

**Village of Mariemont
Council Meeting
April 11, 2022**

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

Mr. Bartlett asked that the minutes reflect the Strategic Session Meeting will happen April 30, 2022. Mrs. Rankin moved, seconded by Mr. Bartlett to amend the minutes for the Regular Council Meeting March 28, 2022. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Mr. York to adopt the amended minutes. On roll call; six ayes, no nays.

Communications:

From Police Chief Hines: March 2022 Monthly Report

From Service Superintendent Scherpenberg: March 2022 Monthly Report. Due to the rain, the firefighters have yet to start the mowing.

From Building Official Holloway: March 2022 Monthly Report

From Tax Administrator Barlow: March 2022 Monthly Report

From Assistant Fiscal Officer Wendler: March 2022 Monthly Financial Reports

From A359 Partners in Architecture: Letter Dated March 23, 2022 re: Proposal for Architectural Services. Mayor Brown said this is to sign a contract to do design and schematic work for the renovation work at the Statuary Park. It will be funded by MPF and the Centennial funds and also private donations/grants. We will need a Resolution due to the work being done on Village property, though the Village will bear no financial responsibility. Mr. York has a better drawing. He will send the link to members of Council.

From Service Superintendent Scherpenberg: Spending Request form for painting the light poles along Wooster Pike.

Permission to Address Council:

Mayor Brown referenced the Resolution before Council regarding having Choice One Engineering pursue a grant for the proposed Murray Path Multi-Use Trail. The legislation encourages public participation and language on how the grant will proceed. Applying for the grant will not obligate the Village to move forward with the plans that the Crown or any other entity may envision. If the Village does not pursue the plans no litigation may be brought against the Village. The plan will not be approved or executed until a proper public vetting process has taken place and a detailed final plan has been approved by Village Council. This Resolution is to simply go forward with Choice One proceeding to apply for a grant. We are not here tonight to debate the merits of the bike path. There will be parallel studies of ways the path can connect.

Mr. Charles Short, 6819 Roe Street, was granted permission to address Council. He is a former resident of the Village residing at 6998 Murray Avenue. He is the son of General Douglas Short. The Trolley-Turn-Around Park bears the name of his father. He is strongly opposed to the proposal of extending the Murray Bike Path through the Trolley-Turn-Around Park as it would destroy the purpose of the park as envisioned. His father was concerned about the green area in front of their house as it became an area for contractors to stockpile equipment. He presented plans for a projected park many years ago to preserve the trolley line to Mayor Policastro and Village Officials. One of the proudest moments was when the park was dedicated in 2006. His father would raise and lower the flag every day and tend to the flowers until his death in 2011. He continued the tradition until his move out of the Village. A bike path would threaten and undermine the purpose for which the park was created and maintained. The park's historic and patriotic

themes would also be at risk. He asked if the bike path went through what would be the fate of the Trolley-Turn-Around Monument? He urged Council to maintain the park as it is and reject the projected bike path.

Mr. Bob Van Stone, 4050 Lytle Woods Place, was granted permission to address Council. He read a statement on behalf of Suzanne Bischoff, 4004 Lytle Woods Place: 'Dear Members of Mariemont Village Council: It has come to our attention a proposal has been made to start the final connection of the Murray Bike trail from Plainville Road to the library. We understand the first phase will be a 10' wide swath of blacktop down the middle of the Trolley Park between Hiawatha and Rembold. This historical grassy area is frequented by local residents for kids games and the annual alumni Homecoming parade party. While we do agree that it is difficult to walk along the paved area, there has to be a better solution than the blacktop path. Consider widening Hiawatha or Rembold enough for a standard sidewalk. This would provide the safety needed for walkers and bikers and also maintain the grass area for recreation. As stated before, our fear is this first phase will lead to installing a bike path through four parks, two residential front yards and eliminate all the street parking for the apartments on Murray. Please consider the impact on the surrounding area and its residents before beginning with this project'.

