

**Village of Mariemont
Council Meeting
March 14, 2022**

Mayor Brown called the meeting to order at 6:33 with the Pledge of Allegiance. Present were Mr. Bartlett, Mrs. Brownknight, Dr. Lewis, Mrs. Rankin and Mr. York.

Mrs. Rankin moved, seconded by Mr. Bartlett to excuse the absence of Ms. Geldbaugh. On roll call: five ayes, no nays.

Mr. Bartlett asked that the amount noted for the sale of Engine 67 was \$125,000, not \$130,000. Mrs. Rankin moved, seconded by Mrs. Brownknight to amend the February 28, 2022 Council meeting minutes as written. On roll call: five ayes, no nays. Mrs. Rankin moved, seconded by Mr. Bartlett to accept the minutes as amended. On roll call; four ayes, no nays (Mr. York abstained due to his absence from the meeting).

Communications:

From Police Chief Hines: 2021 Annual Report. Mayor Brown noted that Chief Hines did an excellent job on his report and congratulated him on his 34th anniversary of serving the Village of Mariemont. Mrs. Brownknight asked if there was anything in the report Chief Hines wanted to highlight. He said the increase of drug arrests were due to the addition of K-9 Dasty. Officer Kurtz has worked well with Dasty and they are doing a phenomenal job.

From Assistant Fire Chief Copeland: February 2022 Monthly Report

From Service Superintendent Scherpenberg: February 2022 Monthly Report

From Building Officer Holloway: February 2022 Monthly Report. He noted that February was a slower month and he has been working on compliance issues which Mr. York applauded. With the warmer weather approaching, he said permit applications will increase.

From Tax Administrator Barlow: February 2022 Monthly Report. Mayor Brown introduced Chuck Barlow who was hired to replace DeAnna Darrah when she left employment with the Village. Mr. Barlow said he is settling in and enjoying his new position. He added some additional information to the monthly report that he hopes Council will find beneficial. He is working with Fiscal Officer Borgerding on updating projections for the year.

From Assistant Fiscal Officer Wendler: February 2022 Monthly report

Permission to Address Council:

Mr. Gary Lemon, 7001 Wooster Pike, was granted permission to address Council. He was concerned about the condition of the Dale Park area by the Waldorf School and the way it is not taken care of. He spoke with the Waldorf School and does not feel they understand the problem. He realizes they are a nature-based school, but the kids have destroyed the hillside. Something needs to be done, such as closing the area off. It is visible driving along Wooster Pike. He asked Council what can be done by enforcement by way of ordinance.

Mayor Brown said it has been a topic of discussion for years. It was suggested that creation of a Waldorf Neighborhood Advisory Group be put together. They would meet to discuss concerns and meet with the Administrator at the school. They own the building and a section of land on either side of the building and in back. Part of the agreement was written in that allows them the usage of the parks and a broader area surrounding the building. They have a legal right to be occupying the space, but it does not give them the legal right to abuse it or leave it in a less than desirable condition. Mr. Lemon distributed pictures of the current situation at the Waldorf School showing there is no grass at all. Mayor Brown said the Dale Park hillside is in the Health and Recreation Committee of Council. A planting plan was developed

for the hillside pre-Covid. The plan is to have them help with the plantings on the hillside. Mr. York said he has reached out to the school but has yet to hear from them. The plan is to meet with them and work together as a partnership. Mr. Lemon said he would be happy to help to work to resolve the issue.

Ms. Marianne Schmidt, 3895 Oak Street, was granted permission to address Council. She too is concerned about the Waldorf School and asked what can be done to eliminate the damage to the park. She believes they should use their own property to hold classes and just use the park for a playground. Any damage should be at their cost. She also suggested they stagger the time arrivals at school to alleviate the traffic congestion. Another unrelated concern was the overflowing trash in the 3900 block of Oak Street. She suggested that smaller dumpsters be utilized at the apartments with 2x a week pick-up.

Motion to Pay the Bills:

Mrs. Rankin moved, seconded by Mr. York to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. Mr. Bartlett asked if the DORA cups were the larger size. Chief Hines confirmed that they are. On roll call: five ayes, no nays.

