

Council of the Village of Mariemont, Ohio
November 9, 2020
Agenda

1. Call to Order – Pledge of Allegiance
2. Roll Call
3. Minutes Regular Council Meeting October 26, 2020 and Special Council Meeting October 19, 2020
4. Communications: (Council has copies except those marked **. (These are in the Village Office for Perusal)

*From Assistant Fire Chief Feichtner: October 2020 Monthly Report
*From Service Superintendent Scherpenberg: October 2020 Monthly Report
*From Tax Administrator Darrah: October 2020 Monthly Report
*From BWC: Dividend Check COVID-19 \$56,391.02
*From Assistant Fiscal Officer Wendler: October 2020 Monthly Report
*From Solicitor McTigue: Waiver of Liability, Assumption of Risk and Indemnity Form

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5. Permission to Address Council (If addressing Council with prepared notes/speech please leave a copy with Mrs. Van Pelt for accurate minutes)
 6. Motion to Pay the Bills

Committee agenda items to be discussed at this meeting are in bold and italics below

Rules and Law:

- ✚ Installation of Solar Panels (3-26-18) **Target Date 3-19-20** (*Tabled 2-24-20*)
- ✚ Review Ordinance Regarding Overnight Parking (7-27-20) (*Tabled 10-12-20*)
- ✚ Review MCO Code (1-27-20)**Phase I Target Date July 2020**(6-8-20)(7-11-20)(10-12-20)
- ✚ ***Review/Discovery DORA Legislation (7-27-20) (11-9-20)***
- ✚ ***Policy for Resident Comments in Minutes (10-12-20)***
- ✚ Recodification of Code of Ordinances (10-12-20)
- ✚ Email Policy Procedures and Retention Policy (10-26-20)

Health and Recreation:

- ✚ Construction Documents for Multi-Use Path from Plainville Road to Settle Road (6-10-19)**Target Date December 31, 2020**
- ✚ Walking Path Whiskey Creek (3-25-19) **Target Date May 31, 2020**
- ✚ Dale Park Hillside Conservation (3-25-19)**Target Date October 31, 2020
- ✚ Review Process for Naming and Use of Village Properties (12-16-19)
- ✚ Tree Committee Plan and Recommendations (10-12-20)
- ✚ Creation of Waldorf Neighborhood Advisory Group (10-12-20)

Finance:

- ✚ Trash Sticker Program (9-14-20)
- ✚ Direct Deposit (9-14-20)
- ✚ Finance/Payroll Software (9-14-20)

Safety:

- ✚ Traffic Speed Concerns: Settle Road, Petoskey Avenue, Miami Road Hill and South Miami Road (7-13-20)
- ✚ *Handicap Parking Spot in Front of Hampstead Condominiums (9-28-20)*
- ✚ *Speed Table Miami Hill (9-28-20)*

Planning and Zoning & Economic Development

- ✚ Building Tear Down Aesthetics (9-10-18) **Target Date 11-2020**
- ✚ Work with MPF Task Force To Take Proactive Steps To Preserve Village Architectural Heritage (4-18-19) (1-27-20) **Target Date 1-2021**
- ✚ Business Economic Development in the Village (4-13-20) (Moved from Committee of the Whole 5-13-19) **Ongoing**
- ✚ Creation of CRA Council (2-25-19) **Target Date 11-2020**Transferred From Public Works (6-22-20)

Public Works and Service:

- ✚ Raise Building Department Permit Fees (12-19-16) **Target Date Spring 2021**
- ✚ Governmental Aggregation (5-28-19) *(Tabled 10-12-20)*
- ✚ Murray Avenue Repairs (Partner with Columbia Township) (June 10, 2019)**Target Date Spring 2020**
- ✚ Comprehensive Village Parking Assessment (11-18-19)**Target Date June 2020** Includes Overnight Parking Regulations Homewood/Settle Road (moved from Committee of the Whole 4-13-20)

Committee of the Whole:

- ✚ Municipal Building Renovations/Additions for Police/Fire/Administration/Building Departments (9-10-18) **Target Date June 2021**

7. Miscellaneous:

- ✚ Leaf Pick-Up will end the week of December 14, 2020
- ✚ Village Offices will be Closed Thursday and Friday November 26 and 27, 2020 in Observation of Thanksgiving
- ✚ The Permanent Improvement Meeting will be Monday December 21, 2020 at 5:30 p.m.
- ✚ The Council meeting in December will be Monday December 21, 2020 at 6:30 p.m.
- ✚ Village Offices will be closed Thursday and Friday December 24 and 25, 2020 in observation of Christmas.
- ✚ Bob Rich –Planning Commission
- ✚ Creation of Village 501(c)

8. Resolutions:

- ✚ “To Reappoint Peter Wren as a Member of the Architectural Review Board for the Calendar Years of 2021 & 2022” (Third Reading)
- ✚ “To Reappoint Eric Marsland as a Member of the Parks Advisory Board for Calendar Year 2021” (Third Reading)
- ✚ “To Reappoint Dave Wuertemberger as a Member of the Parks Advisory Board for Calendar Year 2021” (Third Reading)
- ✚ “To Reappoint Ruth Varner as a Member of the Parks Advisory Board for the Calendar Year 2021” (Third Reading)
- ✚ “To Reappoint Carrie Gray as a Member of the Parks Advisory Board for the Calendar Year 2021” (Third Reading)

- ✚ “To Reappoint Mary Tensing as a Member of the Parks Advisory Board for the Calendar Years 2021 and 2022” (Third Reading)
- ✚ “To Reappoint Steve Spooner as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2021” (Third Reading)
- ✚ “To Reappoint Andrew Seeger as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year of 2021” (Third Reading)
- ✚ “To Reappoint Jason Brownknight as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year of 2021” (Third Reading)
- ✚ “To Reappoint Mark Glassmeyer as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year of 2021” (Third Reading)
- ✚ “To Appoint John Fakes as a Member of the South 80 Trails, Gardens and Park Advisory Board of the Calendar Year of 2021” (First Reading)
- ✚ “To Appoint Jon Morgan as a Member of the South 80 Trails, Gardens and Park Advisory Board of the Calendar Year of 2021” (First Reading)
- ✚ *To Accept Bid of Rumpke Waste; To Authorize Contract; To Pay for Services” (First Reading)

9. Ordinances:

- ✚ “To Amend Chapter 79 of the Mariemont Code of Ordinances for a Charge of \$100 for Annual Stickers Issued for Overnight Parking” (Third Reading) (Tabled 10-12-20)
- ✚ “Ordinance Amending Chapter 31.077 of the Mariemont code of Ordinances Regarding Building Commissioner” (Second Reading)
- ✚ “To Amend Section 151.025(A)(1)(a) of the Mariemont Code of Ordinances, Powers and Duties of the Architectural Review Board” (Second Reading)
- ✚ “To Amend Mariemont Code Chapter 79, Schedule I(B)(1), No Parking of the Mariemont Code of Ordinances to Update Current Requirements for Parking on Wooster Pike” (Second Reading)
- ✚ “Ordinance Amending Chapter 32.13(S) Rule 19 of the Mariemont Code of Ordinances” (Second Reading)
- ✚ “Ordinance Amending Section 32.13 Rules of Council (Z) Rule 25 of the Mariemont Code of Ordinances” (Second Reading)
- ✚ “Ordinance Removing Chapter 31.078 From the Mariemont Code of Ordinances Regarding Dog and Cat Wardens” (Second Reading)
- ✚ “Ordinance Amending Chapter 90.01(A)(1)(b) of the Mariemont Code of Ordinances Regarding Dogs or Other Animals Running at Large; Dangerous or Vicious Dogs” (Second Reading)
- ✚ “Ordinance Amending Section 32.13 Rules of Council (GG) of the Mariemont Code of Ordinances” (Second Reading)
- ✚ “Ordinance Amending Section 91.36 of the Mariemont Code of Ordinances’ (Second Reading)
- ✚ “To Amend Section 151.26(A)(6) of the Mariemont Code of Ordinances, Signs within Residential District” (Second Reading)
- ✚ “To Amend Section 70.30 of the Mariemont Code of Ordinances Regarding Obeying Traffic-Control Devices” (Second Reading)

**Village of Mariemont
Regular Council Meeting
October 26, 2020**

Mayor Brown called the meeting to order at 6:34 PM. Present virtually due to the COVID-19 pandemic were Mr. Bartlett, Mrs. Graves, Dr. Lewis, Ms. Palazzolo, Mrs. Rankin, Mr. Stelzer, Fiscal Officer Borgerding, Solicitor McTigue and Village Engineer Chris Ertel.

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the minutes as written for the regular Council meeting October 12, 2020. On roll call; six ayes, no nays.

Mayor Brown read the following communications:

From Fiscal Officer Borgerding: 2020 3rd Quarter Financial Reports. Mayor Brown commented that he really liked the new format of the reports. Mr. Stelzer said he sent last week the monthly comparisons of monthly expenses and revenues and asked the department heads to respond back to him so he can project the last three months of the year.

From Assistant Fire Chief Feichtner: September 2020 Monthly Report. Mayor Brown said Assistant Fire Chief Feichtner was able to purchase expensive fire breathing apparatus with FEMA monies. The Village was going to be compelled to purchase these but with the grant it saved the Village approximately \$115,000. He congratulated Assistant Fire Chief Feichtner for good work on behalf of the Village.

Due to COVID-19 pandemic Permission to Address Council was also done via Zoom.

Ms. Monica Hurley, 3859 Homewood Road, was granted permission to address Council. She presented the following:

Dear Mr. Mayor and At Large Council Representatives,

My husband, Brian, and I have lived at 3859 Homewood for 40+ years. We have been through fluctuating parking concerns for years, but never has such an unfair amendment been proposed.

The proposed parking fee is inequitable and exorbitant. It takes advantage of a relatively small number of us residents to raise money that would not benefit us or other residents, but landlords of rental properties.

The proposed fee does not apply to the 12 streets that are exempted from getting stickers. Our overnight parking issues are similar to theirs, so either we should be exempted too or they should not.

It also doesn't recognize that a small number of people have no alternative to parking on the street overnight. The \$100 parking permit would not be a choice for several residents like us, but a necessity.

The fee mainly targets two streets in the Village. The majority of stickers, about 66%, are issued for Homewood and Settle. It is unfair to raise money for the entire Village using the parking predicament of these two streets, along with a few others.

If this is a way to raise revenue, as it appears to be, it should benefit residents. The only consistent way to apply that approach is to charge a reasonable fee to residents of all streets for overnight parking. That is more in line with cities that require fees for parking.

We object to and oppose the proposed parking fee amendment to Mariemont Ordinance Chapter 79.

Thank you for listening to our concerns. It is right to table the proposal, update or remove the ordinance's exemption, and assess the overnight parking issue for all streets in Mariemont to fairly reflect the current needs and necessities of the residents.

She asked why 12 streets are exempt and they can park overnight yet she has the same situation which makes parking in the driveway impossible, not just a hardship or an inconvenience. The exempt streets impossibility is also her impossibility. Second question she wanted to know the names of the streets that have resident issued stickers and the number given for each street and also how many cars per household with stickers.

Police Chief Hines said he is aware of the Hurley's situation with their garage and noted that there are several on the street in the same situation. Basically the garages are unusable due to the size. The department has issued overnight parking stickers for that reason. The streets that were determined to be exempt were decided in 1967 when the Ordinance was enacted.

Mrs. Rankin said the information Mrs. Hurley is requesting is not readily available. Chief Hines said it would get the information regarding how many stickers are issued street by street. He said the stickers are not going to be issued, no matter the cost, just for the sake of convenience. There are many residents who request stickers but complaints are received that in fact those residents do have ample parking. The idea behind charging for the stickers was to discourage those who ask for them that really don't need them.

Ms. Suzy Weinland, 3812 Indianview, was granted permission to address Council. She presented the following:

Dear Mayor Brown, Council Members and Chief Hines:

We, the following residents of Indianview Avenue, are writing to share our feedback and suggestions on the proposed "all Village" enforcement of the 1967 Parking Code, § 76.03, as well as the discussion to charge residents a fee for permits.

First: Code §76.03 is antiquated. Suzy Weinland spoke with Chief Hines, Mayor Brown and Councilman Rob Bartlett, and there is nobody around today who can explain why it was put in place, or why it is stated as it is. The code has been enforced on an "as needed" basis for several decades, with officers working with residents as complaints come up. We see no reason to enforce such a code Village-wide or require permits on a daily basis on streets where there are no problems and no resident complaints, such as Indianview Ave. (or the majority of streets in the Village).

Second: In 1967, most residents had one car. Today, most have two or more, due to two-income households and teen drivers. If residents are able to park an extra car or two on the street, without it prohibiting safety vehicles getting down the street, and without causing inconvenience to neighbors, we see no issue with continuing to allow that on those streets. Regardless of whether someone has a driveway or garage, some drives are too short or only one car width. Some garages can barely fit today's sized cars. Having to shuffle cars in the early morning hours for school, work, in bad weather, is time-consuming and a huge disruption to schedules. Additionally, having to secure a permit each time guests are going to park on the street overnight is a nuisance to residents, especially if they aren't sure until that night.

Third: Residents on streets without parking complaints/issues should not be penalized because a few streets with problems DO need regulations. Indianview does not have a daily problem, and residents seem to notify one another if they have overnight guests who will park on the street. For streets with ongoing, year-over-year parking complaints and issues, where there is only street parking available, where very narrow streets cause traffic flow and safety vehicle access issues, where parking on only one side is permitted, where neighbors are not being considerate in how many cars or in what capacity they park in front of someone else's house, and where large trucks and business vehicles block or partially block traffic flow and/or driveways, there should be a new code put into effect based on discussion and agreement among those street's residents, the Police Dept. and the Village. Trying for decades to figure out how to make the existing code work on problematic streets has not worked. It is time for new ideas and regulations that addresses the current-day issues.

Fourth: The majority of us do not agree with potentially charging residents up to \$100 per car for parking permits. We all disagree with the intent to use part or all of those fees for a "matching grant" to help pay the Village's portion of parking pads behind rented townhomes off Murray/Plainville/Old Town Square area. Funding for such parking spaces should be the responsibility of the landlords and tenants (perhaps through a HOA/renter's association) and is NOT the responsibility of those of us who chose to purchase homes and pay mortgages and higher tax rates in other areas of the Village.

Fifth: It was suggested by either the Chief or Council during recent parking discussions, that requiring Village-wide permits would allow night time patrol officers to quickly assess whether a vehicle belonged to a Mariemont resident or could potentially be an outsider canvassing cars or residences. Firstly, Suzy Weinland's discussion with Chief Hines came to the conclusion that most delinquents enter the Village on bike or on foot, not by car. Secondly, our small patrol force already has various night time safety and security duties that keep them busy, and to suggest they would have time to bike or drive every street, every night, several times to "keep check" on who is entering our Village is not feasible.

Sixth: We'd like to provide a few suggestions for consideration to help those on streets with parking issues. Of course it is ultimately up to residents on those streets to get involved and find answers. These are merely suggestions:

- Paint small, white parking "marks" on the curb on the side where parking is allowed – large enough to be seen yet not so large that they detract from the beauty of our community. Having spaces pre-marked can help maximize the number of spaces, assure that people park in such a way as too not block what could be another parking spot, and prevent parked cars from partially blocking a driveway.
- Talk to each homeowner to find out who needs a space and "assign" them – maybe with numbers on each space? Intersperse "assigned" spaces with un-numbered "guest" spaces to be used as needed by homeowners' guests for no more than 24 hours unless a "temporary guest permit" is acquired through the police dept.
- Continue to provide free parking permits to those deemed eligible for an assigned spot. Make the permits "hangers" rather than stickers, so they hang from the rear-view mirror and could be switched from car to car based on necessity. Make them colored, changing the color yearly (so they cannot be "collected" and used simultaneously on several cars, which has been an issue on Homewood).

We, the residents of Indianview Avenue, ask our Mariemont Village Council, Police Department, and our Mayor to please heavily consider our feedback and suggestions, and to work with residents whose streets have ongoing parking issues, to come to a fair and agreeable resolution for all.

Thank you.

Sincerely,
Indianview Residents

Suzy & Matt Weinland, 3812
Holly & John Reavill, 3828
Erik & Lisa Vanags, 3757
Malia & Mark Ridge, 3744
Chris & Sheri Kirby, 3748
Kevin Chang, 3824
Betsy & Mark Campbell, 3724
Suzy Carney, 3715
Chris Savaiano & Lauren Lacy, 3821
Susan Fraley, 3816
Tracy & Mark Glassmeyer, 3837
Jennifer & Greg Jones, 3747
Susan & Joel Eberlein, 3836
Chelsey & Chris Murphy, 3825
Mark Amann, 7000 Wooster Pike (NE corner of Indianview) Cathy Holley & Andrew Seeger, 6988 Crystal Spring (SW corner of Indianview)
Al & Beth Weiner, 3740 Indianview

Ms. Susan Brabenec, 6636 Elm Street, was granted permission to address Council. She thanked Council for implementing video implementation for resident participation. She presented the following:

Mayor Brown and Mariemont Village Council:

I am opposed to the proposed parking fee, the Amendment to Ordinance Chapter 79, and my opposition to a parking "incentive program" that encourages and pays landlords to pave over private green space.