Mr. Ron Ross, 6619 Elm Street, was granted permission to address Council. He is representing many who were not able to attend. He created and circulated a petition regarding moving forward with the grant application. Presently it has 140 signatures. The Petition reads: 'It is hard to believe that the Murray Path extension is not even a year old, and already is a great asset to the area. In December, Wasson Way connected to the Murray Path. Now we have a safe and scenic route to Ault Park and other Hyde Park amenities all the way to Xavier University. Many would like to keep up the momentum and work to connect Mariemont to the Little Miami Trail. Our community has an opportunity to apply for a grant that can help partially fund a path through the Northeastern section of Mariemont (Miami to Pocahontas near the library). By signing this petition, you can show your support of the Mariemont City Council in applying for a grant with the State of Ohio. The cost of, and support in applying for the grant, will be provided through private donations. We also recognize that there will need to be more community involvement in determining the design and final course of the mixed-use path please let us know if you would like to participate. Applying for the grant now allows our community to multi-task, submitting the grant application while opening the discussion to the community at large. Thank you for your support in continuing to improve the access, safety and beauty of our community!'. He believes it would be a beautiful enhancement to the Village. He will provide the Village with a copy of the signed petition.

Mr. Eric Wellingshoff, 6990 Murray Avenue, was granted permission to address Council. What disturbs him is this has been a hidden topic in the Village for years and private interest has now overtaken public discourse. He recommends voting against this not because he does not like recreational paths, but the Village needs to take control of its own destiny. It is being pushed by private interest outside of the Village. We need to set up public discourse. He does not believe this needs to be an emergency rush for approval. Private interest groups not related to the Village have websites. Council has yet to approve a three-phase plan.

Mr. Rob Mathews, 3708 Center Street, was granted permission to address Council. He was a doner for the Murray Path and the usage has exceeded his expectations. It is a joy to see children and families active in the community. He is supportive of Council pursuing the grant application.

Mr. Matt Ayer, 3908 Pocahontas Avenue, was granted permission to address Council. An important part of the study will be to preserve General Short's legacy. The study that is going to be done will be driven by Council and the Village of Mariemont. The scope of the study will be prepared by Village Engineer, Chris Ertel, and then reviewed by Council. An independent engineering firm will prepare an independent study which will consider alternatives. A final decision will be made by Council. No one is pushing Mariemont to do anything that Mariemont does not want to do. This will be a public process with public participation encouraged.

Ms. Geldbaugh said for many years it has been asked to look at another route, which was never done. When you view the website – it appears to be a done deal complete with map and video saying coming soon. She has a hard time believing a different route will be chosen even if asked to.

Ms. Louise Schomburg, 3885 Oak Street, was granted permission to address Council. If she remembers correctly there was a surplus of funds from the path that was just completed. She also voiced concern for safety crossing through the six-lane interchange on Plainville and the multi-street intersection on Miami. Mr. Ayer said the funds are in a 501 (3)(c) account called Events for Charity. The balance is \$47,500 with some of the funds earmarked for the final payment on the first phase of Murray Path. After the reimbursement money is paid to the Village remaining funds will be used for the next phase.

Not everyone agrees on where this path should go and that is the first thing that needs to be decided. The debate is also to run a parallel path determining this while also applying for the grant. Mr. York noted that according to the schedule provided the plan option would not be selected until January 15, 2023. The funding would come in November with 15 months to be used. If we want to improve the Village, we will need the help from grants etc.

Dr. Lewis said she is hearing that we do not have to delineate the path until January 2023 but Mr. Ayer is indicating it needs to be provided with the grant application. Mr. York said the information he has was from Mr. Ayer in which ODNR was willing to adapt the plans. Mayor Brown said his understanding when applying for the grant it is specified in the grant where the pathway is going to go. Engineer Ertel said the engineer estimate has to be based on something so yes, the route would need to be specified. Should that change, the grant is pulled back. It is possible that scope changes could be considered. It was noted that ODOT will not have the path from Walton Creek to the library until 2026.

Mr. Wade Johnston, Director of Tri-State Trails and Campaign Manager for Crown, was granted permission to address Council. The alignment that has been shown on the Crown website as a connection is really a point A and point B and is not the defined design at this point. The plan has always been to extend the trail to Plainville Road. It could exist as a shared roadway, trail, shared sidewalk etc. We are looking to the Village on how that will be designed. A grant will be applied for in June through OKI to extend the path from Walton Creek to the Mariemont Library. We believe it will be a positive impact for all surrounding communities. Private funding has been raised to help with the project. The conceptual route is the preferred route to go somewhere along that vicinity median. The best practice for the Village would be to come up with a plan for the whole Village comprehensively.

Motion to Pay the Bills:

Mr. Bartlett moved, seconded by Mrs. Rankin to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. Mr. Bartlett asked for clarification for Bramble Mower is listed under miscellaneous but confirmed that it was for the mowers for the service department. There was another listing for Bramble Mower under Municipal. Service Superintendent Scherpenberg said that was for the mower the Fire Department uses to mow the lawn of the Municipal Building. Mr. Bartlett asked for clarification on the monthly payment for Cincinnati Pool Management. Mr. York said he believes there will be a quarterly true-up for rain days etc. On roll call: six ayes, no nays.

