Hines is requesting that the purchase of tasers be placed as soon as possible in order to lock in the prices they have been quoted. A used Ford Explorer is not available yet. As such, the Finance Committee will have to wait until a used Ford Explorer has been found and a firm price can be determined. Mr. Bartlett asked Solicitor for clarification on when an Ordinance is required and what the correction process would be. Solicitor McTigue said Mr. Bartlett sent him an email and even though it was not requested by the rest of Council he did take a look at it because it is an important issue. All expenditures need to be approved by the legislative authority. The way it has been done in the past is if there was a committee report and the amount was under \$30,000 we would utilize the approval of the committee report as the vehicle by which the legislative authority was approving the expense. Very technically legislation should be prepared. Bottom line the expenditure has to be approved by the majority of the legislative authority. He believes it is good practice to have a committee report and Council authorize the expenditure. He feels \$30,000 is a good threshold unless Council feels differently. Anything above \$30,000 should have legislation prepared and authorize the Mayor to spend the money that way. He said as long as there is a line item for the expenditure because the Fiscal Officer too has to approve the expenditure. The advantage with it being done through legislation and not just a committee report is the fact that the Fiscal Officer signs off on it which verifies that the Village does in fact have the money available for the purchase. After research the Village can authorize an expenditure up to a certain amount of money and it does not have to be a specific dollar amount. Mrs. Graves said the Capital Improvement budget shows a 2019 Ford Explorer and now it is a 2018. Mr. Brown said Chief Hines is trying to save money. Mr. Bartlett said he believes the Chief is still trying to locate a used 2019. Mrs. Van Pelt suggested amending the report to authorize the purchase of the vehicle up to \$30,000. Mr. Bartlett moved, seconded by Mr. Brown to amend the report to authorize the Chief of Police to purchase a used Ford Explorer vehicle up to \$30,000 in price including outfitting the car. All other aspects of the report are recommended to stay the same. On

roll call; six ayes, no nays. Mr. Rankin moved, seconded by Ms. Palazzolo to accept the report. On roll call; six ayes, no nays. Solicitor McTigue said he will prepare the necessary legislation.

Mr. Bartlett moved, seconded by Mrs. Graves to accept the recommendation of the Finance Committee which met on Wednesday, March 6, 2019 at 3:30 pm in Council Chambers to discuss purchase requests by the Fire Department. Present at the meeting were Finance Committee Chair Rob Bartlett, Finance Committee Members Bill Brown and Kelly Rankin, Assistant Fire Chief Jason Kiefer, Police Lieutenant Tom Ostendarp, and Joanee Van Pelt. The Finance Committee reviewed the purchase requests that were submitted by the Fire Department as part of the Capital Improvement Budget process for 2019. The Fire department is requesting five new sets of turn-out gear, five new portable radios, and a new ambulance. The cost of the five new sets of turn-out gear is \$16,947.25. They will be purchased from Phoenix Safety Outfitters and will be paid from the Capital Improvement Fund. The cost of the five new portable radios and microphones is \$24,665.90. They will be Motorola Solutions radios purchased through Mobilcomm. The Finance Committee recommends going forward with purchasing these items. The quote for the new ambulance is \$228,969.75. It will be a 2019 Braun Ford F450 Chief XL Type I ambulance. The Finance Committee is currently exploring different financing options over a three to five year period, with the flexibility to prepay without any penalty. We expect the financing to be finalized by the second council meeting in March, at which point the Finance Committee will probably recommend passing the necessary ordinance as an emergency measure in order to lock in the lower cost 2019 cost. Fire Captain Feichtner also shared a recommendation to keep the old ambulance versus selling it. Over the past five years, because we did not have a spare ambulance, there were 63 times that another community's ambulance took a Mariemont resident to the hospital. This represents anywhere from \$56,700 to \$94,500 in lost revenue for the Village. Assistant Fire Chief Kiefer has agreed to track the incremental revenue from having a spare ambulance as well as the costs to maintain the spare ambulance and share that with Council so we can assess this arrangement to see if it makes financial sense on an annual basis. Mr. Bartlett said the committee will need to have a second meeting to discuss the financing for the ambulance and now also a broader discussion to see if there are other things the Village could potentially do. The committee is recommending going ahead with the purchase of the turnout gear and radios. There was brief discussion regarding the interest rates and it was decided to discuss further in the committee meeting when more information was available. On roll call; six ayes, no nays.

