

**Village of Mariemont
Council Meeting
October 10, 2022**

Mayor Brown called the meeting to order at 6:30 p.m. with the Pledge of Allegiance. Present were Mr. Bartlett, Ms. Geldbaugh, Dr. Lewis, Mrs. Rankin, and Mr. York.

Mr. York moved, seconded by Mrs. Rankin to excuse the absence of Mrs. Brownknight. On roll call; five ayes, no nays.

Mayor Brown called for a moment of silence for Sharon Bevis who passed away. She was an active member of the community and served on Council from 1982 through 1989. She was a MPF trustee and beloved second grade teacher at Mariemont Elementary School. She embodied the best of what a person could be.

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the minutes as written for the Council Meeting September 26, 2022. On roll call; four ayes, no nays (Mr. Bartlett abstained due to his absence). Mrs. Rankin moved, seconded by Mr. Bartlett to accept the minutes as written for the Committee of the Whole Meeting October 3, 2022. On roll call; five ayes, no nays.

Communications:

- From Assistant Fire Chief Copeland: September 2022 Monthly Report

• From Service Superintendent Scherpenberg: September 2022 Monthly Report. He commented that the department is looking at alternative ways to handle leaf season. He is meeting with Hafner to discuss having a specific area where residents and their contractors can dump the leaves (only – no other materials). It will be asked if residents can take their brown bags of leaves as well. They will then remove the pile at the end of the season and take to Hafner for credit. They will continue to mulch the leaves in the parks. He has a call into Rumpke to see if the Village went with all brown bags as opposed to yard waste bins, if it would be a cost savings. He sees these new processes as a potential cost savings along with better labor productivity.

He is addressing the mole issue at the Bell Tower with someone coming to use natural means to rid the area of the moles.

- From Tax Administrator Barlow: September 2022 Monthly Report. He commented that we are up five percent.

Permission to Address Council:

Mr. Bob Rich, 6925 Crystal Springs, was given permission to address Council. He is a member of the Planning Commission. The developers of Sanctuary Cove submitted an application for a PUD consisting of 19 units which Planning Commission heard last week. He did a review of the project for the meeting. He distributed a copy to members of Council. His review is not intended to be a critique of the project, but for informational purposes. The submitted application had little information regarding dimensions and finishes. The proposal includes four-story residences located 55' from each other with a hillside behind one group of residences that will most likely not any views and limited daylight. These buildings are twice as tall as what is allowed for Residence "C". The driveways are shorter than what Mariemont parking code requires and not wide enough for legal Mariemont parking spaces. There is no allowance for guest parking with the developers saying at the meeting that guests could park in the Kroger parking lot. All streets are dead-end with no turn-arounds. All residences have roof-top terraces with no lighting study as to how the light will affect the residences at the top of the hill. Nor is there adequate light level for the streets. There are no proposed shade trees other than the few decorative trees at

the sign entrance. The project has no physical connection to Mariemont with none proposed though the developer's website extols the virtues of walkability of Mariemont. He voiced concerns he had with the Planning Commission meeting. The developer said they already have all the approvals they needed for the project. The reason they were at the meeting was because they wanted to change the way the deeds could be developed. The building permit for the project's first building that was 10' taller than the code for residence "C" allows with no variance. Mr. Van Stone, Chairman of the Planning Commission stated that the developer had never been before the Planning Commission according to records. Additionally, the Village Solicitor said if the developer did not have written reviews for the project, they certainly had tacit approval for the project. The Planning Commission was not aware of what the tacit approvals were for. He indicated that the Solicitor also voiced at the meeting that the developer probably had sufficient grounds and the developer would probably litigate if the Planning Commission did not approve the request. As a member of the Planning Commission, it is difficult for him to understand what the history is because the implication is the Planning Commission becomes responsible for whether or not the Village gets sued. He is uncomfortable in that position. His suggestion was for Council to take over review of the project as it is his opinion Council would have more access to the history of the project.

Mr. Rich was concerned if the applicant received the list of action items without the Planning Commission having been copied as well.

Solicitor McTigue replied that we have a very litigious society. The developer has complied with every request from the Village. He is not in the Village every day. His opinion was not sought on various matters by the previous administration. He knows their legal representation and he feels they would not shy away from pursuing legal action.

Motion to Pay the Bills:

Mr. Bartlett moved, seconded by Mrs. Rankin to pay the bills as submitted. On roll call; five ayes, no nays.