1. Council should reject the proposed amendment because it inequitably impacts an unrepresented portion of the Village.

In his letter published this week on Nextdoor, Mr. Bartlett refers to the equitable nature of the parking rule's enforcement, citing the roughly equal split between the parking warnings issued on both sides of Wooster Pike.

The issue, however, is not equitable enforcement, but rather the inequitable impact of parking sticker fees. The impact is greater on the north side of Wooster Pike due to higher population density and fewer available spaces on or off the street. This is exemplified in the current sticker program where 2/3 of the stickers were issued to residents of 2 streets in the village, both on the north side of Wooster.

Significantly, those two streets – Homewood and Settle – are a part of a district which last had a District Representative in Troy Hawkins in 2018. No Council member currently lives within or near the district where 66% of parking sticker needs are concentrated and where the parking fee will have its greatest impact on residents.

I have been told that the "At-large" council replaced district representation. The "At-large" representation structure is ineffective as it does not provide adequate voice to large sections of the Village population. The proposed parking fee derives directly from this culture and structure.

Given the ongoing nature of the proposed fee, its disproportionate impact on select streets, and the absence of district representation, the proposed amendment should be rejected.

2. Any parking "incentive program" created by the Village should not grant money to landlords to pave-over private space to make "parking pads."

A "parking incentive program," to be partially funded by the revenue from the parking sticker fee, has been proposed by Council and Mayor Brown. In that program, as it has been described to me, landlords could apply for and receive grants to pave-over private space on their property to create "parking pads" for tenants.

While I applaud efforts to creatively solve parking problems within the Village, the Village should not be encouraging, much less paying, landlords to pave-over private space along Village residential areas. The argument for adding fees to the parking sticker program is to increase Village revenue, per Mr. Bartlett. Taking funds from that increased revenue and giving it to landlords, who typically do not reside in the Village, and often create resistance to Village improvements such as the recent school levies, is both wrong and severely misguided.

Private space that is not already paved is often "green space." Much of Mariemont's charm derives from green space, trees, and yards. Paying private landlords to create more concrete or black-top is inconsistent with maintaining Mariemont's charm, especially within the Historic District. Do we really want to "pave paradise and put up a parking lot"? I, and my family, do not want this for our Village.

Mr. Stelzer said in response to the request for more time to speak that Council needs to stick to the three minute rule just as we would with in person meetings. He believes Council needs to do more homework on the parking issue. He would like to see a holistic review of the process. He referenced the parking study done by Columbia Township as a tool we can use to look at the framework they applied. There are differences in opinions on this matter and one item no one has addressed is the aesthetic effect of parking on the street. Some do not want parking on the street at all – which may not be unreasonable.

Mr. Bartlett said there was a Special Meeting of Council on June 25, 2019 to talk about parking on Homewood with Settle Road residents attending as well. It was discussed to have Homewood Road become one of the exception streets for overnight parking, then anyone can park in the street and then it becomes harder for people who need street parking to find a space. It was decided after that meeting to leave it as is. We did not address charges for stickers because we were not facing the financial situation that we are now. It is hard to create a rule that applies to everyone and is fair. There are some streets that have more challenges than others.

Mayor Brown said it should go back to the Finance Committee for re-examination and do further homework. Mr. Bartlett said he no – he was not doing the homework. This subject is already in public works – the topic of a comprehensive

parking assessment of the Village. We have tabled the fee discussion. Mrs. Rankin said for clarification she believes Mayor Brown was suggesting that the Finance Committee reexamine the fee for overnight parking. Mr. Bartlett suggested taking the overnight fee and incentive program off until the Public Works & Service Committee has made their recommendation. Council was in agreement to remove the incentive program for parking on private parking from the agenda. Mrs. Rankin said she will plan to hold a meeting within the next 30 days.

Mr. Bartlett moved, seconded by Mrs. Rankin to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. Ms. Palazzolo said Ms. Wendler sent an email regarding interest in a Share Point site. Her belief is the Share Point site is a terrible idea for a place that has Sunshine Laws. Unless it is just a platform on which the website is built on we should not be paying for a Share Point site to be put up. Mayor Brown said he will find out if it is priced as a package. If it is something priced out then we should not be paying for something we do not want. Mr. Stelzer said he agreed with Ms. Palazzolo. Unless Council goes through Share Point training to understand what can and cannot be put out there it would be a waste of time. Ms. Palazzolo asked with the tree removals were there any trees planted. Dr. Lewis said there were Maple Trees planted on Maple Street and Oak Street last week. She also believes some of the Cherry Trees that died were replaced. On roll call; six ayes, no nays.

Dr. Lewis moved, seconded by Ms. Palazzolo to accept the recommendation of the Public Works and Service Committee which met on Tuesday October 20, 2020 at 4:45 PM to discuss the bids received for the collection of waste and recycling for the Village. In attendance were the Committee Chairperson Kelly Rankin, Committee Member Rob Bartlett, Committee Member Avia Graves and Mayor Brown. The topic of discussion was the bids received for waste collection service for calendar year 2021. Rumpke was the single provider to submit a bid. Attached is the bid submitted by Rumpke for the options requested to be bid on. The goal of the meeting was to recommend the option best suited for the needs of the Village of Mariemont. As per the attached, the key difference in the bids is the option to move solid waste collection to the curb and eliminate rear of the house pickup. The cost savings for this option would be \$42,750.00. Also note that the curbside pickup option requires the contractor to provide the waste cans (in addition to the recycling cans currently provided). This will allow for better aesthetics since all the receptacles will look alike and eliminate a hodge podge look that may result if residents provide their own can. In order to be fiscally responsible to the Village, the Committee recommends the Village accept bid for option #2 and enter into a contract with Rumpke for such service. Mrs. Rankin said for those that already have a compatible 65 gallon Rumpke container they will not get another one. Mayor Brown said for those residents who are not physically able to wheel the can to the curb he is hopeful that neighbors can step up or the Boy Scouts can help or high school students who need community service points. Ms. Palazzolo asked if this will set the Village up in the future for more competitive bidding. Mrs. Rankin said the bid request was presented as an and/or so it did give other companies the opportunity to bid. Republic declined to provide a bid as they did not think they would be able to be competitive at this time. She explained that it is a one year contract with the option to renew. On roll call; six ayes, no nays. Solicitor McTigue will prepare the necessary legislation.

Mr. Stelzer asked if this information can be sent to residents so we are not waiting until the 3rd reading and then have resident opposition. He suggested communicating this sooner than later that a change is being proposed. It was discussed to put the information on the website and NextDoor Mariemont. Mrs. Rankin said she does not like using NextDoor Mariemont as a platform for the Village. She urged residents to sign-up on the website to get Village emails and information. The official means of getting information from the Village is via the website. Mr. Stelzer said one of the complaints about the parking fee was that people did not know about it until the Town Crier came out.

Council discussed various ways to get information out to the residents including information. The solution Mr. Bartlett feels is to get residents to sign up for the email notification from the website. People have to register in order to have the information sent to them. The office personnel are driving people to the website to sign-up for the information for the primary meaning of reaching out to the community. Council discussed a flyer drop. It is too late to get the information in the November Town Crier but it could be inserted into the December Town Crier. Both should encourage people to sign up on the email list. Ms. Weinland said she would need the flyer for the November Town Crier addition by Wednesday November 4, 2020. The deadline for December would be December 2, 2020. There will not be a January 2021 issue. Ms. Palazzolo said residents should be notified with a flyer after the contract is signed and before the first pick up. She suggested signs at the east and west entrance to the Village announcing the change. Mr. Stelzer suggested a flyer on top of the can when they are delivered. Mrs. Rankin said Dean Ferrier from Rumpke said in the meeting that Rumpke will notify the residents. Mr. Stelzer said Council should be on the same page by next meeting on what the communication should say and what the implementation is going to be. Mr. Bartlett and other members of Council agreed that residents should hear about it from the Village first.

Mayor Brown referred to Rules and Law Committee the matter of email protection and retention policies.

Miscellaneous:

Beggar's Night will be Saturday October 31, 2020 from 6:00-8:00 p.m. Mr. Bartlett suggested putting the information on the website in the box on the main page along with the hours.

Leaf Collection begins Monday October 26, 2020 and will end the week of December 14, 2020. Due to COVID-19 we will not be hiring temporary help so the process will be slower than in previous years.

Village Offices will be closed Thursday and Friday November 26 and 27, 2020 in observation of Thanksgiving.

The Permanent Improvement Meeting will be Monday December 21, 2020 at 5:30 p.m. Fiscal Officer Borgerding asked Mrs. Van Pelt to send Department Heads to have their requests to him by early December along with their 5 year projections.

The Council meeting in December will be Monday December 21, 2020 at 6:30 p.m.

Resolutions:

"To Reappoint Peter Wren as a Member of the Architectural Review Board for the Calendar Years of 2021 & 2022" had a second reading.

"To Reappoint Eric Marsland as a Member of the Parks Advisory Board for the Calendar Year of 2021" had a second reading.

"To Reappoint Dave Wuertemberger as a Member of the Parks Advisory Board for the Calendar Year of 2021" had a second reading.

"To Reappoint Ruth Varner as a Member of the Parks Advisory Board for the Calendar Year of 2021" had a second reading.

"To Reappoint Carrie Gray as a Member of the Parks Advisory Board for the Calendar Year of 2021" had a second reading.

"To Reappoint Mary Tensing as a Member of the Parks Advisory Board for the Calendar Years of 2021 and 2022" 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 2021" had a first reading.

"To Reappoint Andrew Seeger as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2021" had a first reading.

"To Reappoint Jason Brownknight as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2021" had a first reading.

"To Reappoint Chris White as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2021" had a first reading. Mr. Stelzer said Mr. White does not live in the Village anymore. Mr. Spooner advises that John Morgan and John Fakes be appointed to the board. There was question on how many may be appointed to the board. Mrs. Van Pelt said she will look it up and let Council know.

"To Reappoint Mark Glassmeyer as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2021" had a first reading.

Ordinances:

“An Ordinance Enacting Chapter 56 of the Codified Ordinances of the Village of Mariemont, Entitled Comprehensive Right of Way Administration” had a third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Ordinance. Mr. Bartlett asked if the Village will start implementing collecting money at the start of the year. Engineer Ertel said he will be asking the utility companies for their length of utility in the Village. The cost will be determined by the linear feet. Mayor Brown said no application has been made to date on the 5G request. On roll call; six ayes, no nays. Ordinance No. O-20-20 was adopted.

“To Amend Section 151.025(A)(1)(a) of the Mariemont Code of Ordinances, Powers and Duties of the Architectural Review Board and to Declare Emergency” had a first reading. Ms. Palazzolo moved, seconded by Dr. Lewis to remove the emergency clause as it was deemed not necessary. Mr. Bartlett agreed but he finds it concerning that it was not included on the agenda for the last meeting even though it was submitted in plenty of time. Mayor Brown said there was a lot of back and forth on this since early June and he was trying to ascertain some questions before it was brought forward. Mr. Bartlett said it would have been best to let Council know. Mr. Stelzer asked for clarification on what is being changed. Ms. Palazzolo said she will send him the highlighted copy. On roll call; six ayes, no nays.

“Ordinance Amending Chapter 31.077 of the Mariemont Code of Ordinance Regarding Building Commissioner” had a first reading.

“To Amend Mariemont Code Chapter 79, Schedule I (B)(1), No Parking of the Mariemont Code of Ordinances to Update Current Requirements for Parking on Wooster Pike” had a first reading.

“Ordinance Amending Chapter 32.13 Rule 19 of the Mariemont Code of Ordinances” had a first reading.

“Ordinance Amending Section 32.13 Rules of Council (Z) Rule 25 of the Mariemont Code of Ordinances” had a first reading.

“Ordinance Removing Chapter 31.078 from the Mariemont Code of Ordinances Regarding Dog and Cat Wardens” had a first reading.

“Ordinance Amending Chapter 90.01(A)(1)(b) of the Mariemont Code of Ordinances Regarding Dogs or Other Animals Running at Large; Dangerous or Vicious Dogs” had a first reading.

“Ordinance Amending Section 32.13 Rules of Council (GG) of the Mariemont Code of Ordinances had a first reading.

“Repealing No. O-14-16 of the Mariemont Code of Ordinances” had a first reading. Mr. Bartlett said the report indicated that this was not recommended at this time as it was still in Economic Planning & Development Committee. Mr. Bartlett moved, seconded by Dr. Lewis to remove the Ordinance from the agenda. On roll call; six ayes, no nays.

“Ordinance Amending Section 91.36 of the Mariemont Code of Ordinances” had a first reading.

“To Amend Section 151.26(A)(6) of the Mariemont Code of Ordinances, Signs within Residential District” had a first reading.

“To Amend Section 70.30 of the Mariemont Code of Ordinances Regarding Obeying Traffic-Control Devices” had a first reading.

The meeting adjourned at 8:04 p.m.

William A. Brown, Mayor

Anthony J. Borgerding, Fiscal Officer

**VILLAGE OF MARIEMONT
SPECIAL COUNCIL MEETING HELD IN COUNCIL CHAMBERS
OCTOBER 19, 2020**

Mayor Brown called the meeting to order at 7:04 p.m. The following Council members answered present to roll call: Mr. Bartlett, Mrs. Graves, Dr. Lewis, Ms. Palazzolo, Mrs. Rankin and Mr. Stelzer were present via Zoom due to the COVID-19 pandemic.

Mayor Brown said Council is meeting to discuss CARES Act funding and various projects brought forward. ICRC was not able to hook up interaction with residents for this meeting but it should be in place by the next Council meeting. Instructions for registration will be on the Village website.

Fiscal Officer Borgerding is the overseer on the project and has been working with Assistant Fiscal Officer Wendler. There is \$113,000 left from the \$126,000 received to date. He did more research and consulted with the State Auditors who completed our last Village audit about using the money towards police and fire payroll. He did confirm that it is covered even though it was budgeted, the CARES Act monies can be used for those essential type employee salaries. He talked with Chief Hines who said the police personnel spend an hour each day cleaning and sanitizing the cars and equipment. He estimates an additional \$78,000 in payroll by the end of the year. The same can be said for pool and maintenance personnel that have spent specific time and supplies on cleaning and sanitizing. The pool estimates \$11,000 and Service Department estimates salary and supplies at \$10,000. Combined it gets us close to \$100,000 and that is without the Fire Department submitting their information which would put us over the amount of funding received. There are other projects that have been discussed but he believes it would be most simple to use the money for payroll purposes and supplies rather than trying to get several projects done in a short amount of time before the end of the year.

Mr. Bartlett said he does not believe the work at the tennis courts would be able to be accomplished but he would like to still go forward with the codification of the Code of Ordinances. It has been since 2016 since it has been done. We can only use the money for what work has been done through the end of the year. It does meet the criteria. Ms. Palazzolo said it might be possible that they bill us for the whole project prior to December 31, 2020. Mr. Bartlett said it will only pay for work completed, not work that will still need to be done. Fiscal Officer Borgerding agreed saying the Village cannot prepay for work. Ms. Palazzolo said American Legal Publishing would probably not get very far – this is a terribly long process.

Fiscal Officer Borgerding said there will probably be more CARES Act money coming next year – the amount he does not know. Mr. Bartlett agreed that there probably will be more stimulus money in 2021. Mayor Brown suggested starting the codification in 2021 and use this money on payroll so the funds can be completely used. Ms. Palazzolo said American Publishing can begin the preparation work now. She wants to have more committee meetings and prepare more legislation to fix the code book. It would be a clean cut to make the cutoff December 31, 2020. If done every year we will have an updated code book. Fiscal Officer Borgerding said he is fine spending some money on the project. It was determined that the cleanest way to update would be to codify through the end of 2020 and then do yearly or every other year thereafter.

Mr. Stelzer would like to see the proposal for the recodification before it gets put in the budget. One stipulation of the CARES Act is not to have the money budgeted. In regards to the other projects, he would like Council to collect the information so we are ready to go if there is more CARES Act funding instead of scrambling at the last minute.

Mayor Brown said Mr. Rich did a really nice job putting together information on plans to rearrange the municipal offices. The estimated total cost, including furniture, lighting, carpet etc. is \$55,000. It allows for a

25% contingency plan with such a short time clock. If we move forward with the project the pricing will be nailed down. Mr. Bartlett reminded Council if the project is over \$50,000 it requires the project to go out for bid. Mayor Brown said a project like this could be broken down and the potential is great to lower the cost. He reminded Council that this is not the finished drawing but a first crack at it. There is no doubt that the administrative office project needs to be done. He would be happy to be the point person to see what furniture is needed and start pricing it out. Mr. Bartlett said the same could be done with the Tennis Court project.

