

**Village of Mariemont
Council Meeting
April 25, 2022**

Mayor Brown called the meeting to order at 6:34 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 he suggested increasing the fees for non-residents for South 80 garden plots. Mrs. Rankin moved, seconded by Mr. Bartlett to amend the minutes for the Regular Council Meeting April 11, 2022. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the amended minutes. On roll call; six ayes, no nays.

Communications:

From Assistant Fire Chief Copeland: March 2022 Monthly Report

From Cassandra Noertker, Capital Programs Administrative Professional with ODOT: Email Dated April 15, 2022 re: Consent Legislation Request for HAM Signs FY2022 (PID No. 101029). Mrs. Van Pelt said she talked with Engineer Ertel who described this as preceptory legislation to allow ODOT to take care of the signs along Route 50. It was agreed to have the first reading of the Resolution but wait to pass on emergency until they could ask questions of Engineer Ertel.

From Assistant Fiscal Officer Wendler: Email Dated April 20, 2022 Re: Legislation to Support Necessary Street/Highway Expenditures. Fiscal Officer Borgerding said the legislation passed at the last meeting had the wrong fund. It has been corrected and it required a few supplemental items because there was not enough budgeted. In addition, funds were needed to be advanced until the Village received the monies.

From Tim Wiley, Principal with Emersion Design: Letter Dated April 20, 2022 Re: Mariemont firehouse Improvement. Dr. Lewis said she met with Mr. Wiley, Chief Hines and Assistant Chief Copeland. This was in response to the matter referred to the Committee of the Whole, Municipal Building Renovations and Additions. Concerns arose when Council was discussing the Mini-Pumper for the Fire Department. Mr. Wiley had more observations than recommendations. She read his letter dated April 20, 2022: 'This memo is a follow-up to Mariemont's Fire/EMS Resident Committee tour of our fire station in August 2021. Following that tour, I put together a list of observations based on my experience with fire station design and national fire station design standards. In general, the items listed could only be addressed with a major renovation/addition or with the construction of a new firehouse. Given the space limitations of the current facility, the observations noted could not be addressed without additional square footage. Given the age and layout of the building, if any improvements are considered, it would be most advantageous to the Village to consider all departments in the building and their departmental needs with any future renovation/addition planning.' The one exception was the ventilation. We would like to seek a poly vent grant. However, they are not given on a regular basis. Chief Hines is looking into it. The cost of the ventilation would be approximately \$100,000. It is currently adequate and does not pose an immediate safety threat to the employees, but it can be improved. The fire department does not run or leave the trucks running in the fire bay.

Permission to Address Council:

Mr. Brad Bowers, Mariemont rental unit owner, was given permission to address Council. He wanted to address the legislation regarding rental unit dwellings and feels what is being brought forward is a heavy-handed authoritarian approach. Many are still not understanding why they were not consulted. Mr. York said there was a public meeting on February 10, 2022 and the following day he sent an email to all asking for input and he received no response. Mr. Bowers said Council had 15 years to put this together and they were blindsided with 3 days' notice to prepare. In it's entirety, the tone is not something the majority of apartment owners agree with. It was confusing with the reference to the revised ordinance and final ordinance and was found to be ambiguous to us.

Solicitor McTigue said there have been numerous revisions to this ordinance. He understands that the rental unit owners do not like that the Village has to implement this legislation. It was changed after research of the Portsmouth case and what other communities have done to comply. The Village has to have some right to make sure the citizens renting apartments in the community have the safety to which they are entitled. He asked those who had concerns to reach out to him, that he was more than willing to hear suggestions.

Mr. York said Council is open to suggestions and we do not want to overburden, but we have to balance that with the responsibility to the renters.

Mayor Brown did not find the language in the legislation to be ambiguous. He suggested if there were questions to reach out to the Building Official Rod Holloway or Solicitor McTigue.

Dr. Lewis noted that the Mariemont Code of Ordinances are ambiguous and Council is trying to make it better.

Mr. Mark Timmey, Mariemont rental unit owner, was granted permission to address Council. He asked Solicitor McTigue what municipality the ordinance was modeled after. Solicitor McTigue said he would send the information via email. Mr. Timmey said in his opinion the marketplace is the best judge of the appropriateness of a rental unit. The new ordinance is vague and poses a lot of questions. He is going to litigate if Village states they need to inspect a unit as a condition before he can rent a unit.