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the recommendation of the the Safety Committee which met on February 25, 2019 at 6:00p.m. Present at the meeting were Committee Chairman Avia Graves, Committee members Maggie Palazzolo and Kelly Rankin, Council member Rob Bartlett, Village Engineer Chris Ertel, Chief Rick Hines, Assistant Fire Jason Kiefer, Chief Village Superintendent John Scherpenberg and Mayor Dan Policastro. The committee recommends that we leave the crosswalk as is. Mrs. Schwartz asked for background on this matter. Mrs. Graves said one citizen sent a request to the Mayor. She extended an invitation to the meeting to the citizen who did not attend. The resident felt that it was a busy street and that the Village should have lighting at the crosswalk. The crosswalk was put in last year when a Village wide analysis was done complete with adding additional signage. The additional signage was not in place when the resident made the initial request. It was discussed and lighting is extremely expensive. She feels there would be more appropriate spots should the Village wish to spend that amount of money. Engineer Ertel shared that the estimated cost would be \$20,000 for flashing lights overhead and that is based on if the electric was in place to do it. To do something similar to Wooster Pike and Belmont would be close to \$100,000. The Committee felt the crosswalk is sufficient as is. Her feeling is it should be more of a consensus or petition and not just the request of one person to make such a change. On roll call; six ayes, no nays.

Mr. Bartlett moved, seconded by Mrs. Rankin to accept the recommendation of the The Safety Committee which met on February 25, 2019 at 6:00p.m. Present at the meeting were Committee Chairman Avia Graves, Committee members Maggie Palazzolo and Kelly Rankin, Council member Rob Bartlett, Village Engineer Chris Ertel, Chief Rick Hines, Assistant Fire Jason Kiefer, Chief Village Superintendent John Scherpenberg and Mayor Dan Policastro. The committee recommends that we install a no parking during school hours sign on Pocahontas (in the vicinity of the high school) (same as on West St. and Cherry St.). Hours for no parking are 7am-8am and 2:30-3:30pm. Mrs. Graves said presently there is no signage to say no parking and it created havoc when someone was home for school break and parked there. On roll call; six ayes, no nays.

Mrs. Graves moved, seconded by Ms. Palazzolo to accept the recommendation of The Safety Committee which met on February 25, 2019 at 6:00p.m. Present at the meeting were Committee Chairman Avia Graves,

Committee members Maggie Palazzolo and Kelly Rankin, Council member Rob Bartlett, Village Engineer Chris Ertel, Chief Rick Hines, Assistant Fire Jason Kiefer, Chief Village Superintendent John Scherpenberg and Mayor Dan Policastro. The Committee recommends that we split the cost of removal of the Fire Hydrant behind Mio's. Total cost is \$5625.00 for a cost to the village of \$2812.50. In addition there is a steam man hole in the same location that we need to also remove. It is the recommendation that the village remove this at the same time for a cost of \$1750. The Village will pay the full cost of the steam man hole removal. Mrs. Graves said she felt the Committee members met and did their due diligence, discussed the matter and made a recommendation. She feels it is up to the Committee and Council as a whole to agree to make the decision to table the matter. She said there is additional information that we did not have. Engineer Ertel said his concern is when he was asked to look at the fire hydrant he contacted Cincinnati Water Works and had plans drawn up to remove the hydrant. He wants to make sure that the new price would have those requirements attached to it. Mrs. Graves moved, seconded by Ms. Schwartz to table the report to allow the Committee to have further discussion. On roll call; six ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

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 Friday April 19, 2019 in Observation of Good Friday

State Auditors will conduct on-site audit work May 16, 2019 and May 17, 2019

Resolutions:

"To Confirm the Reappointment of Edward J. McTigue as Solicitor for the Village of Mariemont for the Calendar Years of 2019 and 2020" had a third reading. Mr. Brown moved, seconded by Ms. Schwartz to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R- 3-19 was adopted.

"To Confirm the Reappointment of Christopher M. Ertel as Village Engineer for Calendar Years 2019 and 2020; And To Set Compensation" had a first reading.

Ordinances:

"To Accept Bid of Grass Cor; To Authorize Contract; 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 Ordinance had a second and third reading. Ms. Schwartz moved, seconded by Ms. Palazzolo to adopt the Ordinance. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Ms. Schwartz to invoke the emergency clause. On roll call; six ayes, no nays. O-4-19 was adopted.

"To Create the Position of Part-Time IT Administrator; To Confirm the Appointment of Elissa Wendler for Calendar Years 2018 and 2019" had a first reading.

"To Reappoint Elissa Wendler as Village Fiscal Administrative Assistant for the Calendar Years 2018 and 2019; To Set Compensation" had a first reading.

"To Reappoint Anthony Borgerding as Village Fiscal Officer for the Calendar Years 2018 and 2019" had a first reading.