Committee Reports:

Mrs. Rankin moved, seconded by Dr. Lewis to accept the recommendation of the Rules and Law Committee which met on March 7, 2022 at 4:30pm to discuss the following: The Employee Manual update process, Tree Advisory Board recommended changes to Ordinance No. O-20-21, Village of Mariemont Fencing Ordinances, Chapter 152 of the Mariemont Code of Ordinances Rental Dwellings and Units and the status of short-term rentals in areas not zoned for commercial use. Present were Village employees, John Scherpenberg, Chuck Barlow, Joanee Van Pelt, Mayor Brown, Committee Chairperson Susan Brownknight, Committee Member Kelly Rankin and Committee Member Marcy Lewis.

The Employee Manual updating process requires no action from Council at this time as Department Heads will begin the process of making recommended updates starting the first week of May.

The Committee recommends that Council accept the recommendations of the Tree Board to update Ordinance No. O-20-21, Section 57.06 (b) (i) replacing “nine-person Village of Mariemont Tree Advisory Board” with “14-person Village of Mariemont Tree Advisory Board.” This change is being recommended to provide consistency throughout the document.

The Committee reviewed the following fencing ordinances, 151.101, 151.102, 151.103, 151.104, 151.105 151.106 and has the following recommendations:

- a. “Fence” must defined within the ordinances and decorative fences should be included in the definition of “fence”
- b. Materials of construction should include:
 - i. Powdered coated aluminum
- c. Chain link fences should not be permitted to line standard fences
- d. Ensure that all ordinances related to fences are consistent on current ordinances on chain link fences and pending ordinance related to electric/invisible fencing. The Committee recommends that Ed McTigue work with Zoning Officer Rod Holloway to identify all areas of inconsistency within the aforementioned ordinances.
- e. Update section 151.102 (B) to ensure that residents can put up a fence taller than four feet in a side yard/a privacy fence that abuts the neighbor. Please note that the language related to front yard fences does not change and will continue to read that they “shall be no more than four feet in height and at least 50% open.”
- f. Clarify 151.04 (7), which states, “no setback is required for fencing in any yard”. Currently, practice is that setbacks are required for fences 6ft or higher.

The Committee reviewed the provisions of Chapter 152 of the Mariemont Code and recommends to the Village to amend Section 152 of the Mariemont Code of Ordinances and update the timing of permit validity, inspection and permit response times and fees. The Committee recommends that the Solicitor prepare the necessary legislation once recommendation is adopted. On roll call; five ayes, no nays.

Mr. Bartlett moved, seconded by Mr. York to accept the recommendation of the Finance Committee which met on Monday, March 7, 2022 at 3:00 pm to discuss the request from the Fire Department to purchase a Mini-Pumper Truck. Present at the meeting were Finance Committee members Rob Bartlett, Kelly Rankin and Marcy Lewis, Assistant Fire Chief Dan Copeland and Mayor Bill Brown.

Assistant Chief Copeland shared in the February 28 council meeting that they found a mini-pumper truck that would cost ~\$250k and would be available this summer. After much discussion, the Finance Committee agreed that this was likely a good thing to do, with the primary benefit being to extend the life of the ladder truck. There is also a belief that the mini-pumper could increase our revenue by being able to make EMS runs when our ambulance is already out on a call. However, our previous Assistant Fire Chief told us we could similarly increase our revenue by keeping two ambulances, but our revenue actually went down versus when we had just one ambulance. The real issue, though, is this was not included in the original Permanent Improvement Fund submission, and as such there isn't enough money in the Permanent Improvement Fund to pay for this. Also, the Village is already likely facing a deficit in 2022 and purchasing the mini-pumper would increase the deficit. The following are the key points:

1. The Permanent Improvement Fund Budget that was approved in December by council already projected overspending of roughly \$63k. Since then, the cost of the Police Chief's car has come in at \$15.5k versus the previous placeholder of \$45k. Also, we will be transferring \$125k for the sale of the old pumper truck and \$31.5k for the sale of the extra ambulance into the Permanent Improvement Fund. So, the Permanent Improvement Fund now stands at a surplus of \$123k ($-\$63 + \$30 + \$125 + \31), still \$127k short of the \$250k needed to purchase the mini-pumper truck.
2. The original overall 2022 budget for the Village showed a \$189k deficit. In mid-February, Mr. Bartlett and Mr. Borgerding updated the projected revenue and spending for 2022. Their latest estimate is the deficit will be roughly \$69k. This includes the \$31.5k from selling the ambulance, but not the purchase of the mini-pumper. If we buy the mini-pumper without any reductions elsewhere, our deficit will grow.
3. The Village currently has roughly \$485k in outstanding loans. We are spending ~\$155k a year servicing this debt. The two largest payments are \$100k/year for the municipal building loan and \$51k/year for the new ambulance that we bought in 2019. The final payments for both of those loans will occur in 2024. The other two loans are street related. Their total principal is ~\$84k and we pay just over \$4k/year. One loan will be paid off in 2037 and the other in 2039.