Fiscal Officer Borgerding said City of Fairfield is buying police cars so each officer would have their own cars. Mayor Brown said Council did delay purchasing a police cruiser in 2020 and will have to purchase one in 2021. That could be a possibility but not budget for it.

Mr. Stelzer said it would be good to have excess expense in our back pocket should we be audited. Fiscal Officer Borgerding said he is not sure you can spend more than you receive. He will be submitting the necessary report tomorrow online. Mr. Bartlett said Fiscal Officer Borgerding covered that early when he checked with the auditor if payroll is a covered item. Mr. Stelzer said we are relying on that opinion and they are not the judge and jury. Mr. Bartlett said we have fall back with the pool and maintenance staff cleaning, sanitizing and supplies which is substantially different than their normal work load.

Mrs. Rankin moved, seconded by Dr. Lewis to spend the CARES Act money towards payroll from the various departments (Police, Fire, Pool, and Service) and supplies. On roll call; six ayes, no nays.

Other projects to be considered should there be more funding included Tennis Patio, Pool, Reconfiguration of the Administration, Building and Tax Offices.

Mr. Stelzer said he found out that Mariemont does not qualify for the Hamilton County Block Grant Program because the former Mayor failed to return any phone calls to Hamilton County to get the Village enrolled in the program. We have to wait until June 2021 to enroll to be eligible in the program in 2022. The fear was the thought the money would be used for low income housing. If you look at the communities that are involved it was found that low income housing was not what it was being used for. Columbia Township used the money to expand outdoor dining at the Promenade. He will continue to work on enrollment.

Mr. Stelzer reminded Council of the fundraising event at Fifty West Brewery this week and the check presentation from Columbia Township for the Murray Bike Trail.

The meeting adjourned at 7:30 p.m.

William A. Brown, Mayor

Anthony J. Borgerding, Fiscal Officer



Mariemont Fire Department

6907 Wooster Pike
Cincinnati, Ohio 45227

PHONE: 513-271-4089 / FAX: 513-271-1655
www.mariemont.org

Monthly Report October 2020

Fire Dispatches-	12	Total Fire Dispatch Oct. 2019	17
EMS Dispatches-	25	Total EMS Dispatch Oct. 2019	29
Total Fire Reports-	37		
		Total Fire Dispatch YTD 2020	147
EMS Transports-	17	Total Fire Dispatch YTD 2019	185
Canceled-	3		
Patient Refusals-	5	Total EMS Dispatch YTD 2020	256
DOA -	0	Total EMS Dispatch YTD 2019	313
M/A = Mutual Aid		Total M/A Given YTD 2020	95
M/A Received	1	Total M/A Given YTD 2019	129
M/A Given	14		
		Total M/A Received YTD 2020	37
		Total M/A Received YTD 2019	50

Monthly Highlights

- The Village currently has 8 Confirmed Cases of Covid-19 reported by the Board of Health. We have had a total of 51 Cases this year.
- All members have been properly fitted for their new SCBA Mask. This was no charge to the Village because we were able to borrow the machine from Sycamore Township versus paying a third party.
- The new SCBA's have been inventoried and are in service on the apparatus. The new equipment brings additional safety to the firefighters.
- Crews responded to a small fire at Cincinnati Steel Treating. Quick actions by crews kept damage to a minimum. Steel Treating has taken additional safety measures to help prevent the type of fire that was experienced last month.

Submitted By: Assistant Chief Timothy J. Feichtner

**SERVICE DEPARTMENT
MONTHLY REPORT
OCTOBER
2020**

BRUSH ROUTE.....

Dump Brush either Hafner or S-80

3 Loads of chipped brush
\$ 0 Charge this month
Saving of \$ 75.00
1,227.00 savings year to date.

Other Dumping's

0 Load of brush \$00.00
0 Loads of debris Cost \$0.00
\$ 925.00 Total savings

Street Sweeping/ debris

loads cost \$ 0.00

TOTAL COST SAVINGS YTD

\$ 2,010.00

SAFETY TRAINING:

PARK WORK INCLUDES THE FOLLOWING:

Clean up of CG&E Median
The Point
Dale Park & Cemetery
Jordan Memorial
Tot Lot
Midden Island

Denny Place Island
Albert Place
Sheldon Close
Beech Grove
Bell Tower
Livingood

Settle Island
Trolley Park
Concourse
S-80
Lower Meadow

CONTRACTOR'S WORK:

Grass Cor

MECHANICAL WORK :

Chain saws Leaf Vac # 1
Street Sweeper Wood Chipper
Dump truck Chev 3500

General check each morning on all trucks

STREET SWEEPING FOR OCTOBER:

N/A

TOTAL HOURS: 4 YEAR TO DATE: 38.5

Tree Work in House:

Dead Wood	Total cost for tree co.	\$
Total Removed	Total in house cost	\$
Total Hours	Total savings	\$
	Savings YDT	\$

Total Trees planted 2020**25****SAFTEY TRAINING CLASS:**

OVERTIME HOURS	TOTAL HOURS	HOURS COST PAID	COMP TIME
Scherpenberg	9.75	\$	\$ 380.74
Schmid	0	\$	\$.
James	0	\$	\$
Evanchyk	0	\$	\$
Swader	0	\$	\$
TOTAL HRS	9.75		\$ 380.74
TOTAL HRS. PAID		\$	
Meetings			
Completion of work			

SICK TIME FOR OCTOBER.....TOTAL HOURS

Scherpenberg	0
Schmid	0
James	8
Evanchyk.....	3
Swader.....	0

SICK TIME YEAR TO DATE.....TOTAL HOURS

Scherpenberg	0
Schmid	187
James	76
Evanchyk.....	38
Swader.....	0

MISCELLANEOUS WORK INCLUDES THE FOLLOWING:

Village repair 4 catch basins
Tot Lot, bell Tower, Ann Buntin Becker, John Nolen and Erickson Pavilions Covid-19 spray
Pool video sewer closed pool
Bell Tower clean up from Boy Scout project
Village start leaf season
Maple St., plant 22 trees and put on netting
Elm@ Lane "D" repair Spectrum box
Pool winterized same
Salt Dome painted trim
Village reset light timers after electric went out
Pool sealed leaks in pipe and around office building
Bramble Hill @ Grove replace stop sign and post
Village check water meters and location addresses
Statuary fix sprinkler leak
Village, remove hornet nests
Street sweeping throughout village
S-80 black top chips for main road
Village, clean out storm drains
Village clean up limbs from storms
Village Pothole repair Hiawatha
Miami Hill clean out 5 drains
Town Square Clock and Boathouse reset timers for time change
Village clean up brush from volunteers
Village started making and replacing broken wooden street signs
Village marked utilities for OUPS tickets
Pick up dead animals off roadway
Village streetlight repair
Wooster Pike clean up island tips
Village East Corp mowed and trim high grasses
Village, cleaned up trash and debris left by volunteers
Boathouse clean up area and gutter/drains
Village picked up bags/debris, limbs from volunteers
Village, continue to clean storm 446 sewers/catch basins
Village, installed wooden street signs and post
Fridays, Mt. Vernon, cleaned out head wall
Monday and Friday's empty trash/recycling cans
Clarence Erickson shelter clean up
John Nolen Pavilion clean out inside debris

Respectfully,

**John Scherpenberg
Superintendent**

Mariemont Service Department BUDGET FOR 2020

ACCOUNT NUMBER		Estimated	YTD EXP	Est	Total YDT	G Total
101-302-52201	Travel/transport	1,500	493	700	700	700
101-302-52301	Lawn service	47,000		0	47,000	47,700
101-302-52302	Cont Equipment	0		0	0	47,700
101-302-52309	Other cont Serv	\$25,000	42,323	2,000	44,323	92,023
101-302-52401	Office equip	1,500	298	500	798	92,821
101-302-52402	Gas & oil	13,000	5,922	8000	13,922	106,743
101-302-52403	Repair/main equip	18,000	14,081	8,000	22,081	128,824
101-302-52405	Insurance	0		0	0	128,824
101-302-52409	Other misc spend	104,000	44,579	30,000	74,579	203,403
101-302-52420	land/ beaut	60,000	39,175	16,000	55,175	258,578
		\$270,000				258,578

403-703-52409	Capital Imp	\$15,000 Sewer, 15,000 tree planting	\$6,500 dump bed
		\$5000 sidewalk/curbs	

NO CONTROL

101-302-52111	Salaries	290,000	188,629	290,000
101-302-52121	PERS	44,000	28,315	44,000
101-302-52123	Health care	94,000	73,240	94,000
101-302-52129	other benefits	4,000	1,331	4,000
	Total	432,000	291,515	432,000

Council Estimated Budget \$702,000

budget spend Est.	270,000	\$432,000	702,000
estimated	258,578	432,000	690,578
Saving			\$11,422
Salaries	(Overtime may change figures + or -)		

MARIEMONT TAX DEPARTMENT

MONTHLY REPORT

October 2020

The attached Deposit Journal Report shows collection for tax totaled \$147,748.86 for October. This amount is **\$12,250.08** less than October 2019 and **\$172,596.59** less than the year to date total collected in 2019.

October 2018 comparisons show month to date collections are down **\$11,313.44** with a year to date difference of **\$62,082.07**.

Respectfully submitted,

DeAnna Darrah

Tax Administrator

Closed Batch Number(s) 7699, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, EPAY201018, 7711, 7712, 7713, 7714, 7715, 7716, EPAY201027, 7717 Deposit
Date Range: 10/01/2020 To 10/31/2020. Report type: Detail Report. Sort Selection by Account Number.

Transaction	Count	Charge Amt	Credit Amt	Count	Charge Amt	Credit Amt	Count	Charge Amt	Credit Amt	Count	Charge Amt	Credit Amt	Count	Charge Amt	Credit Amt
AMENDED ESTIMATE	2	\$840.10	\$273.40	0	\$0.00	\$0.00	0	\$0.00	\$0.00	2	\$840.10	\$273.40	2	\$840.10	\$273.40
AMENDED FINAL	2	\$1,339.00	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00	2	\$1,339.00	\$0.00	2	\$1,339.00	\$0.00
BALANCE DUE	30	\$0.00	\$7,661.13	3	\$0.00	\$99.92	0	\$0.00	\$0.00	33	\$0.00	\$7,761.05	33	\$0.00	\$7,761.05
BATCH NOTE	10	\$0.00	\$0.00	1	\$0.00	\$0.00	5	\$0.00	\$0.00	16	\$0.00	\$0.00	16	\$0.00	\$0.00
CHARGE-OFF LATE FILE	3	\$-200.00	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00	3	\$-200.00	\$0.00	3	\$-200.00	\$0.00
COURT COST	0	\$0.00	\$0.00	1	\$0.00	\$-0.50	0	\$0.00	\$0.00	1	\$0.00	\$-0.50	1	\$0.00	\$-0.50
CHARGE-OFF FINAL RET	9	\$-20.45	\$0.00	6	\$-35.53	\$0.00	0	\$0.00	\$0.00	15	\$-55.98	\$0.00	15	\$-55.98	\$0.00
DECLARATION OF	35	\$38,104.69	\$4,296.19	2	\$400.00	\$16.00	0	\$0.00	\$0.00	37	\$38,504.69	\$4,312.19	37	\$38,504.69	\$4,312.19
FINAL RETURN	143	\$66,520.03	\$10,334.39	41	\$203,125.03	\$3,424.00	0	\$0.00	\$0.00	184	\$269,645.06	\$13,758.39	184	\$269,645.06	\$13,758.39
INTEREST	1	\$3.00	\$3.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00	1	\$3.00	\$3.00	1	\$3.00	\$3.00
OVERPAY FORWARD	72	\$0.00	\$0.00	30	\$0.00	\$0.00	0	\$0.00	\$0.00	102	\$0.00	\$0.00	102	\$0.00	\$0.00
OVERPAY REFUND	7	\$0.00	\$-3,062.48	2	\$0.00	\$-533.00	0	\$0.00	\$0.00	9	\$0.00	\$0.00	9	\$0.00	\$0.00
LATE FILE PENALTY	5	\$251.20	\$376.20	0	\$0.00	\$0.00	0	\$0.00	\$0.00	5	\$251.20	\$376.20	5	\$251.20	\$376.20
LATE PAY PENALTY	3	\$17.56	\$225.46	0	\$0.00	\$0.00	0	\$0.00	\$0.00	3	\$17.56	\$225.46	3	\$17.56	\$225.46
UNDERPAID ESTIMATE	8	\$267.96	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00	8	\$267.96	\$0.00	8	\$267.96	\$0.00
QUARTERLY PAYMENT	31	\$0.00	\$12,391.43	1	\$0.00	\$1,851.00	0	\$0.00	\$0.00	32	\$0.00	\$14,242.43	32	\$0.00	\$14,242.43
VOID DECLARATION OF	1	\$0.00	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00	1	\$0.00	\$0.00	1	\$0.00	\$0.00
WITHHOLDING	0	\$0.00	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00	1	\$0.00	\$0.00	1	\$0.00	\$0.00
Total:	362	\$107,123.09	\$32,498.72	87	\$203,489.50	\$4,857.42	324	\$106,797.24	\$106,797.24	324	\$106,797.24	\$106,797.24	324	\$106,797.24	\$106,797.24
** Total:	362	\$107,123.09	\$32,498.72	87	\$203,489.50	\$4,857.42	329	\$106,797.24	\$106,797.24	778	\$417,409.83	\$144,153.38	778	\$417,409.83	\$144,153.38
Deposit Total		\$147,748.86	\$0.00		\$136,147.92	\$283.95		\$0.00	\$0.00		\$-3,595.48	\$11,316.99			
Cash			\$32,498.72		\$203,489.50	\$4,857.42		\$106,797.24	\$106,797.24		\$417,409.83	\$144,153.38			
Check															
Lock Box															
Refund Total															
ACH															

*** End Of Report ***



**Bureau of Workers'
Compensation**

P.O. Box 15429
Columbus, OH 43215-0429

Governor Mike DeWine
Administrator/CEO Stephanie McCloud
www.bwc.ohio.gov
1-800-644-6292

PAGE: 1

MARIEMONT VILLAGE
6907 WOOSTER PIKE
CINCINNATI, OH 45227-4443

Date: 10/28/2020
Remit No: 36804100588
Warrant: 6004412

Dear Employer,

On behalf of Governor Mike DeWine and the Ohio Bureau of Workers' Compensation (BWC), I am pleased to share with you the enclosed check as part of our agency's dividend of up to \$1.5 billion to Ohio's private and public employers. For the second time this year, this dividend is intended to ease the financial pressures your organization may be experiencing amid the coronavirus (COVID-19) pandemic.

Once again, this dividend was made possible by our investment returns, prudent fiscal management, and the good work of employers who pay their BWC premiums and look out for the health and safety of their employees.

Please deposit your check as soon as possible, as it is only valid for 90 days. It is yours to spend as you wish, but we share Governor DeWine's hope you use this money to invest in the health and safety of your most important asset - your people - in this difficult time.

This dividend equals approximately 100% of your premium for the 2019 policy year and reflects our promise to keep your workers' compensation costs as fair and low as possible. (Please note: We first applied the dividend to any outstanding balance on your account.) Because BWC is providing two dividends in the same year, we are not anticipating a dividend in 2021. Consideration of dividends (if any) in 2022 or any year thereafter will be made in the future.

For more information about this dividend or about our many programs to keep your premiums low and your employees safe, please visit www.bwc.ohio.gov. For more on COVID-19 and BWC, click on the COVID-19 Information icon on our home page.

Wishing you every success,

Stephanie McCloud, BWC Administrator/CEO

PLEASE TEAR AT PERFORATION BEFORE CASHING CHECK.