"To Amend Ordinance O-3-19 of the Mariemont Code of Ordinances to Increase Payment for Employees; And To Declare Emergency" had a first reading. Ms. Schwartz moved, seconded by Mr. Brown to suspend the rules to allow for the second and third readings. On roll call; six ayes, no nays. The Ordinance had a second and third reading. Mrs. Graves moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; six ayes, no nays. Ms. Schwartz moved, seconded by Mrs. Rankin to invoke the emergency clause. On roll call; six ayes, no nays. Ordinance No. O-5-19.

“To Repeal Ordinance O-14-15 Pertaining to Maximum Pay Rates for all Grades of Recreation Employees and To Enact New Legislation Pertaining to Maximum Pay Rates for All Grades of Recreation Employees; And To Declare Emergency” had a first reading. Mr. Bartlett moved, seconded by Mr. Brown to suspend the rules to allow for the second and third reading. On roll call; six ayes, no nays. The Ordinance had a second and third reading. Ms. Palazzolo moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; six ayes, no nays. Ms. Schwartz moved, seconded by Mrs. Rankin to invoke the Emergency Clause. On roll call; six ayes, no nays. Ordinance No O-6-19 was adopted.

Mr. Bartlett asked that Financial Reporting and Income and Expenses Trends be added to the Finance Committee. Mayor Policastro referred both matters to the Finance Committee.

Mr. Bartlett said he sent Solicitor McTigue an email regarding the Frost Todd Brown contract and asked if he had a chance to review it. Solicitor said it is a very broad contract. It was his understanding that they were going to be hired for specific purposes if Council deemed necessary. The formatted contract was strange and some of the provisions relative to Village weighing their conflict of interest. He believes it would be a dreadful mistake for the Village to agree cart Blanche to waive any conflict of interest. He is curious if they have the same restriction he does relative to the number of hours they can expend on a project before obtaining prior approval. He said he has been very busy the past couple of weeks. He asked if he should contact Mr. Bartlett with questions. Mayor Policastro said we should call a special meeting so all of Council weighs in. Solicitor McTigue said he will send a copy of the contract to members of Council. He is not in favor of waving the conflict of interest because Mr. Greiwe is a big client. Mr. Brown asked if Solicitor McTigue’s contract is in order to be signed. Solicitor McTigue said it is and he will sign it.

Mr. Bartlett distributed copies of maps from Ms. Welling in the State Historic Preservation Office. It shows what is and what is not historic within the Village. The maps outlined archaeological sites, historic sites bridges etc. This is what is officially in the Ohio system about what is and what is not designated as an historical area. He pointed out that there is nothing north of Wooster Pike that show any archaeological sites. The hillside that is between the church and the Waldorf School is not listed anywhere in the official area such sites. He knows that Dr. Tankersley did file for this and Ms. Welling said it was sent back for some edits they required and it had not yet been resubmitted. In the official system the area is not part of official archaeological Native American burial site. He believes the Village needs to be careful about what we say is and is not historic because this is what is official. Mayor Policastro said according to Dr. Tankersley, Dr. Metz, the archaeologist who the Village is getting all of the artifacts from, documented the area. Mr. Bartlett produced a map that he got through MPF that came from Dr. Metz in the 1800’s. There is nothing on the map that shows the hillside was any kind of burial site. It does show the Whiskey Creek area as being listed. The statuary area is identified. We need to be careful about officially calling a historical site or archaeological site. He has spoken with Dennis Wolter and Joe Stelzer who were on Council in 2012 and neither recall a vote of Council. Mr. Wolter stated he remembered the Mayor speaking to his duties as to what he would be doing with helping with the Eastern Corridor fight but he does not remember Council actually voting to designate Dr. Tankersley or anyone else. Mr. Bartlett said he went through all the 2012 Council meeting minutes online and no vote took place. There was discussion about the South 80 but no vote. Mayor Policastro said there were committees that were fighting the Eastern Corridor and they were begging Dr. Tankersley to come in and work the area. Millard Rogers was a big part of it too. They wanted the University of Cincinnati – now it could have been implied permission but he was definitely wanted to help with the Eastern Corridor. Solicitor McTigue said if there is nothing in the minutes indicating that the Village formally approved it Mr. Wolter would have to admit the Village Council gave tacit approval to Dr. Tankersley to do anything and everything he could relative to the archaeological explorations in the Village primarily for the Eastern Corridor Project. He may have looked at other areas in the Village because citizens seem to be pretty sensitive about these historical areas and want to preserve them. Mr. Bartlett said he would not doubt the South 80 but from his conversations there has never been discussions about anything broader than the South 80. Mayor Policastro disagreed saying we wanted it everywhere and it goes back before 2012. Solicitor McTigue said he knows that they wanted Dr. Tankersley down by Whiskey Run. Mr. Bartlett said there was no vote for that either. Solicitor McTigue said that is when he and Mr. Bartlett first had discussions about Mr. Bartlett wanting to follow the process and that he really did not care what happened one way or the other which was not necessarily true because he did care what happened. The Village followed the process and Council voted to not allow bicycles on the paths. Mr. Bartlett’s intention was to follow the process and what Mr. Bartlett is bringing up now is that perhaps in the past the Village not followed the letter of the law as far as the process is concerned. We have not had a Council that has been as discerning as Mr. Bartlett has been but he would think that everyone was thankful for the work at no cost that he did for the Village. If it is rubbing people the wrong way we can deal with that. He is not sure frankly