Mr. Dennis Hamilton, Mariemont rental unit owner, was granted permission to address Council. He asked Council if they were planning on inspecting currently rented units. He stated there are many long-term renters. Mayor Brown said his understanding is that they would be restarting the 3-year clock. Mr. Holloway will be overseeing the plan and can be contacted to answer questions. If a rental unit comes up in rotation to be inspected and one of the items is triggered on the list as to why we would need to come into the unit, discussion would be made with the landlord and tenant first before the Village would seek an administrative warrant. Mr. Hamilton voiced frustration with Rumpke regarding yard waste because they want it in brown bags. He was informed that a can may be labeled "Yard Waste" with stickers available in the Municipal Building lobby.

Mr. Patrick Crowley, Vice-President Government Affairs with the Greater Cincinnati/Northern Kentucky Apartment Association, was granted permission to address Council. On behalf of the association, he would like the opportunity to submit something in writing to the Solicitor for consideration of changes to the present legislation.

Ms. Karen Koetzle, 3865 Beech Street, was granted permission to address Council. If the Village is so concerned, she would ask them to step in when there are bad tenants. Her concern is the whole Village. There are houses in the Village they are owned by seniors that have never been updated. Rather than focusing on rental properties, she proposed that the Village look globally at older homes with older people – who is to say those are safe with updated plumbing and electric. A lot of money is spent on purchasing and updating rental units. There are avenues such as the Ohio Tenant Landlord Law for tenants with concerns.

Motion to Pay the Bills:

"To Supplement Ordinance No. O-9-22 Annual Appropriation Ordinance" had a first reading. Mrs. Rankin 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 Ordinance had a second and third reading. Mrs. Rankin moved, seconded by Mr. York to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-12-22 was adopted.

Mrs. Rankin moved, seconded by Mr. Bartlett to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. On roll call: six ayes, no nays.

Committee Reports:

The Health and Recreation Committee met on Monday March 28, 2022 at 4:30 pm. Present at the meeting were Health and Recreation Committee members Randy York (Chair), Susan Brownknight (Vice-Chair), and Mayor Bill Brown. Also in attendance were Council member Rob Bartlett, Mariemont Tennis Association members Linda Bartlett, Carter Kemper, and Kevin Taylor, and Mariemont Pool Commission members Mandy Rohal and Terry Donovan.

The Committee reviewed the projected 2022 budget for the Mariemont Tennis Association. The Committee projects that the budget will generate an operational surplus of \$10,000 - \$15,000 for 2022. It is recommended that these excess funds be directed to a designated and named capital improvement fund for tennis. It is estimated that a long term of maintenance schedule would require a capital allocation of between \$40,750 - \$48,750 for the tennis courts.

The tennis budget does not include any contribution from the Mariemont School District. The Mariemont School District uses the courts an estimated 17.4% of available court time with women's tennis in the fall and men's tennis in the spring. A representative from the Health and Recreation Committee will schedule a meeting with the Mariemont School District in hopes of determining a fair and equitable agreement on the sharing of longer-term court maintenance costs.

The Committee agreed that the current condition of the courts with significant raised cracks would need to be addressed this spring. The Committee decided to only do a minor repair of the cracks this season with a repair/patch/and paint approach. There was no current bid for this scope of work so the committee authorized the evaluation and selection between at least two bids for this work at a cost not to exceed \$10,000.

The Committee reviewed the 2022 pool budget. The budget projected an operational deficit of \$58,875 for 2022. The committee recommended reductions to reduce the overall budget from \$191,145 to \$175,145. The Committee recommended the purchase of replacement lap dividers for \$3,200 and industrial refrigerator for \$2,000. The Committee recommends that the pool look into the use of the PNC credit card readers for snack bar purchases rather than utilizing the eSoft system.

The Committee recommends that the Pool Commission evaluate the efficiency of pool operations under Cincinnati Pool Management and evaluate memberships and attendance and open up the pool to residents outside of the Village of Mariemont. The additional memberships would be subject to an invitation from a current member at a premium rate to a resident membership. This would be a test for the 2022 season with limited memberships.

Dr. Lewis asked if the capital allocation of the tennis courts is an annual figure. Mr. York said yes and it was agreed that the report should be amended to reflect that. Mrs. Brownknight asked that whatever was not spent on capital improvements at the tennis courts would be rolled over to next year's budget allocation. It was noted the Council wants a three-year sustainability report for both tennis and pool. After discussion, it was agreed that Mr. York would revise the Committee report and re-submit for the next Council meeting so the minutes and the report are consistent. Mrs. Brownknight said we need to engage more Mariemont residents at the pool in order to maintain sustainability.