THIS IS OHIO WATERMARKED PAPER - DO NOT ACCEPT WITHOUT NOTING OHIO WATERMARK - HOLD TO LIGHT TO VERIFY OHIO WATERMARK

The Ohio Bureau Of Workers' Compensation
P.O. Box 15429
30 W. Spring St.
Columbus, OH 43215

WARRANT: 6004412 DATE: 10/28/2020

VOID AFTER 01/26/2021 \$****56,391.02*

Fifty Six Thousand Three Hundred Ninety One Dollars And 02/100 *****

PAY TO THE ORDER OF

33112503-0 800201060044122849

MARIEMONT VILLAGE
6907 WOOSTER PIKE
CINCINNATI, OH 45227-4443

Stephanie McCloud
Stephanie McCloud
Administrator/CEO

005639102 044002174:800201060044122849

**VILLAGE OF MARIEMONT
FISCAL OFFICER'S REPORT
October 31, 2020**

<u>FUND</u>	<u>BAL. 1-1-20</u>	<u>MO. RECEIPTS</u>	<u>YTD RECEIPTS</u>	<u>MO. DISBMNT</u>	<u>YTD DISBMNT</u>	<u>END. BAL.</u>
General - 101	1,011,326	284,048	3,272,285	284,596	3,248,258	1,035,355
Street Improv. - 201	15,351	15,223	142,632	2,465	46,958	111,026
State Highway - 202	10,012	1,151	11,758	323	5,371	16,398
Drug Rel. Pol. Fines - 208	1,257	0	650	0	500	1,407
Alc. Educ. & Enf. - 213	28,683	2,156	8,875	10	4,123	33,435
Court Computer - 214	387	665	6,945	1,080	10,166	(2,833)
MariElders - 280	0	3,417	66,187	27,812	62,770	3,417
Paramedic 295	10,730	20,947	280,947	1,765	265,625	26,052
Coronavirus Relief - 305	0	126,774	239,902	12,161	49,010	190,893
Perm. Improv. - 403	62,434	20,928	406,049	0	190,436	278,047
Health Insur. - 707	1,986	1,559	5,284	49	538	6,732
Building Fee - 708	0	0	0	554	554	(554)
Ann Buntin Becker Park- 715	3,452	0	0	0	0	3,452
Street Restor. - 804	0	0	0	0	0	0
Total All Funds	1,145,618	476,869	4,441,515	331,370	3,884,309	1,702,825

<u>INVESTMENTS</u>					<u>BANK RECONCILIATION</u>	
<u>FUNDS</u>	<u>INSTITUTION</u>	<u>DETAILS</u>	<u>AMOUNT</u>			
101.201,295,403	PNC Capital Markets		509,645		Bank Balance	114,532
					Petty Cash funds(3)	225
					Money Market Sweep Acct	1,111,741
					◆ Deposits in Transit ◆	2,464
					Paypal Retained Balance	120
					Plus: Investments PNC **	509,645
					Less: Pending check void	
					Less: Checks Outstanding	(35,902)
					TREASURY BALANCE	1,702,825
<u>LIABILITIES</u>						
<u>INSTITUTION</u>	<u>DETAILS</u>	<u>TOTAL AMOUNT</u>	<u>YEARLY DUE</u>	<u>Maturity</u>		
PNC BOND	Bldg Addition	\$396,230	\$100,888	2024		
OPWC	CT07U Paving	\$39,512	\$1,976	2037		
OPWC	CT11V Paving	\$44,422	\$2,221	2039		
AMBULANCE		\$205,647	\$51,412	2024		

CAUTION: READ BEFORE SIGNING

WAIVER OF LIABILITY, ASSUMPTION OF RISK AND INDEMNITY

For valuable consideration, the receipt and adequacy of which is hereby acknowledged, the undersigned, on behalf of himself/herself, respective heirs, personal representatives, and assigns:

- A. Does hereby release, waive, discharge and covenant not to sue the Village of Mariemont and their respective officers, administrators, elected officials, agents, advisors, employees, affiliates, and representatives (collectively, the "Releasees") from any and all claims including, not by way of limitation, any claims arising from negligence of Releasee or any of them resulting in personal injury, accident or illness (including death) and/or property loss arising from or relating in any way to participation in volunteer activity within the Village of Mariemont. Said volunteer activity may include, but is not limited to, certain maintenance work and gardening work within the Village of Mariemont.
- B. The undersigned further acknowledges that participation in any volunteer activity and travel to and from the activity by car carries certain inherent risks. The within release is inclusive of all possible risks associated with such travel. The undersigned further acknowledges that his/her insurance company is aware of participation in said activity and is in agreement with same.
- C. Does agree to indemnify, hold harmless, and defend Releasee from any and all claims, actions, suits, procedures, costs, expenses, damages and liabilities, including attorneys' fees, and to reimburse Releasees for any such expense incurred in connection with or as a result of (1)(a) my participation in the volunteer activity or (b) travel associated with the activity or (2) efforts arising in connection with or as a result of any attempt by anyone, including, not by way of limitation, me or anyone claiming on my behalf, to avoid the terms of this Waiver of Liability, Assumption of Risk and Indemnity.

I further expressly agree that (1) this document and/or any action or claim relating to this document and/or the activity shall be governed by the laws of the State of Ohio without regard to the laws of conflict of law thereof; (2) any action or claim relating to this document and/or the activity shall be initiated and maintained in municipal or state court in Hamilton County, Ohio or in United States District Court for the Southern District of Ohio; and (3) the foregoing Waiver, Assumption of Risk and Indemnity is intended to be as broad and as inclusive as is permitted by the laws of the State of Ohio and that if any portion thereof is held invalid it is agreed that the balance shall, notwithstanding, continue in full force and effect. I have read this Waiver of Liability, Assumption of Risk and Indemnity, fully understand its terms, and understand that I am giving up substantial rights – including my right to sue. I know, understand and appreciate these and other risks that are inherent in the Activity. I expressly agree and assert that participation in the Activity is voluntary and I knowingly assume all such risks and elect to proceed with the participation despite all the risks. I acknowledge that I am signing this Waiver of Liability, Assumption of Risk and Indemnity freely and voluntarily and intend, by my signature, the complete and unconditional release of all liability to the greatest extent allowed by law.

I have read and consent and agree to the terms and provisions set forth in this Waiver of Liability, Assumption of Risk and Indemnity.

Participant

Date

VOUCHERS FOR THE REGULAR COUNCIL MEETING, November 9, 2020

DEPARTMENT	VENDOR	DESCRIPTION	COST
Administration	William Brown	Reimbursement for Marriage Officiating Fee (Bohlen)	75.00
Administration	William Brown	Car Allowance for November 2020	41.66
All	Dental Care Plus	Insurance Premium for November 2020	1,076.77
All	Reliance Standard	Life Insurance Premium for November 2020	45.51
All	Village Payroll Account	Soc. Sec. \$1748.55, Medi. \$1345.35, Gross Payroll \$92782.76 for Period Ending 10/31/2020	95,876.66
Building	Martin Simon	Plan Reviews Oct. 2020	170.00
Fire	A&A Safety, Inc.	Decals for New SCBA Packs & Cylinders	134.00
Fire	NAPA Auto Parts	New Batteries for Quint 67	520.80
Fire	Wex Bank (Fleet Services)	Gas for Village Vehicles	257.38
Fire	Ace Hardware	Miscellaneous Parts/Supplies/Materials	136.65
Legislative	Mariemont Town Crier	Distribution of Trash Flyers for Nov. 2020	75.00
Legislative	Ohio Municipal League	Annual Membership Dues 2021	700.00
Mayor's Court	Rick Gibson	Magistrate Fees for October 2020	1,000.00
Miscellaneous	Duke Energy	Gas & Electric Monthly Charges	1,234.26
Miscellaneous	Ed McTigue	Solicitor Services for Oct. 2020	2,350.00
Miscellaneous	Ellis Virtual Solutions	Marketing Services for the Farmers Market Oct. 2020	60.00
Miscellaneous	Greater Cincinnati Water Works	Water & Sewer Service Monthly Charges	2,367.34
Miscellaneous	MariElders	Real Estate Tax Rollback Payment	3,416.51
Miscellaneous	PNC Bank	Credit Card Purchases (Backblaze Annual Renewal, Replacement PC in Admin, In-Car PD Camera)	1,635.16
Miscellaneous	Rumpke	Trash & Recycling Monthly Charge	26,177.25
Municipal	Ace Hardware	Miscellaneous Parts/Supplies/Materials (CARES Act)	19.46
Municipal	CBTS	Monthly Phone System Maintenance Charges	80.75
Municipal	Flow-Rite Plumbing, Inc.	Emergency Repair of Water Leak in Kitchen	1,847.00
Municipal	Jani-King of Cincinnati	Janitorial Services for November 2020	400.00
Municipal	Schindler Elevator Corporation	Warranty Agreement Monthly Charges	80.85
Municipal	Spectrum	Broadband Service	224.98
Paramedics	Verizon	Machine to Machine Activity (Ambulance to Hospital)	18.08
Paramedics	Wex Bank (Fleet Services)	Gas for Village Vehicles	257.38
Paramedics	NAPA Auto Parts	Antifreeze for M-67	54.20
Police	Ace Hardware	Miscellaneous Parts/Supplies/Materials	17.51
Police	Cincinnati Safety Upfitters	K9 Cruiser Equipment	6,285.51
Police	Galls Uniforms	Uniform Items	337.15
Police	Kiesler Police Supply	Ammunition	291.00
Police	Successful Products	Uniform Hats	363.00
Police	TireDiscounters	Oil Change Ford Explorer	29.30
Police	Wex Bank (Fleet Services)	Gas for Village Vehicles	1,167.74
Police	Hamilton County Coroner	Lab Fees/Evidence Analysis	100.00
Police	Staples	Printer Ink	73.31
Police	TransUnion	Data Subscription Monthly Charges	50.00
Pool	Ace Hardware	Miscellaneous Parts/Supplies/Materials	40.34
Service	Ace Hardware	Miscellaneous Parts/Supplies/Materials	65.76
Service	Board of County Commissioners	Radio Service for 5 Non-Public Radios	130.00
Service	CBTS	Long Distance Service Monthly Charges	11.57
Service	Cincinnati Bell	Phone Service Monthly Charges	100.82
Service	Enzo's Cleaning Solutions	Oxide Sanitizer & Electric Sprayer (CARES Act)	2,345.00
Service	Old Dominion Brush	Parts for Leaf Vacs	162.25
Service	SiteOne Landscape Supply	22 Sugar Maples for Maple Street (MPF to Refund a Portion)	5,550.00
Service	Tom Awadalla	Reimbursement for 1/2 of Tree Trimming for Village Trees (New Resident Believed They Were His Trees)	288.90
Service	Ritze's Auto Service	Repair Brakes	214.76
Service	Safety Shoes Distributors	Safety Shoes	166.99
Service	Wex Bank (Fleet Services)	Gas for Village Vehicles	687.57
Tax	Income Tax Refunds	Overpayment of Taxes	3,595.48
TOTAL			162,406.61

VILLAGE OF MARIEMONT

BIWEEKLY PAYROLL ENDING OCTOBER 31, 2020 AND MONTHLY PAYROLL ENDING OCTOBER 31, 2020

Police Department

Richard D. Hines, Regular	4055.52	Derek Bishoff, Sick	1314.00
Steve Watt, Regular	1729.98	Derek Bishoff, Comp	255.50
Tom Ostendarp, Regular	2862.46	Tom Ostendarp, Vacation	715.61
Steve Watt, Vacation	1415.44	Derek Bishoff, Overtime	383.25
Fred Romano, PT, Regular	1868.25	Dan Lyons, Vacation	471.81
Nick Pittsley, Vacation	3192.17	Matt Kurtz, Overtime	176.93
Matt Kurtz, Longevity	200.00	Dan Lyons, Longevity	275.00
Nick Pittsley, Regular	3192.17	Derek Bischoff, Regular	1350.50
Paul Rennie, Regular	3145.42	Dan Lyons, Regular	2575.31
Dan Lyons, Overtime	294.88	Margie Maupin, Regular	1477.24
Adam Geraci, Regular	3145.42	Dan Lyons, Comp	98.29
Margie Maupin, Sick	82.73	Margie Maupin, Vacation	177.27
Matt Kurtz, Regular	3145.42	Ron Wallace, PT, Regular	1145.50
Margie Maupin, Comp	35.45	Blake Wallace, PT, Regular	612.00
Penny Anderson, PT, Regular	433.50	Dorris Hallums, PT, Regular	459.00
Tracie Clausing, PT, Regular	477.36	Judy Gerros, PT, Regular	477.36
		Department Total	37878.07

Paramedics/Fire

Nick Guilkey, Supervisor Pay	494.68	Jim Henderson, Supervisor Pay	189.45
Joey Homan, PT, Regular	432.00	Richard Cathcart, PT, Regular	792.00
Evan Dunkelman, PT, Regular	1053.00	Keary Henkener, PT, Regular	378.00
Mike Washington, Supervisor Pay	505.20	Hunter Morgan, PT, Regular	1263.50
Tim Peaker, PT, Regular	920.55	Tim Peaker, Supervisor Pay	315.75
Tim Feichtner, Assistant Chief, Regular	3499.61	Blake Rockey, PT, Regular	360.00
Josh Watren, Supervisor Pay	757.80	Michael Washington, Jr. Supervisor Pay	757.00
Mike Washington, Jr. PT, Regular	866.40	Jason Williams, Supervisor Pay	463.10
Dan Copeland, Supervisor Pay	1515.60	Keary Henkener, PT, Regular	397.10
David Huckleby, PT, Regular	642.16	Joshua Hanauer, PT, Regular	216.00
Chris Ramsey, Supervisor Pay	1014.30	Joe Lowry, PT Regular	432.00
Jeremy Burns, PT, Regular	432.00	Curtis Ryan, PT, Regular	516.60
Rick Hines, Regular	647.67	Craig Coburn, Supervisor Pay	252.60
Ben Kutcher, PT, Regular	358.75	Mark Hardin, PT, Regular	688.80
Mark Hardin, PT, Regular	864.00	Bryan Schmidlapp, PT, Regular	432.00
Matt Clark, PT, Regular	423.00	Brian Gross, PT, Regular	216.00
Brandon Manor, Supervisor Pay	1199.85	Ray Scott, PT, Regular	864.00
Josh Watren, Supervisor Pay	978.83	Jason Williams, PT, Regular	1227.40
Derek Hunt, PT, Regular	216.60	Mike Carey, PT, Regular	1317.65
Ryan Brown, PT, Regular	198.00	Robert Mercer, PT, Regular	1242.00
Chris Miller, PT, Regular	207.00	Ethan Roell, PT, Regular	630.00
		Department Total	27036.50

Maintenance Department

John M. Scherpenberg, Regular	3124.02	Mike Evanchyk, Vacation	332.29
Ben James, Vacation	223.06	Jeremy Swadder, Regular	1814.40
Kevin Schmid, Regular	2230.63	Ben James, Regular	2007.57
Mike Evanchyk, Regular	1329.15	Department Total	11061.12

Administrative

Joanee B. Van Pelt, Regular	2305.66	Joanee Van Pelt, Council	125.00
Joanee Van Pelt, Special Council	125.00	Joanee Van Pelt, Vacation	396.29
Allison Uhrig, Regular	1373.90	Allison Uhrig, Vacation	242.46
		Department Total	4568.28

Tax Department

DeAnna Darrah, Regular	2385.00	Department Total	2385.00
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Council/Appointed Officials

Chris Ertel, Regular	1052.00	Bill Brown, Regular	666.67
Avia Graves, Regular	83.26	Marcy Lewis, Regular	83.26
Kelly Rankin, Regular	83.26	Joe Stelzer, Regular	83.26
Rob Bartlett, Regular	83.26	Tony Borgerding, Regular	515.00
Maggie Palazzolo, Regular	83.26	Eli Wendler, Assistant Fiscal Officer	300.42
Don Keyes, Regular	3333.34	Eli Wendler, IT	2636.80
		GRAND TOTAL	92782.76

To: Mayor Brown and Members of Council

From: Rules and Law Committee – Maggie Palazzolo – Chairman

Date: November 9, 2020

RE: DORA Legislation

The Rules and Law committee met at 2:02PM on November 3, 2020. Present were Mayor Bill Brown, committee chair Maggie Palazzolo, committee member Marcy Lewis and Chief Hines.

The committee discussed creating a DORA District in Mariemont. This is a "Designated Outdoor Refreshment Area" and would allow people to buy an alcoholic drink at a restaurant and then walk around outside in a designated area. Detail is available in the addendum in terms of what area would be included, the hours the DORA would be in effect and which business would be included. The committee unanimously recommends moving forward with this. It would be a way to promote Mariemont businesses and an economic development tool as well. The process is a matter of deciding what we want the parameters of the DORA to be and filing paperwork with the state. The committee would like to have this in place before spring.

The meeting concluded at 2:52pm.

Respectfully Submitted,

Maggie Palazzolo, Chairman

Marcy Lewis, Vice-Chairman

Rob Bartlett, Member

General Language → make specific to ordinance

ORDINANCE NO. 19-1467

PASSED July 16, 2019

An Ordinance creating a Designated Outdoor Refreshment Area for the City of Milford and enacting regulations

WHEREAS, effective April 30, 2017, a municipality with a population of less than thirty-five thousand is permitted to create a Designated Outdoor Refreshment Area (DORA) pursuant to the provisions of the Ohio Revised Code Section 4301.82; and,

WHEREAS, on Tuesday, May 21, 2019, the City Manager submitted an application to the City Council for approval of a DORA in a specified section of the City of Milford (the DORA application); and,

WHEREAS, pursuant to ORC Section 4301.82(C), notice of the filing of the DORA Application with the date of a public hearing thereon was published in a newspaper of general circulation in the City of Milford on May 29, 2019, and June 5, 2019; and,

WHEREAS, the public hearing on the application was held June 18, 2019, during which public testimony was held; and,

WHEREAS, Section 4301.82(F)(1) of the ORC requires the City of Milford to establish requirements that the City determines necessary to ensure public health and safety in the area and ORC Section 4301.82 (F)(2) provides for notice of this proposed action to be published in a newspaper of general circulation once a week for two consecutive weeks, such notice having been published on May 29, 2019 and June 5, 2019; and,

WHEREAS, the DORA application as submitted, to include the premises of the permit holders located at the street addresses on Exhibit A, meets the requirements of the ORC Section 4301.82(B)(1-5), it being further clarified that the boundary of the DORA includes the premises of the permit holders located at the street addresses listed on Exhibit A; and,

WHEREAS, approval of the DORA will serve to enhance the experiences of the patrons of the business areas and the special events within the City of Milford, Ohio:

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Milford, Ohio:

Section 1. City Council approves the DORA application as having met the requirements of ORC Section 4301.82(B)(1-5) and approves the establishment of a Downtown Milford Designated Outdoor Refreshment Area comprised of the area as depicted on Exhibit A, attached hereto and made a part hereof, such area to include and encompass the premises of the permit holders located at the street addresses listed on Exhibit A, as is required to be included pursuant to ORC Section 4301.82(F)(1)(a).