what the issue is and he knows that Mr. Bartlett did not like the way the sign on the hill by Waldorf School was handled. He and Mr. Bartlett have had correspondence about that. The world is made of would have, should have, could have. He finds that people want to read the code very selectively and pull out the provisions that supports their agenda or their point of view. The Mayor does have certain authority relative to signage in the historic district and who he can allow to dig without Council approval. If he has overstepped the authority Council has every right to call him and challenge him on it. But he is not really sure what the issues are with Waldorf. All we are saying to them is whether you call it a Native American Burial site or a historic site it does have some historic significance and by virtue of the historic significance it should be shown some respect and that is all the sign says. He and Mr. Bartlett discussed changing the wording on the sign but Mr. Bartlett wanted to take it a step further by saying if we do this we could open ourselves up to lawsuits. He explained to Mr. Bartlett why he would not go that far to say that because he thought that would be a statement against our best interest. Mrs. Graves said at the last meeting she thought Council was going to invite them to a Special Council meeting to come to discuss the issue. Mayor Policastro said he had a meeting with Waldorf School and Louise Schomburg. He said he had been working with them and he thought it was a pretty good meeting until one of the ladies said she did not mind the kids stepping on graves which Ms. Schomburg did not like at all. Solicitor McTigue said to Mrs. Graves's point it was an issue that we were going to bring up before the whole Council. He thinks because the Mayor has been driving the bus with the Waldorf School and has been trying to soft sell and get everyone to hug and love one another as opposed to getting into fights. He suggested that at the last meeting because he knows the Village wants to be a good neighbor to Waldorf and they want to be a good neighbor to us. He thought it would be better to get all of Council together to do that meeting but the Mayor felt that he and Ms. Schomburg could ease over the tensions. If it worked – great. If it did not then we should invite Waldorf in for a special meeting. Mayor Policastro said Waldorf said they would try to be respectful to the area. Solicitor McTigue said the Village really wants to avoid litigation. Some judges say trials are a failure of the system because people get so entrenched with their positions, one way or another and cannot move. The best approach is to work with them the best you can. Whether it comes from the Council as a whole or the Mayor himself at least they have that message. Mayor Policastro said the point he made was there is a Pioneer Cemetery and there are obviously bodies outside of it because they built the wall in 1923. We just want to be respectful to these poor souls. Waldorf seemed to understand. Another problem he is having is getting phone calls from residents who live in the area who see the children and the vegetation that is all chewed up. He took some pictures. Residents are asking him why he does not call the police. He does not want to call the police. There is a code section 31.021 that states that the Mayor has to see that all ordinances, by-laws, and resolutions of the legislative authority are obeyed and enforced. Mr. Bartlett said the Mayor gave them an easement giving them the right to use the property. Mayor Policastro said to use the property – but not to tear it up. No one is stopping them from using it. Waldorf promised him they would find a way to put grass down this spring. He is going to put information in the Mayor's Bulletin. Mr. Brown said they use the hillside for staging area for pick-up and drop off. Mrs. Graves asked where are we now – at a wait and see standpoint? Solicitor McTigue said if the meeting that the Mayor had with them last week was enough to at least defuse the situation for now – maybe it would be best to go into a wait and see mode to see if anything develops. He said they do have an easement – but they can use it to the extent that the Village can use it. If our use of the property is somehow restricted because of prior historical designation that he is not aware of then their use would be restricted as well. Mr. Bartlett said Ms. Welling said there are no restrictions even if it becomes a registered historic site. Mayor Policastro said he may meet with them again next week. He has a connection with one of the representatives from the school who also lives in the Village. Solicitor McTigue said if Council has expressed an interest in participating then he suggests they hold a Special Meeting of Council.

Mrs. Graves asked about the status of opening the walking path at Whiskey Creek. Mayor Policastro said Eric Marsland is working with the Boy Scouts and he was going to work with them to build some type of bridge. He referred the matter to the Health and Recreation Committee and suggested reaching out to Mr. Marsland for an update.

The meeting adjourned at 8:34 p.m.

Dan Policastro, Mayor

Anthony Borgerding, Fiscal Officer