Miscellaneous:

Village Offices will be Closed in Observation of Memorial Day Monday May 30, 2022

Memorial Day Parade will be held Monday May 30, 2022

Village Offices will be closed in observation of Independence Day Monday July 4, 2022

Budget Hearing will be held Monday July 25, 2022 at 5:30 p.m. Fiscal Officer Borgerding said we will need to pass the Resolution on an emergency and asked Council to check their availability should the meeting need to be rescheduled.

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 third reading. Mrs. Rankin moved, seconded by Mr. York to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-14-22 was adopted.

“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” had a second reading. Ms. Geldbaugh said at the last meeting the emergency failed and yet the application is being submitted. She is concerned that Council was not given accurate information and she does not believe the Village should move forward with the application. She does not believe that Council was made aware in a timely fashion that the application was moving forward. Dr. Lewis agreed.

“A Resolution for the Village of Mariemont to Establish Policies and Procedures Concerning the Naming and Renaming of Village Property” had a second reading. Mr. York said there was additional language that needs to be added. Mrs. Van Pelt said she will make the changes for the next Council meeting.

“Resolution to Enter Into Project Agreement with Kate Albert Studio, LLC” had a second reading. Mr. Bartlett moved, seconded by Mrs. Rankin to amend the Resolution to include in Section I that the amount advanced will be reimbursed by Mariemont Centennial Committee. On roll call; six ayes, no nays.

“To Amend Section 151.087; Permitted Obstructions in Required Yards” had a first reading.

“Resolution for Consent for the Project Known as PID No. 101029 County/Rout/Section: HAM Signs FY2022 Systematic Sign Replacement General Routes; and To Declare Emergency” had a first reading. It was agreed to have the second and third readings at the next Council meeting following further explanation by the Village Engineer.

“Resolution Authorizing Mayor to Execute and File Application with the Ohio Department of Natural Resources; and To Declare Emergency” had a first reading. Mr. York stated this is to file an application for a grant for work at the Swim Pool and Dogwood Park Ball Fields. The application is due June 1, 2022. Mr. York moved, seconded by Mr. Bartlett to amend the Resolution to read ‘to apply for financial assistance in connection with the Dogwood Park Project and the Municipal Swim Pool’. On roll call; six ayes, no nays. Mr. Bartlett moved, seconded by Mrs. Brownknight 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. Mrs. Rankin moved, seconded by Mr. York to adopt the Resolution. On roll call; six ayes, no

nays. Mrs. Rankin moved, seconded by Mr. York to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-15-22 was adopted.

“Resolution Approving Interfund Advance 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 readings. On roll call; six ayes, no nays. The Resolution had a second and third reading. Mrs. Rankin moved, seconded by Mr. York to adopt the Resolution. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Mr. York to invoke the Emergency Clause. On roll call; six ayes, no nays. Resolution No. R-16-22 was adopted.

“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. Mrs. Rankin 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. Mrs. Rankin moved, seconded by Mr. York to adopt the Resolution. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Mr. York to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-17-22 was adopted.

“To Accept Bid of Static All Pro for Painting 17 Street Lights Within the Village; To Authorize Contract; And To Declare Emergency” had a first reading. Mrs. Rankin moved, second by Dr. Lewis to amend the Resolution to include painting 12 fire hydrants (\$75 each/\$900 total). It was agreed it would be to see how they turned out before doing the rest of the Village hydrants (164 total) because they will endure more wear and tear. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Mr. York to suspend the rules to allow for the second and third readings. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Resolution. On roll call; six ayes, no nays. Mr. York moved, seconded by Mrs. Rankin to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-18-22 was adopted.

Ordinances:

“To Amend Section 37.06 of the Mariemont Code of Ordinance, Tree Advisory Bord” had a second reading. This is to correct an inconsistency within the Code of Ordinances.

“To Amend Section 151 of the Mariemont Code of Ordinances” (Fences & Walls) had a first reading.

“To Amend Chapter 152 of the Mariemont Code of Ordinance Rental Dwellings and Units” had a first reading. Ms. Geldbaugh suggested adding that someone who does not live in the dwelling can make a complaint. Solicitor McTigue said there are building code violations that would also cover complaints from those seeing violations on the outside of the building. Dr. Lewis said MPF is working on a source guidebook to protect the Historic District.

The meeting was adjourned at 8:05 p.m.

William A. Brown, Mayor

Anthony J. Borgerding, Fiscal Officer