The Finance Committee sees five alternatives for Council to consider:

1. Use the \$156k from selling the pumper truck and the ambulance and borrow the remaining \$127k (recall after the \$156k was added, the Permanent Improvement Fund's balance was +\$123k, so still \$127K short of \$250k). Current interest rates are 2.93% over 4 years but are projected to increase. If spending is not cut elsewhere, then if we do this our deficit in 2022 will increase by \$156k. The first loan payment will be due in March, 2023. Our total loan amount will be reduced to \$250k by that time, but the Permanent Improvement Fund will be further constrained in 2023 and 2024 from having to service the additional debt.
2. Use the \$156k from selling the equipment and provide a short-term loan from the General Fund of \$127k. There is no interest expense, but our deficit in 2022 will now increase by the full \$250k.
3. Use the \$156k from selling the equipment and revisit the Permanent Improvement Fund budget, cutting \$127k of spending that had previously been approved. There would be no interest expense, but our budget deficit would increase by \$156k. Permanent Improvement spending could also be cut in #1 and #2 above to reduce the loan amount. The Finance Committee recommends revisiting what was approved back in December to see if anything has changed and should be removed/modified.

4. Delay the purchase of the mini-pumper until 2023 or 2024. The \$156k from selling the equipment could be carried forward and the remaining spending could then be built into the budget, allowing Council to minimize the deficit. However, there is a strong possibility that the cost of the mini-pumper could increase. There is also the possibility that a used mini-pumper could become available, although not as likely.
5. Don't purchase a mini-pumper truck at all. The wear and tear on the ladder truck would continue. It was purchased in 2012 so it is 10 years old this year.

Note: The question was also raised in the meeting if some of the \$156k should be used to address the facility issues that were raised in the Kramer report, to create a safer work environment for our firefighters. These facility issues were added to the Committee of the Whole agenda. If we are not going to address these facility issues now, when we have this cash, then should those facility issues be removed from the Committee of the Whole agenda. Since all of Council needs to make the final decision, the Finance Committee thought it would be appropriate to discuss these options during the March 14 Council meeting and then hold a vote on how to proceed. On roll call; five ayes, no nays.

Council discussed the pros and cons of taking out a loan and revisiting the Permanent Improvement Fund to reallocate funds. When originally passed, Council had agreed if necessary to use ARPA funds (American Rescue Plan Act of 2021). Mr. Bartlett further explained how he arrived at the numbers presented in his report and advised that he was not supportive of borrowing money thus adding to the deficit.

Mrs. Brownknight asked for further information regarding the Kramer Report and a safer working environment for the firefighters. Mr. Bartlett distributed the notes from Tim Wiley from the August 19, 2021 Fire Station tour included in the Kramer Report. It outlines issues that need to be addressed. That has been assigned to the Committee of the Whole.

Chief Hines said obviously there were problems with the building flooding and mold issues which have been taken care of. His priority is spending money on equipment that helps take care of our residents before we worry about niceties inside the building. Mr. Bartlett said some of the concerns mentioned in the report indicated that it could be harmful to the firefighters. Assistant Fire Chief Copeland said the trucks are running on clean diesel. The trucks are not left sitting idling in the bay. The trucks produce NCO2 which is water based. Regarding the living conditions, they are not the greatest, but no one is complaining. Based on the Kramer report he was tasked with cost reductions and savings.