Committee Reports:

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the recommendation of the Rules and Law Committee which met on April 4, 2022 at 4:30pm. Present were Committee Chairperson Susan Brownknight, Committee member Kelly Rankin, Mayor Bill Brown and Building Administrator, Rod Holloway. The Rules and Law Committee is recommending to Council the below updates to the Mariemont Code and subsequent Council approval:

Fencing:

1. Clarity regarding the language in 151.005, to ensure that it is clear that no fence can be constructed in a public right of way
2. Prohibiting vinyl fencing in the historic district
3. Providing owners of corner lots with clearer direction on where they can install privacy fences

Back-up Generators:

Currently, there are no existing regulations regarding backup generators, which means they can (and have been) installed in front yards. Backup generators will be added to Section 151.087, permitted obstructions in required yards:

1. The Committee recommends we include language prohibiting backup generators in front yards
2. The Committee recommends we include language that allows for an additional system, such as a backup generator be permitted in the required rear yard.

Artificial Grass

Currently, there are no regulations for artificial grass installation in Mariemont. There have been installations that have occurred.

1. The committee recommends prohibiting artificial grass in front yards and in line of sight
2. Creating strict quality, installation and color standards for artificial grass in backyards

Additionally, the Rules and Law Committee discussed short-term rentals. Given the legislation that has been presented in the State Ohio Revised Code to limit a local jurisdiction's ability to regulate short-term rentals, The Rules and Law Committee discussed having a process for regulation prior to any State law being passed. Currently, zoning prohibits commercial activity in a residential area in Mariemont.

The Committee agreed that there is value to the community in some ways for short-term rentals. For example, when families need to relocate while their home is being renovated. The Committee also agreed there were also concerns about short-term rentals. For example, what happens if noise and/or partying becomes an issue? Support was also expressed for our hotel and concern that short-term rentals may hurt the hotel's revenue.

Currently, there are two units in Mariemont listed as short-term rentals and no complaints have been logged regarding these rentals.

At the next Committee meeting, we will review and discuss **draft** language to offer a conditional use permit for short-term rentals. This is to ensure that if there is an issue with a short-term rental, Mariemont positions itself to have recourse to address the situation should the state-wide legislation pass and no further legislation is permitted regarding short-term rentals.

The Committee recommends that the Solicitor prepare any necessary legislation.

Finally, the Rules and Law Committee would recommend that updates related to paver/patio installation regulations be referred to the Rules and Law Committee. The report was signed by Mrs. Brownknight and Mrs. Rankin, but Dr. Lewis abstained.

Mr. Bartlett asked if language had been determined for the corner lot fencing. Solicitor McTigue said he has been working with Mr. Holloway regarding fencing and artificial grass and will be submitting the legislation for Council's review. He is also attending a seminar regarding Airbnb legislation next week. After discussion, Mrs. Brownknight moved, seconded by Mr. Bartlett to amend the report to reflect that the paver/patio installation regulations should be referred to the Planning, Zoning & Economic Development Committee. On roll call; six ayes, no nays. Council voted six ayes, no nays to accept the amended report.

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the recommendation. The Health and Recreation Committee met on Monday March 31, 2022 at 5:00pm. Present at the meeting were Health and Recreation Committee members Randy York (Chair), Susan Brownknight (Vice-Chair), and Mayor Bill Brown.

The Committee reviewed a request from the South 80 Trails Garden, and Trails Advisory Board concerning a policy for abandoned and unused garden plots. The Committee adopted the policy that abandoned plots would be forfeited and that the owner of the plot could request a new plot. This would be treated as a new request and would be put at the bottom of the waiting list for available plots.

The Committee reviewed a Resolution to establish policies and procedures concerning naming and renaming of Village property. It was decided that language would need to be added to allow the Village to get out of naming commitments if necessary. The Committee will work on adding this provision.