Section 2. City Council determines that all public notice requirements of ORC Section 4301.82 prior to the passage of this Ordinance have been met.

Section 3. That in order to ensure public health and safety and in accordance with ORC Section 4301.82(F)(1)(b), the number, spacing, and type of signage designating the DORA boundary shall be as set forth on Exhibit B, attached hereto and made a part hereof.

Section 4. The DORA encompasses not fewer than four qualified permit holders, all which are identified on Exhibit C, attached hereto and made a part hereof, by business name, address, liquor permit type and liquor permit number. Also included on Exhibit C and in accordance with ORC Section 4301.82(F)(1)(c) are the hours of operation for the DORA, which will apply to all activity within the DORA.

Section 5. The Public Health and Safety Plan as described in Exhibit D, attached hereto and made a part hereof, is hereby approved as meeting the requirements of ORC Section 4301.82 (F)(1)(e-f), including the manner in which the number of personnel needed to carry out the plan shall be determined.

Section 6. The Sanitation Plan that will help maintain the appearance and public health of the area as described on Exhibit E, attached hereto and made a part hereof, is hereby approved as meeting the requirements of ORC Section 4301.82(F)(1)(e-f), including the manner in which the number of personnel needed to carry out the plan shall be determined.

Section 7. As is required by the ORC Section 4301.82 (F)(1)(g), beer and intoxicating liquor shall only be served in plastic bottles or other plastic containers, which shall be provided by the qualified permit holders in a readily-identified container as approved by the City's Department of Public Safety.

Section 8. City Council shall review the review the requirements of the DORA, as established herein, one year from the effective date of this Ordinance to determine whether to continue the DORA under the same or modified terms and conditions or dissolve it according to the statutory provision.

Section 9. The Clerk of Council is hereby instructed to forward a copy of this Ordinance to the Ohio Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety, all in accordance with ORC Section 4301.82(C) and Section 4301.82(F)(3).

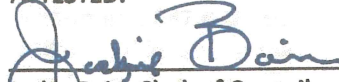
Section 10. Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, are taken in meetings open to the public in full compliance with applicable legal requirements, including Section 122.22 of the Ohio Revised Code.

Section 11. Pursuant to and in accordance with Section 12.05 of the Milford City Charter this Ordinance, having received at least five affirmative votes for passage, shall become effective immediately.

ADOPTED: July 16, 2019


Fred Albrecht, Mayor

ATTESTED:


Jackie Bain, Clerk of Council

LAW DIRECTOR'S CERTIFICATION

I hereby certify that I have prepared the foregoing Ordinance in accordance with Section 12.02 of the Milford City Charter.


Michael Minniear, Law Director

Specific to Milford

CLERK'S CERTIFICATION

I Jackie Bain, Clerk of Council of the City of Milford, Ohio, do hereby certify that the foregoing Resolution was published by posting the complete text of said Ordinance at five (5) of the most public places in said Municipality as determined by Council as follows: at Peoples Bank, 735 Lila Avenue, Milford, Ohio; at Park National Bank, 25 Main Street, Milford, Ohio; at Milford Community Fire Department, 687 B US 50, Milford, Ohio; at the Milford Post Office, 100 Castleberry Court, Milford, Ohio; and at the site of the Municipal Building, 745 Center St., Milford, Ohio each for a period of fourteen (14) days commencing on the 18th day of July, 2019.



Jackie Bain, Clerk of Council

PERMIT HOLDERS

1. Little Miami Brewing Company (208 Mill Street)
2. The Main Cup (18 Main Street)
3. 20 Brix (101 Main Street)
4. Padrino (111 Main Street)
5. Chappy's (225 Main Street)
6. Chez Renee French Bistro (231 Main Street)
7. American Legion Post 450 (450 Victor Stier Drive)
8. Copper Blue (900 Main Street)
9. Lehr's Prime Market & Patio (740 Main Street)
10. By Golly's (714 Lila Avenue)

1) Mariement Theatre

2) The Quarter Bistro

3) Mio's Pizzeria

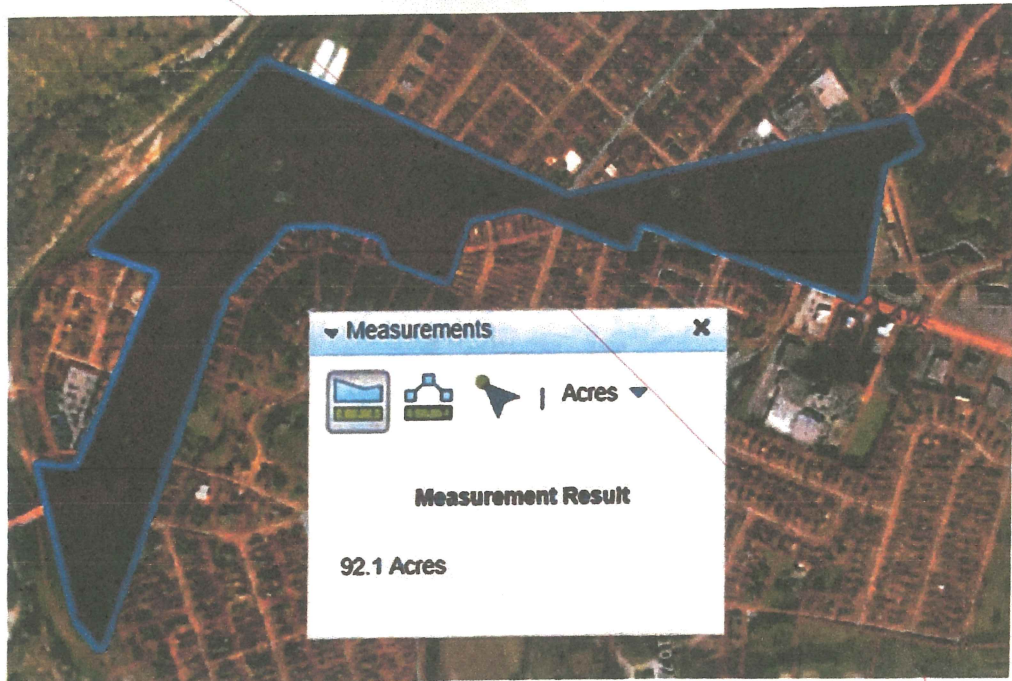
4) The Mariement Inn + Southby's Bar

EXHIBIT A

BOUNDARIES

In accordance with ORC 4301.82 (F)(1)(a), a depiction of the specific boundaries of the area, including and encompassing the premises of the permit holders located at the street addresses is shown in the highlighted area below:

See map Attached next pg.



AREA CERTIFICATION

I hereby certify that the area of land located with the City of Milford Designated Outdoor Refreshment Area to be approximately 92.1 acres.


Nathaniel Clayton, PE



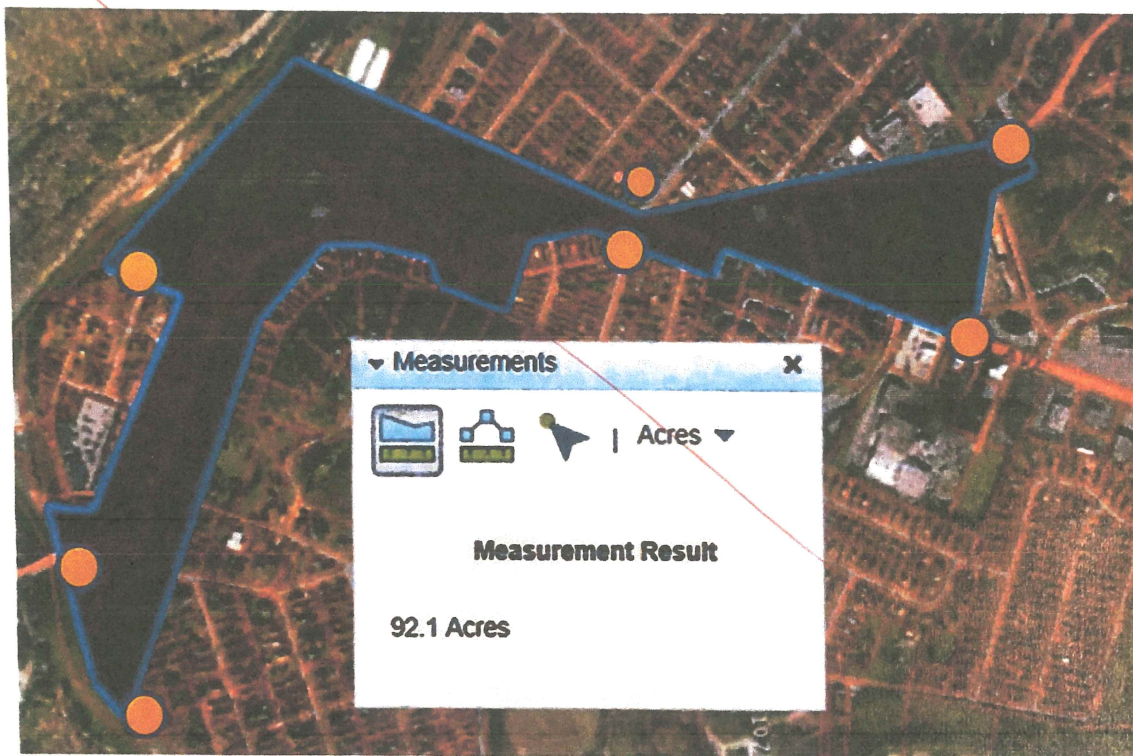
EXHIBIT B

Number, Spacing & Type of Signage

In accordance with ORC 4301.82 (F) (1) (b), the number spacing and type of sign designating the area are:

The Service Department Supervisor will direct the placement of

See map attached next pg.



HAMILTON COUNTY, OHIO

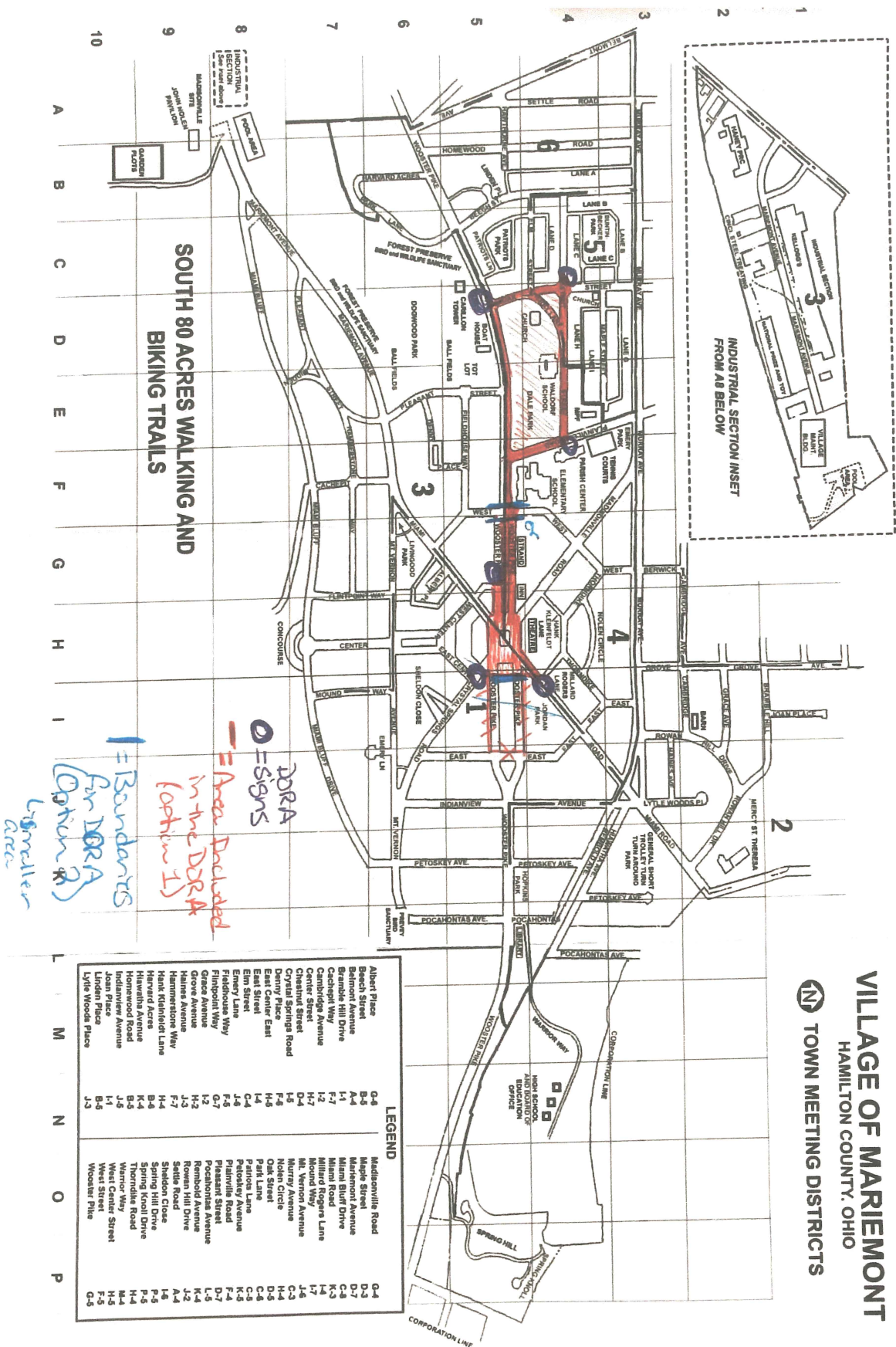


Exhibit C

List of qualified permit holders, hours of operation and letters of participation

Qualified Permit Holders including Permit Number and Permit Types

↳ These would be ours ↓

Address	Qualified Permit Holder	DBA	Permit #	Permit Type	Letter of Participation
208 Mill Street	Little Miami Brewing Company	Same	5237887	A1A, A1C, D6	
18 Main Street	Coffee Table LLC	The Main Cup	1591172	D1, D2, D3, D3A, D6	
101 Main Street	20 Brix LLC	20 Brix	9115742	D2, D2X, D3, D3A, D6	
111 Main Street	RTHTPC LLC	Padrino	71481760005	D5, D6	
225 Main Street	Milford Tavern LLC	Chappys	5954211	D1, D2, D3, D3A	
231 Main Street	Chez Renee French Bistrot LLC	Same	14240390005	D1, D2	
450 Victor Stier Drive	AL Post 450 Victor Stier	Same	009039504506	D5, D6	
900 Main Street	Fore the Future LLC	Copper Blue	2815174	D5I	
740 Main Street	RJM Management	Lehrs Prime Market	7147949	C2, D1, D8	
714 Lila Avenue	By Gollys LLC	By Gollys	1160780	D5, D6	

Hours of Operation

Based on discussions with Emergency Operations personnel, the hours of operation for the DORA will be Monday-Thursday from 4pm-10pm, Friday-Sunday from 11am-midnight.

EXHIBIT D

Designated Outdoor Refreshment Area (DORA)

Public Health and Safety Plan

Make specific to US ← The DORA's security force will be on-duty Police Officers. *keep* The Milford Police Department staffs a minimum of 3 officers and a sergeant, 24 hours per day. Officers patrol in traditional police vehicles, mountain bikes, segways and on foot in the DORA. Fire and Emergency Services personnel will also be available 24 hours per day.

This Public Health and Safety Plan will be reviewed continuously, and may be updated at any time, but only with City approval to ensure public safety.

** No changes needed to current staffing level.*

EXHIBIT E

DORA Sanitation Plan

With the operation of a DORA and in conjunction with Ohio Revised Code Sections 4301.82 (F) (1)(e&f), a Sanitation Plan that will maintain the appearance and health of the area is the following:

The DORA consists of public restrooms located at Riverside Park and public restrooms within each of the participating businesses. City Staff, in cooperation with Rumpke will ensure that sanitation requirements are met. Along the DORA route there are 20 trash receptacles that are picked up weekly by Rumpke. City staff will make adjustments as needed when events are held in the DORA area.