Committee Reports:

Dr. Lewis moved, seconded by Mrs. Rankin to accept the recommendation of the Finance Report which met on Wednesday, September 14, 2022 at 4:00 pm to discuss the Village website contract, which is coming up for renewal. Present at the meeting were Finance Committee members Rob Bartlett, Kelly Rankin and Marcy Lewis, Mayor Bill Brown, Fiscal Officer Richard Ford, and IT Leader Eli Wendler. Our current website contract is set to expire on November 13, 2022. E-GovLink, who the original contract was with, was acquired by Munission, LLC. Munission is proposing a contract extension that will be good until April 1, 2024. The annual fee for the main website and the recreation website will remain the same at \$2,900 and \$1,500 respectively. The contract extension will also include a free refresh of both websites. Ms. Wendler shared that she did contact Civic Plus, another website provider who was part of our original RFP, and their costs were significantly more than Munission. Specifically, Civic Plus' recreation website alone would cost \$7,800 one-time and \$4,275/year on-going. It would also take us 3 months to transition to their recreation website, and 6 months to transition both the main website and the recreation website. The Finance Committee recommends that the Village sign the website contract extension with Munission, LLC for \$4,400 for both websites. Ms. Wendler will lead the refresh process for both websites. Because of the lead time required to complete an RFP and then potentially transition to another website provider, the Finance Committee also recommends that we reconnect with Ms. Wendler in July, 2023, to discuss if we should do a full RFP for both websites before this extension expires in April, 2024. Since this is just an extension of a current contract that was previously approved by council, similar to the Rumpke extension, no legislation is required and the approval of this report by Council will be sufficient for the Mayor to sign the extension. On roll call; five ayes, no nays.

Mrs. Rankin moved, seconded by Ms. Geldbaugh to accept the recommendation of the Mariemont Planning, Zoning & Economic Development (P,Z, & ED) Committee which met on September 26, 2022. Present at the meeting were Committee Chair, Marcy Lewis, Vice Chair, Leah Geldbaugh, Member, Susan Brownknight, Mayor Bill Brown, Housing Officer Rod Holloway, and Fiscal Officer Richard Ford. The first agenda item was to finalize MPF's Demolition Ordinance. The purpose of the proposed legislation is to allow the ARB to review and approve any Building Application forwarded by the Building Department where there is concern whether the architectural character is at variance with existing structures in the Village or the residence is listed as a contributing property on the NHL application. In a previous meeting, Marcy Lewis, Rod Holloway and MPF members MaryBeth York and Bob Van Stone worked to fine-tune MPF's original proposal specifically with regard to panhandle lots and garage setbacks. These changes were then incorporated into the proposal and it was given to our legal counsel to finalize. The committee unanimously voted to adopt the legislation. In summary, the proposed legislation encompasses changes to sections 151.085, 151.021, 151.025, and 151.026 of Mariemont's Code of Ordinances. Attached to this report is the original language of Mariemont's code and the recommended changes by section. The legislation in its entirety is included in the council packet. The second agenda item pertained to Mariemont code section. 151.087 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS, specifically, paver patios and hot tubs. These changes, initiated by zoning officer Rod Holloway, allow for more flexibility with paver patios and differentiates between a hot tub and pool. The committee unanimously voted to adopt the legislation and it has been approved by legal counsel. In summary, the proposed legislation encompasses changes to sections 151.087 and 151.005 of Mariemont's code of ordinances. Attached to this report is the original language of Mariemont's code and the recommended changes by section. The legislation in its entirety is included in the council packet. The final topic discussed was in reference to 151.01 INTERNATIONAL PROPERTY MAINTENANCE CODE and 151.075 HISTORIC DISTRICT. The change was proposed in response to an ARB ruling appeal that recently came before council. The proposed changes eliminate the contradiction that specifies that 16 panel garage doors are for the historic district, but at the same time exterior elements are supposed to be consistent with original architectural intent and appropriate for an historical neighborhood. The Committee unanimously voted to adopt the legislation. Attached to this report is the original language of Mariemont's code of ordinances and the recommended changes by section. The legislation has been submitted to legal counsel for finalization and will be included in a later packet.

Solicitor McTigue will review the code sections to see if there are other areas of the code that need to be changed in conjunction with this report. He suggested if there are questions or changes to let him know prior to the next Council meeting. On roll call; five ayes, no nays.

Miscellaneous:

*Beggar's Night will be Monday October 31, 2022 6:00 p.m. to 8:00 p.m.

*Proposed change to the start of Council to 6:00 p.m. will be discussed when there is a full quorum of Council members.

*Ohio Ethics Training will be Tuesday November 1, 2022 at 1:00 p.m.

Resolutions:

"To Authorize Consent PID NO. : 110570 County/Route/Section: HAM 50 29 00" had a third reading. Mrs. Rankin moved, seconded by Ms. Geldbaugh to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-37-22 was adopted.

"A Resolution Authorizing and Agreement between the Village of Mariemont and the Board of Hamilton County Commissioners Relative to the Improvement of Hiawatha" had a second reading.