The Committee reviewed the fees associated with the renting of shelters and park spaces in the Village. These shelters and park spaces include Ann Buntin-Becker Park, the Boathouse, the John Nolan Pavilion, the South 80 Campsite, the Clarence Erickson Shelter, and the Concourse. It is recommended that the fees for the South 80 camp site remain the same at \$25.00 for 2 days/3 nights. All other shelters and parks would be increased to \$25.00 for residents and \$100.00 for non-residents. This increase was justified by the increased incremental costs of cleaning and maintaining the shelter and bathrooms at these facilities,

The Committee reviewed a proposal from Human Nature to develop a preliminary plan diagram for Dogwood Park. The cost of the deliverables will be \$4,000. Human Nature was directed to the H&R committee by the Mariemont Recreation Commission and the Commission has agreed to pay for the study. The Committee recommends that the memorandum of understanding be signed and that we engage the services of Human Nature for the project.

Mr. Bartlett liked the idea of increasing fees for the shelters and asked if they considered increasing the fees for non-residents for the South 80 garden plots since there is a back log of those wanting to purchase. Mr. York said he discussed it with Steve Spooner and it was agreed to leave the pricing as is. Their bigger concern were the abandoned plots. Discussion ensued rather there should be a rental deposit process because Village funds are used to clean them up. It was suggested to look at that process for next year. On roll call; six ayes, no nays.

A report from the Health and Recreation Committee was submitted regarding Tennis Rates and Capital Needs but was inadvertently left off the agenda. Council agreed to move to the agenda for April 25, 2022.

Mr. Bartlett moved, seconded by Mrs. Rankin to accept the recommendation of the Health and Recreation Committee which met on Saturday April 2, 2022 at 9:00am. Present at the meeting were Health and Recreation Committee members Randy York (Chair), Susan Brownknight (Vice-Chair), Leah Geldbaugh (Member) and Mayor Bill Brown. Also in attendance was council member Rob Bartlett and Village Engineer Chris Ertel and residents Eric Wellinghoff, Ron Ross, Matt Ayer, Lisa Wharton, Matt Ayer, Bob Van Stone, Adam Fisher, and Louise Schomburg. The purpose of the Committee meeting was to prepare a Resolution to be included in a 2022 Clean Ohio Trails Fund Grant for Murray Path from the library to Miami Avenue. At the 3.28.22 Village Council meeting it was decided that the Village would apply for the grant. It was necessary to prepare a Resolution as the inclusion of a Resolution is a condition of the grant application. The applications are due on April 15th. There was a respectful and constructive dialogue about the specific path section that would be included in the grant, the related study of the path route into the Village from the east, as well as the overall impact of the Crown Trail on the Village. It was eventually determined by the Committee that moving forward with the grant application and related study would stimulate dialogue in the Village and this public discourse could result in more informed decisions by the Village as a whole. The Committee therefore prepared a Resolution that would require extensive public input before any plan is approved or executed. The Resolution also specifies that no Village funds are committed to the project and that any expenses to the Village would be reimbursed by outside resources.

Discussion ensued with Ms. Geldbaugh stating that she does not believe we should go forward with this. Not enough residents know about this and she does not want a repeat of the firehouse process. Residents have to be given a chance to know what is going on and give input. There have only been two meetings with this being one of them. We are not at the point where the Village should be applying for a grant. Her recommendation is to table the matter.

Mayor Brown said he was concerned that there may be the projection of the cart before the horse by proceeding with the grant before we have done the study. He is pro multi-purpose path and doing the study but does not feel the Village needs to apply for a grant without a study. It appears that the course of the path has been pre-determined and that will be frustrating for residents who do not feel they have a concern to voice, as it feels the study will have been tainted.

Mr. York said Council voted to pursue the grant. The Health & Recreation Committee was charged with writing an Ordinance which they are presenting to Council tonight. The language is favorable to both the residents and the Village. He believes it is time for the Village to take a stance on the whole project. The Village needs to be very clear on their conditions.

Mr. Bartlett said he was comfortable with running both the grant application and study in parallel. The study will also look at alternatives. We will have input from residents and a professional engineer address any safety issues. The Village needs a master plan to connect those two end points.

Dr. Lewis said she does not feel it is a parallel process because parallel lines do not meet. The grant requires a path that may be controversial. This process has lead to her having more questions and the need for more answers.

On roll call; four ayes, two nays (Ms. Geldbaugh and Dr. Lewis dissenting).

Mayor Brown referred to the Health and Recreation Committee the matter of interviewing engineering firms to begin the study to see who will be the best fit for Mariemont to do the study.

Mr. Bartlett moved, seconded by Mrs. Rankin to accept the recommendation of the Public Works & Service Committee which met on April 5th at 4:30 PM to discuss the 2022 Street Projects bids and Plan for painting the streetlight poles. In attendance were the Committee Chairperson Kelly Rankin, Committee Member Rob Bartlett and Committee Member Randy York, Mayor Brown and Village Engineer Chris Ertel.