The City of Milford Public Works Department will continue its current schedule of street sweeping. Public Works Director, Nate Clayton, will monitor the need and frequency for street sweeping in the area and will make adjustments as necessary.

→ Maintenance's Maint. Dept.

→ we could include Bell Tower Park

+ restrooms.

or not.

→ No need to change our current #.

To: Mayor Brown and Members of Council

From: Rules and Law Committee – Maggie Palazzolo – Chairman

RE: Resident Comments Council Packets

Date: November 9, 2020

The rules and law committee met at 2:02PM on November 3, 2020. Present were Mayor Bill Brown, committee chair Maggie Palazzolo, committee member Marcy Lewis and Chief Hines.

The Committee discussed was the policy for placing residents' comments into the council packet and meeting minutes. The committee discussed the issues around fairly representing community members who send communications to council and the mayor. The committee also discussed that this is a matter of policy, not a change to the Village code. The committee suggests the following:

Communications will be placed into the council packet if:

1. The communication is sent to the Mayor,
2. The communication is sent to all of council (regardless if it was sent to the mayor) and,
3. A resident sends a communication and asks that it be discussed in a council meeting.

These items will by default be in the meeting minutes because the communications are always at least mentioned by the mayor during the meeting and this is enough.

Finally, if a resident attends a meeting and addresses council, then their comments will be placed into the minutes verbatim as has been our practice.

Respectfully Submitted,

Maggie Palazzolo, Chairman

Marcy Lewis, Vice-Chairman

Rob Bartlett, Member

TO: Village Council and Mayor Brown

FROM: Safety Committee, Avia Graves, Chairman

RE: Handicap Ramp at Hampstead Park & Speed Tables on Miami Avenue

DATE: November 3, 2020

The Safety Committee met on November 3, 2020 at 5:00 pm. Present at the meeting were committee chairman Avia Graves, committee members Maggie Palazzolo and Kelly Rankin, Village Superintendent John Sherpenberg, Village Engineer Chris Ertel, Chief Rick Hines, and Mayor Bill Brown. The meeting began at 5:00 pm to discuss handicap ramp at Hampstead Park and speed tables on Miami Avenue.

A request was made by the Building Superintendent for Hampstead Park for a handicap ramp at the front entrance of Hampstead Park similar to that of Jordan Park. He thought that Mariemont had put in the apron/handicap access at Jordan Park. Upon discussion with John and Chris Mariemont did not install the ramp access at Jordan Park that was part of the design of the building. Mariemont would be happy to put in a concrete ramp with the width of 4 feet when we repave the street- but please note that this street won't be scheduled for pavement for a while still. That is the process as to when we complete this kind of work-if not deemed a necessity. There are handicap ramps at both ends of the sidewalk on the block and parking for residents has handicap access. It is not in the scope of Mariemont to create a ramp like what Jordan Park has. Hampstead Park is able to submit for a permit to put in a ramp like they have at Jordan Park at their own expense.

A request was made by Jeff Molski 4004 Miami Road for the village to consider installing a speed table on Miami Road. There was a lot of discussion about speed on Miami and the issues with speed tables including the projected cost of \$10,000 to \$20,000. At this time we will be trialing a new speed monitoring sign in the village and it's our hope that this will help as a speed deterrence. In addition, we will start having our police force pull over cars that are between 5 and 10 miles over the limit and issue warnings. The police will continue to monitor speeding on the street closely and ticket those speeders above 10 miles per hour. We will not be installing a speed table at this time.

Respectfully Submitted,

Avia Graves, Chairman

Maggie Palazzolo, Vice-Chairman

Kelly Rankin, Member

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -20

**TO REAPPOINT PETER WREN AS A MEMBER OF THE ARCHITECTURAL
REVIEW BOARD FOR THE CALENDAR YEARS OF 2021 & 2022**

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to reappoint Peter Wren to the Architectural Review Board.

WHEREAS, Peter Wren wishes to contribute his time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, HAMILTON COUNTY, OHIO, TWO-THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING

SECTION I. That Council confirms the Mayor's reappointment of Peter Wren to the Architectural Review Board for the calendar years of 2021 and 2022.

Passed: November 9, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony Borgerding, Fiscal Officer of Council of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 10^h day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -20

TO REAPPOINT ERIC MARSLAND AS A MEMBER OF THE PARKS
ADVISORY BOARD FOR CALENDAR YEAR 2021

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to reappoint Eric Marsland to the Parks Advisory Board; and

WHEREAS, Eric Marsland wishes to contribute his time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, OHIO, A MAJORITY OF THE MEMBERS DULY ELECTED THERETO CONCURRING

SECTION I. That Council confirms the Mayor's reappointment of Eric Marsland to the Parks Advisory Board for calendar year 2021.

Passed: November 9, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 10th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -20

TO REAPPOINT DAVE WUERTEMBERGER AS A MEMBER OF THE PARKS
ADVISORY BOARD FOR THE CALENDAR YEAR 2021

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to reappoint Dave Wuertemberger to the Parks Advisory Board; and

WHEREAS, Dave Wuertemberger wishes to contribute his time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF
MARIEMONT, OHIO, A MAJORITY OF THE MEMBERS DULY ELECTED THERETO
CONCURRING

SECTION I. That Council confirms the Mayor's reappointment of Dave Wuertemberger to the Parks Advisory Board for the calendar year 2021.

Passed: November 9, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 10th day of November 9, 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -20

**TO REAPPOINT RUTH VARNER AS A MEMBER OF THE PARKS ADVISORY
BOARD FOR THE CALENDAR YEAR 2021**

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to reappoint Ruth Varner to the Parks Advisory Board; and

WHEREAS, Ruth Varner wishes to contribute her time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, OHIO, A MAJORITY OF THE MEMBERS DULY ELECTED THERETO
CONCURRING

SECTION I. That Council confirms the Mayor's reappointment of Ruth Varner to the Parks Advisory Board for the calendar years of 2021.

Passed: November 9, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 10th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -20

**TO REAPPOINT CARRIE GRAY AS A MEMBER OF THE PARKS ADVISORY
BOARD FOR THE CALENDAR YEAR 2021**

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to reappoint Carrie Gray to the Parks Advisory Board; and

WHEREAS, Carrie Gray wishes to contribute her time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, OHIO, A MAJORITY OF THE MEMBERS DULY ELECTED THERETO
CONCURRING

SECTION I. That Council confirms the Mayor's reappointment of Carrie Gray to the Parks Advisory Board for the calendar year of 2021.

Passed: November 9, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 10th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -20

**TO REAPPOINT MARY TENSING AS A MEMBER OF THE PARKS ADVISORY
BOARD FOR THE CALENDAR YEARS OF 2021 AND 2022**

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to reappoint Mary Tensing to the Parks Advisory Board; and

WHEREAS, wishes to contribute her time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, OHIO, A MAJORITY OF THE MEMBERS DULY ELECTED THERETO
CONCURRING

SECTION I. That Council confirms the Mayor's reappointment of Mary Tensing to the Parks Advisory Board for the calendar years of 2021 and 2022.

Passed: November 9, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of Council of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 10th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -20

TO REAPPOINT STEVE SPOONER AS A MEMBER OF THE SOUTH 80 TRAILS,
GARDENS AND PARK ADVISORY BOARD FOR THE CALENDAR YEAR OF 2021

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to reappoint Steve Spooner to the South 80 Trails, Gardens and Park Advisory.

WHEREAS, Steve Spooner wishes to contribute his time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, HAMILTON COUNTY, OHIO, TWO-THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING

SECTION I. That Council confirms the Mayor's reappointment of Steve Spooner to the South 80 Trails, Gardens and Park Advisory Board for the calendar year of 2021.

Passed: November 23, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -20

**TO REAPPOINT ANDREW SEEGER AS A MEMBER OF THE SOUTH 80 TRAILS,
GARDENS AND PARK ADVISORY BOARD FOR THE CALENDAR YEAR OF 2021**

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to reappoint Andrew Seeger to the South 80 Trails, Gardens and Park Advisory Board.

WHEREAS, Andrew Seeger wishes to contribute his time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, HAMILTON COUNTY, OHIO, TWO-THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING

SECTION I. That Council confirms the Mayor's reappointment of Andrew Seeger to the South 80 Trails, Gardens and Park Advisory Board for the calendar year of 2021.

Passed: November 23, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -20

**TO REAPPOINT JASON BROWNKNIIGHT AS A MEMBER OF THE SOUTH 80
TRAILS, GARDENS AND PARK ADVISORY BOARD FOR THE CALENDAR YEAR
OF 2021**

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to reappoint Jason Brownknight to the South 80 Trails, Gardens and Park Advisory Board.

WHEREAS, Jason Brownknight wishes to contribute his time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, HAMILTON COUNTY, OHIO, TWO-THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING

SECTION I. That Council confirms the Mayor's reappointment of Jason Brownknight to the South 80 Trails, Gardens and Park Advisory Board for the calendar year of 2021.

Passed: November 23, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -20

**TO REAPPOINT MARK GLASSMEYER AS A MEMBER OF THE SOUTH 80 TRAILS,
GARDENS AND PARK ADVISORY BOARD FOR THE CALENDAR YEAR OF 2021**

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to reappoint Mark Glassmeyer to the South 80 Trails, Gardens and Park Advisory Board.

WHEREAS, Mark Glassmeyer wishes to contribute his time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, HAMILTON COUNTY, OHIO, TWO-THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING

SECTION I. That Council confirms the Mayor's reappointment of Mark Glassmeyer to the South 80 Trails, Gardens and Park Advisory Board for the calendar year of 2021.

Passed: November 23, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -20

**TO APPOINT JOHN FAKES AS A MEMBER OF THE SOUTH 80 TRAILS, GARDENS
AND PARK ADVISORY BOARD FOR THE CALENDAR YEAR OF 2021**

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to appoint John Fakes to the South 80 Trails, Gardens and Park Advisory Board.

WHEREAS, John Fakes wishes to contribute his time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, HAMILTON COUNTY, OHIO, TWO-THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING

SECTION I. That Council confirms the Mayor's appointment of John Fakes to the South 80 Trails, Gardens and Park Advisory Board for the calendar year of 2021.

Passed: December 21, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 22nd day of December 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

RESOLUTION NO. R- -20

**TO APPOINT JON MORGAN AS A MEMBER OF THE SOUTH 80 TRAILS, GARDENS
AND PARK ADVISORY BOARD FOR THE CALENDAR YEAR OF 2021**

WHEREAS, Council is of the opinion that it would be in the best interest of the Village of Mariemont to appoint Jon Morgan to the South 80 Trails, Gardens and Park Advisory Board.

WHEREAS, Jon Morgan wishes to contribute his time and energies in this capacity to the betterment of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, HAMILTON COUNTY, OHIO, TWO-THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING

SECTION I. That Council confirms the Mayor's appointment of Jon Morgan to the South 80 Trails, Gardens and Park Advisory Board for the calendar year of 2021.

Passed: December 21, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing resolution was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: at the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 22nd day of December 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

RESOLUTION NO. R-____-20

**TO ACCEPT BID OF RUMPKE WASTE; TO AUTHORIZE
CONTRACT; TO PAY FOR SERVICES**

WHEREAS, the Public Works and Service Committee has solicited bids from various waste collection contractors for the collection of waste and recyclables within the Village of Mariemont; and

WHEREAS, two separate options were solicited, one at the current level of service which included waste collection at the rear of the premises, the other at curbside in a wheeled container provided by the contractor; and

WHEREAS, the Public Works and Service Committee recommends acceptance of the bid as submitted by Rumpke Waste Collection Services, 10795 Hughes Road, Cincinnati, Ohio 45241, for once per week collection of solid waste at curbside in a wheeled container provided by contractor; once per week collection of recyclables at curbside in a wheeled container provided by contractor; and once per week collection of yard waste at curbside in 30 gallon paper bags or reusable container of resident's choice; and

WHEREAS, in the opinion of Council, the recommendation of the Public Works and Service Committee should be accepted.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
VILLAGE OF MARIEMONT, HAMILTON COUNTY, OHIO, TWO
THIRDS OF THE MEMBERS ELECTED THERETO CONCURRING:**

SECTION I. That the bid submitted by Rumpke Waste, in the amount of Two Hundred Eighty-six Thousand Four Hundred Twenty-five and /100 (\$286,425.00) for once per week collection of solid waste at curbside in wheeled containers provided by contractor; once per week collection of recyclables at curbside in wheeled containers provided by contractor; once per week collection of yard waste at curbside in 30-gallon paper bags or reusable container of resident's choice (collection of brush is also permitted but tall brush must be bundled and tied in four-foot lengths not exceeding 50 pounds); and once per week collection of appliances and furniture, including, but not limited to, refrigerators, dishwashers, washers, dryers, sofas, chairs and mattresses. CFC and/or HCFC's shall be removed from all appropriate appliances prior to disposal by residents.

SECTION II. That the Mayor and the Fiscal Officer be and are hereby authorized to enter into a contract with Rumpke Waste for waste collection and disposal services in the Village of Mariemont for a period of two years, in accordance with the terms and conditions of the contract attached hereto and made a part hereof and incorporated by referenced and marked Exhibit "A". That said contract shall become effective on January 1, 2021, and shall continue through December 31, 2022.

SECTION III. That the Fiscal Officer be and is hereby authorized to pay to Rumpke Waste, in the sum of Two Hundred Eighty-six Thousand Four Hundred Twenty-five and /100 (\$286,425.00) and charge the same to Account No. 101.501.52303, Refuse Collection and Disposal.

SECTION IV. This Resolution shall go into effect at the earliest date allowed by law.

Passed: December 21, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 22nd day of December 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

Specifications and Instructions to Bidders for Waste and Recyclable Collection and Disposal

Sealed bids for waste and recyclable collection for the Village of Mariemont must be made upon the bid form furnished herewith. The bid form is to be filed with the office of the Village of Mariemont Fiscal Officer, at 6907 Wooster Pike, Mariemont, Ohio, 45227, prior to 12:00 noon, Wednesday, October 14, 2020. Bids will be opened at that time and read publicly and will then be referred to Council for consideration.

NOTE: The Village of Mariemont has a volume based, pay-as-you-throw sticker program for trash collection. All trash containers that are 45-gallons or less must have a solid waste disposal sticker on it before it can be emptied by the contractor. Any containers larger than 45-gallons must have 2 stickers before it can be emptied. Recycling, yard waste and large/bulky items are exempt and do not need solid waste stickers. Contractor is to remove and dispose of the stickers when emptying the trash. The Village office and other local retailers sell the stickers to residents and the Village retains all of the sticker revenue. If the discontinuation of the sticker program affects bid, please advise change in bid.

Bids are to state the annual costs for the following two service options:

OPTION #1 (Current Level of Service) – Behind the House Trash Service

- Once per week collection of solid waste at the **rear of the premises**; and
- Once per week collection of recyclables **at curbside in wheeled carts provided by contractor**; and
- Once per week collection of yard waste **at curbside** in 30-gallon paper bags or **reusable** container of resident's choice (*Collection of brush is also permitted but all brush must be bundled and tied in 4-foot lengths not exceeding 50 pounds*); and
- Once per week collection of appliances, furniture, and miscellaneous items too large to fit in trash can including, but not limited to, refrigerators, dishwashers, washers, dryers, sofas, chairs and mattresses. CFCs and/or HCFCs shall be removed from all appropriate appliances prior to disposal by the resident.

AND/OR

OPTION #2 – Curbside Service with Contractor Provided Trash Container

- Once per week collection of solid waste **at curbside in wheeled carts provided by contractor**; and
- Once per week collection of recyclables **at curbside in wheeled carts provided by contractor**; and
- Once per week collection of yard waste **at curbside** in 30 gallon paper bags or **reusable** container of resident's choice (*Collection of brush is also permitted but all brush must be bundled and tied in 4-foot lengths not exceeding 50 pounds*); and
- Once per week collection of appliances, furniture, and miscellaneous items too large to fit in trash can including, but not limited to, refrigerators, dishwashers, washers, dryers, sofas, chairs and mattresses. CFCs and/or HCFCs shall be removed from all appropriate appliances prior to disposal by the resident.
- Additional bid considerations:
 - a) Specs stipulate Tuesday; if another weekday is optimal, please consider in bid.
 - b) Please advise if elimination of the sticker program impacts cost and how much.