Mrs. Brownknight voiced concern that this matter was not part of the Permanent Improvement Budget process but is confident that if they felt it was needed it would have been put in the budget. However, she struggles with the governance of not budgeting a \$250,000 expense. It was noted that the Fire Committee had not yet completed their recommendation. That has been completed and in the meantime a truck was located. He is trying to save money by purchasing now before prices increase. The replacement of the pumper truck was on the list but was moved from 2023 to 2024. Chief Hines stated that ideally two fire fighting apparatus are needed. Mrs. Brownknight said the fire truck was sold knowing we would be operating with one truck. She is deeply concerned that the report notes safety issues that are not being addressed. Firefighter safety is a top priority. We have not acted on it and she is unclear what the steps are to act upon it. Dr. Lewis said the firefighters' safety in the field is equally as important. She is willing to work with the Chief to come up with short and long-term safety plans.

Assistant Chief Copeland explained that this vehicle will allow the Village to increase EMS billing through First Response Billing. He explained how the process works with Medicare/Medicaid and how the billing will be different. This is a lighter weight truck that will allow the flexibility to access more areas in the Village. He sees this as a cost savings/cost reduction to the Village.

Mr. Bartlett said he is in favor of buying the equipment but in his opinion, it is a timing issue because the Village does not have the funding without creating a large deficit.

Mr. York said this has been an imperfect process, but to him he wants to provide the best fire service including personnel and equipment. The facility does need to be addressed. We need a strong and

viable fire department and from what he has reviewed, the mini-pumper does that by making the Village more viable by making us a hub for fire safety in this corridor.

After discussion, Council concluded to use ARPA Funds and make the following reductions to the Permanent Improvement Fund: Boathouse Leaks \$5,000, Sewers \$5,000, Swim Budget \$20,000, Administration Building Remodel \$10,000, Sidewalks & Curbs \$5,000 totaling \$45,000.

Mr. York moved, seconded by Dr. Lewis to purchase the Mini-Pumper by utilizing the reductions in the Permanent Improvement Fund and ARPA Funds as necessary. On roll call; three ayes, two nays (Mr. Bartlett and Mrs. Brownknight).

Mrs. Brownknight said part of her struggle was understanding the cost savings. Assistant Fire Chief Copeland said he would be happy to work through the numbers with her.

Mr. Bartlett moved, seconded by Mrs. Rankin to accept the recommendation of the Public Works and Service Committee which met on March 10, 2022 at 2:30 PM to discuss the mowing service for 2022. In attendance were the Committee Chairperson Kelly Rankin, Committee Member Randy York, Committee Member Rob Bartlett, Maintenance supervisor John Scherpenberg and Mayor Brown. Resident John Swisher was also in attendance. Grass Cor has been the provider of lawn care service in 2020 and 2021. Due to rising costs, they are unable to provide the service at the pre stipulated rate increase of 2%. Grass Cor has provided a revised quote (see attached) which is \$64,808 vs. the previous contract of \$47,859. The contract is quoted at 36 cuts annually, which is subject to adjustment based on actual fulfillment. The option of shortening the contractual period was discussed and determined it would have minimal impact on the cost. The other option discussed was to perform the services in house, which would require the purchase of a 60" commercial mower. Mayor Brown stated that there were a few fire dept. personnel who expressed an interest in doing the mowing for the Village. Mr. Scherpenberg mentioned he had contacted Minute Men to inquire if they had a crew qualified to perform the work. The Committee expressed concerns about the reliability of Minute Men service.

The Committee recommends the following:

Mr. Scherpenberg to proceed with obtaining pricing on the mower. Mrs. Rankin to work with Mayor Brown and Mr. Scherpenberg regarding the logistics of fire dept. personnel performing the mowing responsibilities. The Committee will reconvene 3/15 to discuss the findings and finalize recommendation. On roll call; five ayes, no nays.

Miscellaneous:

Village Offices will be Closed in Observation of Good Friday April 15, 2022

Recommendations for Nominations for the Village Strategy Session. Mr. Bartlett noted that the Finance Sub-Committee will be meeting to discuss.

Guidance on Audit Committee Report. Mr. Bartlett met with the Audit Committee and they wanted to make sure they understood what Council wanted from their report. He recommended: (1) are the steps to identify audit issues sufficient, (2) are there concerns from reading the audit, (3) concerns/comments/suggestions after reading the Village's finances. Mrs. Brownknight said she would like to see a three-year trend. Mr. Bartlett said he can provide that – it would not be an Audit Committee responsibility. Mayor Brown said he would appreciate being notified of meetings in the future.