The first topic was determining which of the three bids for repair/paving the areas that were approved by Council in the Feb.14th meeting. As a reminder, the areas are listed here:

Bank Place from Miami Rd to Wooster Pike

Mound Way from Miami Bluff Dr to Mt Vernon Ave

Mt Vernon Avenue from Indianview Ave to Center St. The areas in Wooster Pike Village Square Parking were added to the bid in the hopes to get better pricing for paving than the cost provided by Barrett Paving when Wooster Pike was paved. Please see the attached for the three bids submitted along with Mr. Ertel's letter of recommendation. The Committee agrees with the recommendation to award the project to J.K. Meurer, with a bid of \$175,960.75. This will be paid from the Street Fund and the Permissive Motor Vehicle Tax Fund.

The second topic regarded the painting of the poles. Mr. York did a visual assessment of the lamps along Wooster Pike. He noted that 17 are in a condition that warrants painting this year. The cost as submitted by Static All Pro was \$600.00 per pole for the cobra style pole. Static All Pro is the company that painted the poles on Wooster around the Square last summer. The State Highway Funds spending request has been submitted as not to exceed \$11,000. The Committee recommends proceeding with authorizing Static All Pro to paint the designated poles on Wooster and to request the Solicitor prepare legislation if needed.

In order to allow Engineer Ertel, the ability to notify the bid winner of the Street repair bid, the Resolution will need to be passed as an emergency. On roll call; six ayes, no nays.

Miscellaneous:

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

The Budget Hearing will be Monday July 25 2022 at 5:30 p.m.

Resolutions:

“Resolution Declaring the Necessity of Levying a Tax in Excess of the 10 Mill Limitation for Permanent Improvements and Requesting the County Auditor to Certify Matters in Connection Therewith” had a second reading.

“Authorizing the Purchase of Two Semi Commercial Mowers for In-House Service for the Mariemont Service Department and to Declare Emergency” had a first reading. Mrs. Rankin moved, seconded by Mr. York to suspend the rules to allow for a second and third reading. On roll call; six ayes, no nays. The Resolution had a second and third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Resolution. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Mr. Bartlett to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-11-22 was adopted.

“A Resolution for the Village of Mariemont to Establish Policies and Procedures Concerning the Naming and Renaming of Village Property” had a first reading.

“Resolution to Enter Into Project Agreement with Kate Albert Studio, LLC” had a first reading.

“Resolution Authorizing Mayor to Execute Contract with Choice One Engineers for the Purpose of Submitting a Grant Application for Work in Connection with the Murray Avenue Multi-Path Trail; and To Declare Emergency” had a first reading. Mrs. Rankin moved, seconded by Mr. Bartlett to suspend the rules to allow for the second and third readings. On roll call; four ayes, two nays (Ms. Geldbaugh and Dr. Lewis). To allow for the second and third readings require a 5/6 vote of Council. The motion failed, but it was agreed to leave on the agenda should the grant process allow additional time for the passage of the legislation. Mr. Ayer will check and respond back to Council. Should additional time not be allowed, Council would have to vote at the next meeting to take the matter off the agenda.

“To Accept Bid of J.K. Meurer Corporation for the 2022 Street Rehabilitation Project, To Authorize Work and To Declare Emergency” had a first reading. Mr. Kelly moved, seconded by Mr. York to suspend the rules to allow for the second and third readings. On roll call; six ayes, no nays. The Resolution had a second and third reading. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the Resolution. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Mr. Bartlett to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-12-22 was adopted.

“Resolution Approving Interfund Transfers of Funds from the General Fund to Other Fund Categories; and To Declare Emergency” had a first reading. Mrs. Rankin moved, seconded by Mr. York to suspend the rules to allow for the second and third reading. On roll call; six ayes, no nays. The Resolution had a second reading. Fiscal Officer Borgerding said with the new system we cannot spend money out of funds that we do not have money available. Example would be the purchase of the new fire vehicle. These are to fix fund balances so we do not overspend. The Resolution had a third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Resolution. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Mr. Bartlett to invoke the Emergency Clause. On roll call; six ayes, no nays. Resolution No. R-13-22 was adopted.

Ordinances:

“To Amend Section 37.06 of the Mariemont Code of Ordinance, Tree Advisory Bord” had a first reading.

The meeting was adjourned at 8:29 p.m.

William A. Brown, Mayor

Anthony J. Borgerding, Fiscal Officer