DEFINITIONS AND CONTRACT SPECIFICATIONS

1. A complete collection is hereby defined to mean the collection of all waste material as defined above, whether in back of the premises or at the curb, from each household, swimming pool, and business establishments (except for those businesses and/or residents that contract separately for waste collection) in the Village, to the extent provided for in the ordinance, resolution, and rules and regulations of the Village pertaining to the collection and disposal of waste and any amendment thereto, and subject to and under the provisions of the regulations of the Board of Health of the State of Ohio and the Board of Health of Hamilton County, Ohio.
2. The collection of solid waste material, recycling, yard waste, and large items from each residence and business (except for those businesses and/or residents, that contract separately for waste collection) shall be once per week on Tuesday, beginning January 1, 2021, and thereafter during the entire term of this contract. Collection shall not begin before 7 a.m. any morning. It is understood and agreed that in the event that the collection herein stipulated to be made on the respective day of each week shall fall on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas, and such holidays are observed by the Contractor and collections are not made on said holidays, the collections which would have been made on those respective holidays will be made the day following such omitted collection except that where a holiday occurs or is observed on Tuesday, collections shall be made on Wednesday instead of Tuesday.
3. The Contractor shall provide equipment and service for one additional pick up on Thursday of each week to collect any solid waste, recycling, yard waste, or large item that Contractor failed to collect during the regularly scheduled route(s).
4. It is understood that the Mayor or other duly authorized official of the Village of Mariemont, shall have the right, when any single complete collection or any individual collection is not made as stipulated in the contract, to direct such collection to be made by others than the Contractor and direct the withholding of payment for such collection or collections in such amount as may be necessary to pay the cost of the removal by others than the Contractor. The Village shall call to the attention of the Contractor any failure on the part of the latter to fully perform their obligations hereunder.
5. The Contractor shall provide Workers' Compensation covering its employees and shall procure any necessary permits provided by law, ordinance, or regulations at its own expense. The Contractor shall furnish to the Mayor or other officials of the Village, upon demand, evidence of the payment of the premium for such Workers' Compensation coverage or the fees for such permits.
6. The Contractor, at its own expense, shall make provision for the place and manner of the disposal of all solid waste, yard waste, and recyclables; provided, however, that in the event that the Commissioners of Hamilton County, Ohio construct and place in operation an incinerator during the term of this contract, and the Village of Mariemont contracts with said Commissioner for combustion of garbage and waste materials, the Contractor will haul all garbage and waste materials as may be required to such incinerator and dispose of such waste as herein stipulated, in which event, in case of necessity therefore, the contract will be cancelled as herein provided, or modified in such respects as may be

necessary by reason of longer or shorter haul, or such other conditions or requirements as may arise by reason thereof.

7. The Contractor agrees to hold the Village harmless from any liability for the actions of the Contractor and its agents and employees, incident to the performance of its obligations hereunder in the collection, hauling, and disposing of all garbage and waste material. The Contractor shall furnish to the Mayor, or other official of the Village, upon demand, evidence of payment of premiums for general liability insurance for its business and employees in the amount of \$1,000,000 per person - \$1,000,000 per occurrence. This general liability insurance coverage shall be in effect for the duration of this contract.
8. The provisions of Chapter 51 of the Codified Ordinances of the Village of Mariemont, promulgating rules and regulations pertaining to waste, so far as the same impose duties and liabilities on the Contractor, are hereby adopted as part of this contract, as though rewritten herein.
9. The Contractor shall secure the proper performance of this contract on its part by furnishing a good and sufficient bond in the amount of 100 percent of the total bid.
10. All information shall be stated as requested on the bid forms. Bidders are required to provide all waste, recycling, yard waste, and large item collection service in accordance with the Village of Mariemont's current Tuesday route schedule.

It is further understood that the contract will stipulate that:

- A. The Village shall have the option of extending this Contract for two (2) additional one (1) year extension terms upon the same terms and conditions herein except that any fees or other changes set forth below shall be mutually agreed upon for each additional one (1) year extension term provided that the increase for any such year shall not be more than three percent (3%) over the previous initial term or one (1) year extension term.
- B. The contract may be canceled at the option of either party upon sixty (60) days or more prior notice in writing.

PLEASE NOTE: Approximately seven (7) days have been allowed for the submission of quotes. The Village requests that those quotes remain valid for a minimum of sixty (60) days from the date the bids are opened to allow time for the passage of the legislation necessary to award the contract. In addition to these specifications, the ordinances and resolutions of the Village of Mariemont covering the collection of waste and garbage shall govern the performance of the contractor. The contractor represents that he has made an examination of such ordinances and resolutions and is thoroughly familiar therewith. Place one copy of the completed bid form in a sealed envelope marked "BID FOR GARBAGE COLLECTION" and file in the office of the Village Fiscal Officer before 12:00 noon, Wednesday, October 14, 2020.

VILLAGE OF MARIEMONT, OHIO

CONTRACT FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE, YARD WASTE AND RECYCLABLES

WHEREAS, the Council of the Village of Mariemont accepted the bid of _____, submitted in response to public advertising for proposals for the collection and disposal of solid waste, recyclables, yard waste and large items from the residents, swimming pool, and business establishments (except for those businesses and/or residents that contract separately for waste collection) of the Village of Mariemont.

WHEREAS, Council has authorized and directed the Mayor and Fiscal Officer of said Village to enter into a contract with _____.

NOW, THEREFORE, BE IT AGREED BY AND BETWEEN THE VILLAGE OF MARIEMONT, a municipal corporation of the State of Ohio, hereinafter termed the "VILLAGE, and _____, hereinafter termed the "CONTRACTOR" in consideration of the mutual promises of each to the other as follows:

SECTION I. It is agreed by and between the parties that the term solid waste as used herein shall mean and be defined as garbage, cans, paper, cardboard, glass and plastic bottles and other waste in plastic bags and/or containers not larger than ninety (90) gallon capacity. Recyclables as used herein is defined as newsprint, mixed paper (corrugated and cardboard boxes, magazines and paper other than newsprint), aluminum cans, metal cans, glass, and number one and number two plastic bottles. Other recyclables as mutually agreed upon between the contractor and the Village may be added to the above list during the life of this contract. Yard waste as used herein is defined as grass clippings, bush clippings, weeds and leaves placed in thirty (30) gallon paper bags or reusable containers or must be tied and bundled in 4-foot increments weighing no more than 50 pounds. The maximum amount of yard waste per household must not exceed 10 items. The contractor shall also arrange for once per week pickup of appliances, furniture, and items too large to fit in trash can including, but not limited to, refrigerators, dishwashers, washers, dryers, sofas, chairs and mattresses. The maximum number of large items per household must not exceed 10 items per week. CFCs and/or HCFCs shall be removed from all appropriate appliances prior to disposal by the resident. Contractor shall then remove said items.

SECTION II. The Contractor promises and agrees to furnish all equipment for and perform all services in accordance with the complete collection and disposal of waste material, recyclables, yard waste, and large items in the Village for the term of two (2) years, commencing January 1, 2021, and ending December 31, 2022.

SECTION III. A complete collection is hereby defined to mean the collection of all waste material as defined above, whether in back of the premises or at the curb, from each household, swimming pool, and business establishments (except for those businesses and/or residents that contract separately for waste collection) in the Village, to the extent provided for in the ordinance, resolution, and rules and regulations of the Village pertaining to the collection and disposal of waste and any amendment thereto, and subject to and under the

provisions of the regulations of the Board of Health of the State of Ohio and the Board of Health of Hamilton County, Ohio. Contractor is to abide by the Village of Mariemont volume based, pay-as-you-throw sticker program for trash by removing and disposing of solid waste disposal sticker when emptying trash cans.

SECTION IV. The collection of solid waste material from each residence and business shall be once per week on Tuesday, beginning January 1, 2021, and thereafter during the entire term of this contract. Collection of recyclables shall be done once per week for each route. Yard waste shall be collected once per week. Collection of large items shall be done once per week for each route. Collection shall not begin before 7 a.m. any morning. It is understood and agreed that in the event that the collection herein stipulated to be made on the respective day of each week shall fall on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas, and such holidays are observed by the Contractor and collections are not made on said holidays, the collections which would have been made on those respective holidays will be made the day following such omitted collection except that where a holiday occurs or is observed on Tuesday, collections shall be made on Wednesday instead of Tuesday.

SECTION V. The Contractor shall furnish a signed copy of a map or schedule showing the area to be collected on the respective days that shall then become a part of this contract.

SECTION VI. It is understood that the Mayor or other duly authorized official of the Village of Mariemont, shall have the right, when any single complete collection or any individual collection is not made as stipulated in the contract, to direct such collection to be made by others than the Contractor and direct the withholding of payment for such collection or collections in such amount as may be necessary to pay the cost of the removal by others than the Contractor. The Village shall call to the attention of the Contractor any failure on the part of the latter to fully perform their obligations hereunder. The Contractor shall provide Workers' Compensation covering its employees and shall procure any necessary permits provided by law, ordinance or regulations at its own expense. The Contractor shall furnish to the Mayor or other officials of the Village, upon demand, evidence of the payment of the premium for such Workers' Compensation coverage or the fees for such permits.

SECTION VII. The Contractor, at its own expense, shall make provision for the place and manner of the disposal of all solid waste, grass waste, and recyclables; provided, however, that in the event that the Commissioners of Hamilton County, Ohio construct and place in operation an incinerator during the term of this contract, and the Village of Mariemont contracts with said Commissioner for combustion of garbage and waste materials, the Contractor will haul all garbage and waste materials as may be required to such incinerator and dispose of such waste as herein stipulated, in which event, in case of necessity therefore, the contract will be canceled as herein provided, or modified in such respects as may be necessary by reason of longer or shorter haul, or such other conditions or requirements as may arise by reason thereof.

SECTION VIII. The Contractor agrees to hold the Village harmless from any liability for the actions of the Contractor and its agents and employees, incident to the performance of its obligations hereunder in the collection, hauling and disposing of all garbage and waste material. The Contractor shall furnish to the Mayor, or other official of the Village, upon demand, evidence of payment of premiums for general liability insurance for its business and employees in the amount of \$1,000,000 per person - \$1,000,000 per occurrence. This general liability insurance coverage shall be in effect for the duration of this contract.

SECTION IX. The provisions of Chapter 51 of the Codified Ordinances of the Village of Mariemont, promulgating rules and regulations pertaining to waste, so far as the same impose duties and liabilities on the Contractor, are hereby adopted as part of this contract, as through rewritten herein.

SECTION X. The Contractor shall secure the proper performance of this contract on its part by furnishing a good and sufficient bond in the amount of 100 percent of the total bid.

SECTION XI. The Village promises to pay and agrees to pay the contract price of _____, with payments being made each month in an amount equal to one-twelfth (1/12) of the annual contract amount for the duration of the contract.

SECTION XII. This contract may be canceled at the option of either party upon sixty (60) days prior notice in writing.

SECTION XIII. The Village shall have the option of extending this Contract for two (2) additional one (1) year extension terms upon the same terms and conditions herein except that any fees or other changes set forth below shall be mutually agreed upon for each additional one (1) year extension term provided that the increase for any such year shall not be more than three percent (3%) over the previous initial term or one (1) year extension term. Notice of such extensions shall be given in writing by the Village sixty (60) days or more prior to the expiration of the initial term or any additional one (1) year term.

IN WITNESS WHEREOF, the said Village, by William Brown, its duly elected and qualified Mayor and Anthony J. Borgerding, its duly authorized and qualified Fiscal Officer, has hereunto set its hand and seal; and the said _____, has hereunto set his hand at Mariemont, Ohio, this _____ day of _____, 2020.

VILLAGE OF MARIEMONT

Village of Mariemont

By: _____
William Brown, Mayor

Village of Mariemont

By: _____

Contractor

By: _____

VILLAGE OF MARIEMONT, OHIO

BID FORM FOR WASTE COLLECTION AND DISPOSAL

The undersigned proposes to furnish all necessary equipment and do all work necessary to perform the services of the collection and disposal of waste material within the Village of Mariemont in accordance with the contract documents and the terms and conditions contained in the rules and regulations and ordinances of the Village of Mariemont pertaining to waste collection and disposal on file in the Office of the Village Clerk; the rules and regulations of the Board of Health of Hamilton County, Ohio, and in strict compliance therewith, under the directions and to the satisfaction of the authorized officers of said Village, for the term beginning January 1, 2021 and ending December 31, 2022. Waste material as used herein is hereby defined to include garbage, cans, bottles, paper, cardboard and other waste or refuse in a proper container.

The undersigned quotes the following annual costs for picking up and disposing of waste and recyclable materials based on the alternative collection schedules listed below for two years:

OPTION #1 (Current Level of Service)

Once per week collection of solid waste at the **rear of the premises**; and once per week collection of recyclables **at curbside** in wheeled carts **provided by contractor** and once per week collection of yard waste **at curbside** in 30 gallon paper bags or **reusable** container of resident's choice (*Collection of brush is also permitted but all brush must be bundled and tied in 4-foot lengths not exceeding 50 pounds*); and once per week collection of large items including: appliances and furniture including, but not limited to, refrigerators, dishwashers, washers, dryers, sofas, chairs and mattresses. CFCs and/or HCFCs shall be removed from all appropriate appliances prior to disposal by the resident.

OPTION #1 BID AMOUNT: \$ _____

AND/OR

OPTION #2

Once per week collection of solid waste **at curbside in a wheeled container provided by contractor**; and once per week collection of recyclables **at curbside in a wheeled container provided by contractor**; and once per week collection of yard waste **at curbside** in 30 gallon paper bags or **reusable** container of resident's choice (*Collection of brush is also permitted but all brush must be bundled and tied in 4-foot lengths not exceeding 50 pounds*); and once per week collection of appliances and furniture including, but not limited to, refrigerators, dishwashers, washers, dryers, sofas, chairs and mattresses. CFCs and/or HCFCs shall be removed from all appropriate appliances prior to disposal by the resident.

OPTION #2 BID AMOUNT: \$ _____

BIDDER: _____ DATE: _____

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. O-____-20

ORDINANCE AMENDING CHAPTER 31.077 OF THE MARIEMONT CODE OF ORDINANCES
REGARDING BUILDING COMMISSIONER

WHEREAS, the Rules and Law Committee has met to discuss certain changes that it believes need to be made to the Mariemont Code of Ordinances regarding the Building Commissioner.

WHEREAS, it was determined that requiring the Building Commissioner be a resident of the Village of Mariemont limits the Village's ability to pick a person who may be more qualified for the position; and

WHEREAS, it was also determined that the appointment of the Building Commissioner should be for a two-year term; and

WHEREAS, Council for the Village of Mariemont believes it is in the best interest of the Village to amend 31.077 Building Commissioner of the Mariemont Code of Ordinances to reflect said changes.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
VILLAGE OF MARIEMONT, STATE OF OHIO, TWO-THIRDS OF THE
MEMBERS DULY ELECTED THERETO CONCURRING:**

SECTION I. §31.077 Building Commissioner which reads as follows:

§ 31.077 BUILDING COMMISSIONER.

(A) The Mayor shall appoint a Building Commissioner, subject to confirmation of Council. The Building Commissioner shall be a resident and elector of the village and be required to hold office, subject to removal at any time by the Mayor. Appointment shall be for the period designated and confirmed but shall not exceed the term of the Mayor.

Shall be amended to read as follows:

§ 31.077 BUILDING COMMISSIONER.

(A) The Mayor shall appoint a Building Commissioner, subject to confirmation of Council. The Building Commissioner shall be subject to removal at any time by the Mayor. Appointment shall be for a two-year period.

SECTION II. In all other respects, all other provisions of §31.077 of the Mariemont Code of Ordinances shall remain unchanged and in full force and effect.

SECTION III. This Ordinance shall take effect at the earliest date allowed by law.

Passed: November 232020.

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true

copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

ORDINANCE NO. 0- __-20

**TO AMEND SECTION 151.025(A)(1)(a) OF THE MARIEMONT CODE OF ORDINANCES,
POWERS AND DUTIES OF THE ARCHITECTURAL REVIEW BOARD**

WHEREAS, the Rules and Law Committee of Council has met to discuss certain changes that it believes need to be made to the structure of the Architectural Review Board; and

WHEREAS, the Council for the Village of Mariemont agrees it is in the best interest of the Village that said changes are made and therefore adopt same.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
VILLAGE OF MARIEMONT, OHIO A MAJORITY OF THE MEMBERS
DULY ELECTED THERETO CONCURRING:**

SECTION I. That current §151.025 of the Mariemont Code of Ordinances reads as follows:

§ 151.025 POWERS AND DUTIES OF THE ARCHITECTURAL REVIEW BOARD.

(A) *Architectural Review Board.*

(1) (a) The Architectural Review Board shall consist of seven members, the Mayor of the village, the Council Chairperson of the Planning, Zoning, and Economic Development Committee, and five members appointed by the Mayor and confirmed by Village Council. All appointments shall be for a period of two years each. Vacancies shall be filled within 60 days for the remainder of unexpired terms in the same manner as original appointments and confirmations. The Board shall include at least one registered architect and others with interest or special expertise in the historic preservation disciplines. At least one member shall be the owner of property within the Historic District. All members shall be residents of the village. Members shall be encouraged to attend an educational session relating to historic issues at least once a year. Any member of the Board shall be subject to removal for cause in the manner provided by the statutes of the state. In the case of temporary absence or disability of any member, a member may be appointed and confirmed in the manner above provided to serve during the temporary absence or disability. No member of the Board shall participate in the review of any work of which he or she, any partner or professional associate is the author, or in which he, she, or they may have any direct or indirect financial interest.