Resolutions:

“To Confirm the Reappointment of Christopher M. Ertel as the Village Engineer for Calendar Years 2021 and 2022; and To Set Compensation” had a third reading. Mrs. Rankin moved, seconded by Mrs. Brownknight to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-7-22 was adopted.

“To Increase the Tennis Fees for the 2022 Season” had a second reading. Mr. Bartlett recommended that the Adult Non-Resident fee be increased to \$85.00. Mr. Bartlett moved, seconded by Mrs. Rankin to amend the Resolution. On roll call; five ayes, no nays.

Ordinances:

“To Confirm the Reappoint of Elissa Wendler as Part-Time IT Administrator for Calendar Years 2022 and 2023; and To Set Compensation” had a third reading. Mrs. Rankin moved, seconded by Mr. York to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-6-22 was adopted.

“To Repeal Ordinance No. O-18-21 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” had a third reading. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-7-22 was adopted.

“To Amend Ordinance O-21-21 of the Mariemont Code of Ordinances To Increase Payment for Employees” had a third reading. Mrs. Rankin moved, seconded by Mr. York to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-8-22 was adopted.

“Ordinance Amending Chapter 150 of the Mariemont Code of Ordinances regarding Building Regulations General Provisions” had a second reading.

“To Amend Chapter 152 of the Mariemont Code of Ordinances Rental Dwellings and Units” was tabled pending further research from Solicitor McTigue. Mr. Bartlett moved, seconded by Mrs. Brownknight to table the Ordinance. On roll call; five ayes, no nays.

Task List:

2021 Financial Recap to Council with commentary/explanations: Mr. Bartlett said the financial recap was to have been done in January. It would have been helpful for the discussion with the Mini-Pumper. Mayor Brown said he met with Fiscal Officer Borgerding and will do it soon.

Creating a Village Foundation: Mr. York said a meeting is scheduled and hopefully the paperwork will be completed. He estimates it could take a year to get an official 501(c)(3) recognized by the IRS.

Convene Audit Committee: Mr. Bartlett said this matter can be removed from the task list.

Finish work on Murray Path/Submit invoices to ODNR for Reimbursement: Engineer Ertel is still waiting for Pinnacle to cash the \$21,000 check. The Village would receive 75% back from ODNR.

Boat House Roof Repair/Potential Grants for Funding: Mayor Brown said he is in the process of getting an estimate.

Clean up Village (hydrants, benches, curbs etc.): Mr. York said a color has been picked out.

Assessing parks, what needs to be fixed/potential grants: Mr. York said he is working with the President of the Parks Advisory Board and will be engaging the Garden Club. He and Mayor Brown are meeting with a representative from Human Nature on March 24th to look at all the parks.

SWIM POOL:

- a. Implementation of new contract & associated items
- b. List of activities identified by Pool Commission/Action
- c. Fixing Leak – Mayor Brown said we are not going to do the work this year.
- d. Determine who will manage Concession Stand – discussion ensued regarding the request to use ESoft for payment at the concession stand. It was determined that the EGov software would continue to be used for membership at the Tennis Courts.
- e. Long-Term master plan pool/facilities – Mayor Brown said it is ongoing
- f. Ed Beck – Mayor Brown said he is retiring and not returning.

Master Plan for Improving Office Space in Municipal Building: Mayor Brown said he is working on some upgrades.

Find Backfill/Replacement for Fiscal Officer & Asst Fiscal Officer: Mayor Brown said it is ongoing.

Relaunch of Rental Inspection Program: Mayor Brown said the legislation is going to be tweaked and presented to Council. Mr. Holloway has a plan on how it will be implemented.

Improvements to Bell Tower Baseball Fields/Batting Cage: Mr. York said he will follow-up on the work.

Walking Path Whiskey Creek: Mayor Brown said he was approached by Mr. Luken who was concerned about a big log that has fallen behind his house on the Village embankment. He is worried about erosion to his property.

Parking Lot Light Issue: Mayor Brown said he is in the process of setting up a meeting.

Porche Rallye: Mayor Brown said he has responded back to Mr. Karnes.

The meeting was adjourned at 8:40 p.m.

William A. Brown, Mayor

Anthony J. Borgerding, Fiscal Officer