“To Reappoint Rick Gibson as Mayor’s Court Magistrate for Calendar Years 2023 and 2024; To Set Compensation” had a second reading.

“To Confirm the Reappointment of Rod Holloway as Village Zoning Officer for Calendar Years 2023 and 2024; To Set Compensation” had a second reading.

“To Confirm the Reappointment of Edward J. McTigue as Solicitor for the Village of Mariemont for the Calendar Years 2023 and 2024” had a second reading.

“To Reappoint Peter Wren as a Member of the Architectural Review Board for the Calendar Years 2023 and 2024” had a second reading.

“To Reappoint Andrew Seger as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2023” had a second reading.

“To Reappoint Steve Spooner as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2023” had a second reading.

“To Reappoint Mark Glassmeyer as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2023” had a second reading.

“To Reappoint Jason Brownknight as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2023” had a second reading.

“To Reappoint John Fakes as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2023” had a second reading.

“To Reappoint Jon Morgan as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2023” had a second reading.

“To Reappoint Barbara Whittaker as a Voting Member of the Tree Advisory Board for the Calendar Year 2023” had a second reading.

“To Reappoint Marcy Lewis as a Voting Member of the Tree Advisory Board for the Calendar Year 2023” had a second reading.

“To Reappoint Mary Beth York as a Voting Member of the Tree Advisory Board for the Calendar Years 2023 and 2024” had a second reading.

“To Reappoint Margaret Jevic as a Voting Member of the Tree Advisory Board for the Calendar Years 2023 and 2024” had a second reading.

“To Reappoint Kristin Van Scoy as a Voting Member of the Tree Advisory Board for the Calendar Years 2023 and 2024” had a second reading.

“To Appoint Larry Gray as a Non-Voting Member of the Tree Advisory Board for the Calendar Years 2023 and 2024” had a second reading.

“To Appoint Bob Faelten as a Non-Voting Member of the Tree Advisory Board for the Calendar Year 2023” had a second reading.

“To Reappoint Jason Brownknight as a Non-Voting Member of the Tree Advisory Board for the Calendar Year 2023” had a second reading.

“To Reappoint Brad Lockhart as a Non-voting Member of the Tree Advisory Board for Calendar Years 2023 and 2024” had a first reading.

“To Reappoint Scott Hamlin to the Audit Committee for the Calendar Years 2023 and 2024” had a second reading.

“To Reappoint Stan Bahler to the Audit Committee for the Calendar Years 2023 and 2024” had a second reading.

“To Reappoint Lynn Tummler to the Audit Committee for the Calendar Years 2023 and 2024” had a second reading.

Ms. Geldbaugh suggested that Council look at discussing term limits to appointed positions.

Ordinances:

“To Amend Section 151.021 of the Mariemont Code of Ordinances Pertaining to Permits, Certificates and Fees” had a first reading.

“To Amend Section 151.085 of the Mariemont Code of Ordinances Pertaining to Building Height, Yard and Court Regulations” had a first reading.

“To Amend Section 151.026 of the Mariemont Code of Ordinances Pertaining to Basic Data Package” had a first reading.

“To Amend Section 151.025 of the Mariemont Code of Ordinances Pertaining to Powers and Duties of the Architectural Review Board” had a first reading.

“To Amend Section 151.087 of the Mariemont Code of Ordinances Pertaining to Permitted Obstructions in Required Yards and Related Definitions, Section 151.005 Regarding Hot Tub and SPA” had a first reading.

Committee Assignments:

Mrs. Rankin said she is working with the Service Department on leaf season. There was information sent to the Town Crier about leaf season and also posted on the Village website. Email notifications were sent to those signed up to receive.

Mayor Brown said there was a lack of good communication regarding the last alignment meeting for the bike path. They were 6 people at the meeting. He asked how the information was distributed. Engineer Ertel said the meeting was held for the focus group property owners. They were notified by email. They discussed all options. Ms. Geldbaugh said many were not notified and are angry. The feeling is that this is being pushed through without consent or their knowledge about it. A way needs to be determined how to include everyone. She questioned why Rick Greiwe was present. She understands that he has made comments that he is paying for the study and the path will be put where he wants it. Residents are concerned about the ability to sell their house.

Discussion indicated that there will be future meetings and it was stressed that have a better approach of notifying residents and those impacted. There is a meeting planned for Tuesday October 11 with the business community at 2:00 p.m. Mayor Brown was distressed that we are just hearing about it. Engineer Ertel said Council wanted the study done by November 1, 2022 and the consultant is racing to try to meet the deadline.

The meeting adjourned at 7:37 p.m.

William A. Brown Mayor

Richard D. Ford, Fiscal Officer