(b) This division (A)(1) shall go into effect at the earliest date allowed by law.

(2) There shall be at least four meetings a year. All meetings shall be public in conformance with requirements of R.C. § 121.22. The Village Fiscal Officer shall cause to be posted in the prescribed locations in the village a public notice of meetings (see § 151.021(E)(2)(a)2.).

(3) In exercising its duties, the Architectural Review Board shall adopt such general rules and regulations relating to its procedure as it may deem necessary, including designation of a member who shall preside in the absence of the Chairperson, and a member or members who shall prepare the certificate of appropriateness, the meeting minutes, and the annual report.

(4) Concise minutes and records shall be kept as to all official acts of the Board. A written annual report of the Board's activities, cases, decisions, and qualifications of members shall be kept on file and available for public inspection.

(B) *Board as the Historic Preservation Committee.* The Architectural Review Board shall be the Historic Preservation Commission of the municipality and shall have the following powers and duties:

(1) In conjunction with the Village Preservation Foundation and the State Historic Preservation Office, to conduct a continuing survey of cultural resources in the community. To make

recommendations for designation of local historic districts, landmarks, and historic sites to the Village Council according to § 151.075(I);

(2) In conjunction with the Village Preservation Foundation, to advise Village Council regarding the protection of the village's cultural resources;

(3) In conjunction with the Village Preservation Foundation and other historic and archaeological experts, to review and facilitate all proposed National Register nominations for properties within the village;

(4) In conjunction with the Village Preservation Foundation, to work toward the continuing education of village citizens regarding historic preservation issues;

(5) To establish and use "standards for review" (see § 151.075(H)) for the conservation of designated local historic districts, landmarks, and historic sites in decisions on requests for permits for alterations, demolitions, or additions to listed landmarks and historic sites within historic district(s), whether ownership is private or public;

(6) To maintain a detailed map of the Historic District(s) and a detailed list of all historic sites and landmarks structures in the village at the Col. Donald L. Shanks Municipal Building and make it available for public inspection;

(7) To review and approve or deny applications for all landmark structures, historic sites and districts, including signage, for certificate of appropriateness based on the regulations of §§ 151.021(E) and 151.075 for landmark structures or structures within a historic district within the village. In considering a request for a certificate of appropriateness, the Architectural Review Board shall follow the design requirements in § 151.075(H) and ensure compliance with the district requirements in §§ 151.060 through 151.065 and any other guidelines adopted by the Village Council. The Architectural Review Board shall decide all landmark structure, historic site, and historic district applications by resolution (except initial signage approval, see § 151.021(E)(2)(c)). The Board shall, on the adoption of any resolution, date and record it, and forthwith mail or deliver a copy of that decision to the applicant. A denial of a certificate of appropriateness application may be appealed to the Village Council (see division (C) below, and also § 151.021(E)(2)); and

(8) (a) To review and approve or deny applications sent from the Building Commissioner and the Architectural Review Board Chairperson for all signage for landmark structures, historic sites, and historic districts for certificate of appropriateness based on the regulations of §§ 151.021(E) and 151.075 for landmark structures or structures within a historic district within the village.

(b) In considering a signage request for a certificate of appropriateness, the Architectural Review Board shall follow the design requirements in § 151.075(H) and ensure compliance with the district requirements in §§ 151.060 through 151.065 and any other guidelines adopted by the Village Council. The Architectural Review Board shall decide all signage applications by resolution. The Board shall, on the adoption of any resolution, date and record it, and forthwith mail or deliver a copy of that decision to the applicant. A denial of a certificate of appropriateness signage application may be appealed to the Village Council (see division (C) below and § 151.021(E)(2) and Appendix E)).

(C) Appeal procedures.

(1) Any person, firm, or corporation or any officer, department, board, or agency of the village who has been aggrieved by any decision of the Architectural Review Board involving an application for a certificate of appropriateness may appeal such decision to Council by filing notice of intent to appeal with the Village Fiscal Officer within ten days from the date of receipt of the decision, setting forth the facts of the case. No decision of the Architectural Review Board shall be reversed or modified by Council unless at least five-sixths of the full membership of the Council shall concur.

(2) An appeal regarding any section of this chapter other than § 151.075 shall be brought to the Planning Commission after the decision from the Architectural Review Board. Thereafter, appeals regarding the same property from the Planning Commission and the Architectural Review Board are to be taken simultaneously to the Village Council (see § 151.021(E) and Appendix E).

(2000 Code, § 151.026) (Ord. O-4-96, passed 3-25-1996; Ord. O-5-98, passed 1-12-1998; Ord. O-11-14, passed 3-24-2014)

Said §151.025 of the Mariemont Code of Ordinances is hereby amended to read as follows:

§ 151.025 POWERS AND DUTIES OF THE ARCHITECTURAL REVIEW BOARD.

(A) *Architectural Review Board.*

(1) (a) The Architectural Review Board shall consist of seven members, the Mayor of the Village and one Council member only, and five members appointed by the Mayor and confirmed by Village Council. All appointments shall be for a period of two years each. Vacancies shall be filled within 60 days for the remainder of unexpired terms in the same manner as original appointments and confirmations. The Mayor may not serve as chairperson of the Architectural Review Board. Moreover, neither the Mayor nor the Council member shall be allowed to vote on any appeal that may be brought to a decision of the Architectural Review Board. The Board shall include at least one registered architect and others with interest or special expertise in the historic preservation disciplines. At least one member shall be the owner of property within the Historic District. All members shall be residents of the village. Members shall be encouraged to attend an educational session relating to historic issues at least once a year. Any member of the Board shall be subject to removal for cause in the manner provided by the statutes of the state. In the case of temporary absence or disability of any member, a member may be appointed and confirmed in the manner above provided to serve during the temporary absence or disability. No member of the Board shall participate in the review of any work of which he or she, any partner or professional associate is the author, or in which he, she, or they may have any direct or indirect financial interest.

(b) This division (A)(1) shall go into effect at the earliest date allowed by law.

(2) There shall be at least four meetings a year. All meetings shall be public in conformance with requirements of R.C. § 121.22. The Village Fiscal Officer shall cause to be posted in the prescribed locations in the village a public notice of meetings (see § 151.021(E)(2)(a)2.).

(3) In exercising its duties, the Architectural Review Board shall adopt such general rules and regulations relating to its procedure as it may deem necessary, including designation of a member who shall preside in the absence of the Chairperson, and a member or members who shall prepare the certificate of appropriateness, the meeting minutes, and the annual report.

(4) Concise minutes and records shall be kept as to all official acts of the Board. A written annual report of the Board's activities, cases, decisions, and qualifications of members shall be kept on file and available for public inspection.

(B) *Board as the Historic Preservation Committee.* The Architectural Review Board shall be the Historic Preservation Commission of the municipality and shall have the following powers and duties:

(1) In conjunction with the Village Preservation Foundation and the State Historic Preservation Office, to conduct a continuing survey of cultural resources in the community. To make recommendations for designation of local historic districts, landmarks, and historic sites to the Village Council according to § 151.075(I);

(2) In conjunction with the Village Preservation Foundation, to advise Village Council regarding the protection of the village's cultural resources;

(3) In conjunction with the Village Preservation Foundation and other historic and archaeological experts, to review and facilitate all proposed National Register nominations for properties within the village;

(4) In conjunction with the Village Preservation Foundation, to work toward the continuing education of village citizens regarding historic preservation issues;

(5) To establish and use "standards for review" (see § 151.075(H)) for the conservation of designated local historic districts, landmarks, and historic sites in decisions on requests for permits for alterations, demolitions, or additions to listed landmarks and historic sites within historic district(s), whether ownership is private or public;

(6) To maintain a detailed map of the Historic District(s) and a detailed list of all historic sites and landmarks structures in the village at the Col. Donald L. Shanks Municipal Building and make it available for public inspection;

(7) To review and approve or deny applications for all landmark structures, historic sites and districts, including signage, for certificate of appropriateness based on the regulations of §§ 151.021(E) and 151.075 for landmark structures or structures within a historic district within the village. In considering a request for a certificate of appropriateness, the Architectural Review Board shall follow the design requirements in § 151.075(H) and ensure compliance with the district requirements in §§ 151.060 through 151.065 and any other guidelines adopted by the Village Council. The Architectural Review Board shall decide all landmark structure, historic site, and historic district applications by resolution (except initial signage approval, see § 151.021(E)(2)(c)). The Board shall, on the adoption of any resolution, date and record it, and forthwith mail or deliver a copy of that decision to the applicant. A denial of a certificate of appropriateness application may be appealed to the Village Council (see division (C) below, and also § 151.021(E)(2)); and

(8) (a) To review and approve or deny applications sent from the Building Commissioner and the Architectural Review Board Chairperson for all signage for landmark structures, historic sites, and historic districts for certificate of appropriateness based on the regulations of §§ 151.021(E) and 151.075 for landmark structures or structures within a historic district within the village.

(b) In considering a signage request for a certificate of appropriateness, the Architectural Review Board shall follow the design requirements in § 151.075(H) and ensure compliance with the district requirements in §§ 151.060 through 151.065 and any other guidelines adopted by the Village Council. The Architectural Review Board shall decide all signage applications by resolution. The Board shall, on the adoption of any resolution, date and record it, and forthwith mail or deliver a copy of that decision to the applicant. A denial of a certificate of appropriateness signage application may be appealed to the Village Council (see division (C) below and § 151.021(E)(2) and Appendix E)).

(C) Appeal procedures.

(1) Any person, firm, or corporation or any officer, department, board, or agency of the village who has been aggrieved by any decision of the Architectural Review Board involving an application for a certificate of appropriateness may appeal such decision to Council by filing notice of intent to appeal with the Village Fiscal Officer within ten days from the date of receipt of the decision, setting forth the facts of the case. No decision of the Architectural Review Board shall be reversed or modified by Council unless a majority of the eligible Council members would concur. The Council member who sits on the Architectural Review Board may not have a vote as an Appeal Board member. Moreover, the Mayor shall not have a vote, nor shall the Mayor be the tie-breaker for any vote by Council that would so require.

(2) An appeal regarding any section of this chapter other than § 151.075 shall be brought to the Planning Commission after the decision from the Architectural Review Board. Thereafter, appeals regarding the same property from the Planning Commission and the Architectural Review Board are to be taken simultaneously to the Village Council (see § 151.021(E) and Appendix E).

(2000 Code, § 151.026) (Ord. O-4-96, passed 3-25-1996; Ord. O-5-98, passed 1-12-1998; Ord. O-11-14, passed 3-24-2014)

Passed: November 23, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis

Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. O-____-20

TO AMEND MARIEMONT CODE CHAPTER 79, SCHEDULE I(B)(1), NO PARKING OF
THE MARIEMONT CODE OF ORDINANCES TO UPDATE CURRENT
REQUIREMENTS FOR PARKING ON WOOSTER PIKE

WHEREAS, the Rules and Law Committee has met to discuss certain changes that it believes need to be made to Chapter 79, Schedule I (B)(1), No Parking to address how parking in these certain areas are currently being handled.

WHEREAS, Council for the Village of Mariemont agrees it is in the best interest of the Village that said changes are made and therefore adopt same.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
VILLAGE OF MARIEMONT, STATE OF OHIO, TWO THIRDS OF THE
MEMBERS DULY ELECTED THERETO CONCURRING:

SECTION I. Mariemont Code or Ordinances ' 79, Schedule I(B)(1), No Parking, which currently reads as follows:

CHAPTER 79 PARKING SCHEDULES

SCHEDULE I. NO PARKING.

(B) (1) No person shall park at the following locations:

Street	Between	Side	Ord. No.	Date
Wooster Pike	Bank Place and a distance of 20 feet from Bank Place	South	O-5-61	
Wooster Pike	East Street and eastern corporation limit	South	O-39-83	11-14-1983
Wooster Pike	Eastern corporation limit and East Street	North	O-39-83	11-14-1983
Wooster Pike	Entrance and exit of the Kroger store parking lot	North	O-26-60	

Shall be amended to read as follows:

CHAPTER 79 PARKING SCHEDULES

SCHEDULE I. NO PARKING.

(B) (1) No person shall park at the following locations:

Street	Between	Side	Ord. No.	Date
Wooster Pike	Miami Avenue and a distance of 20 feet from Bank Place	South	O-5-61	
Wooster Pike	East Street and eastern corporation limit	South	O-39-83	11-14-1983
Wooster Pike	Eastern corporation limit and East Street	North	O-39-83	11-14-1983
Wooster Pike	Entrance and exit of the Strand parking lot	North	O-26-60	

SECTION II. In all other respects, Chapter 79 of the Mariemont Code of Ordinances shall remain unchanged and in full force and effect.

SECTION III. This Ordinance shall go into effect at the earliest date allowed by law.

Passed: November 23, 2020

William A. Brown, Mayor

ATTEST:

Anthony Borgerding, Fiscal Officer

I, Anthony Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. O-____-20

ORDINANCE AMENDING SECTION 32.13 RULES OF COUNCIL (Z) RULE 25 OF THE
MARIEMONT CODE OF ORDINANCES

WHEREAS, the Rules and Law Committee has met to discuss certain changes that it believes need to be made to §32.13 Rules of Council (Z) Rule 25 of the Mariemont Code of Ordinances.

WHEREAS, it was determined by Council for the Village of Mariemont that when a motion is made and seconded, the writing of the motion can occur during the meeting or be presented at a following meeting at the discretion of the person making the motion.

WHEREAS, Council for the Village of Mariemont believes it is in the best interest of the Village to amend §32.13 Rules of Council (Z) Rule 25 of the Mariemont Code of Ordinances to reflect said change.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
VILLAGE OF MARIEMONT, STATE OF OHIO, TWO-THIRDS OF
THE MEMBERS DULY ELECTED THERETO CONCURRING:

SECTION I. §32.13 Rules of Council (Z) Rule 25 which reads as follows:

§ 32.13 RULES OF COUNCIL.

The following rules shall apply in connection with the organization and administration of the meetings of the Council of the municipality.

(Z) Rule 25. When a motion is made and seconded, before debate, it shall be stated by the Mayor or presiding officer. A motion shall be reduced to writing, if the Mayor or any member requires it.

Shall be amended to read as follows:

§ 32.13 RULES OF COUNCIL.

The following rules shall apply in connection with the organization and administration of the meetings of the Council of the municipality.

(Z) Rule 25. When a motion is made and seconded, before debate, it shall be stated by the Mayor or presiding officer. A motion shall be reduced to writing, if the Mayor or any member requires it. **The writing of such motion can occur during the meeting or be presented at a following meeting, at the discretion of the person making the motion.**

SECTION II. In all other respects, §32.13 of the Mariemont Code of Ordinances shall remain unchanged and in full force and effect.

SECTION III. This Ordinance shall take effect at the earliest date allowed by law.

Passed: November 23 2020.

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. O-____-20

ORDINANCE AMENDING CHAPTER 32.13(S) RULE 19 OF
THE MARIEMONT CODE OF ORDINANCES

WHEREAS, the Rules and Law Committee has met to discuss certain changes that it believes need to be made to the Mariemont Code of Ordinances.

WHEREAS, it was determined that Council should have some input into which committees a matter would be assigned to and any proposed change of assignment from one committee to another; and

WHEREAS, it was also determined that in the event the Village would create any special committees or commission that Council should be the ultimate approval authority of same and;

WHEREAS, Council for the Village of Mariemont believes it is in the best interest of the Village to amend the Mariemont Code of Ordinances §32.13 Rules of Council (S) Rule 19 to reflect said changes.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
VILLAGE OF MARIEMONT, STATE OF OHIO, TWO-THIRDS OF THE
MEMBERS DULY ELECTED THERETO CONCURRING:**

SECTION I. §32.13 Rules of Council (S) Rule 19 which reads as follows:

§32.13 RULES OF COUNCIL.

The following rules shall apply in connection with the organization and administration of the meetings of the Council of the municipality.

(S) Rule 19. There shall be six standing committees appointed of three members each. Each member of Council shall be Chairperson of one committee and serve on two other committees. The standing committees are as following with functions:

- (1) Rules and Laws. General assembly, law, contracts, and claims;
- (2) Health and Recreation. Health, sanitation, parks, playgrounds, waste, and garbage collection;
- (3) Finance. Appropriation of property, sale of property, assessments for improvement, finance, ways and means;
- (4) Public Safety. Fire, police, and traffic;
- (5) Public Works and Services. Light, telephone, telegraph, gas, water, conduits, sewers, heat, streets, roads, and transportation; and
- (6) Planning, Zoning, and Economic Development. Building code, zoning, and dedication of property.

Shall be amended to read as follows:

§32.13 RULES OF COUNCIL.

The following rules shall apply in connection with the organization and administration of the meetings of the Council of the municipality.

(S) Rule 19. There shall be six standing committees appointed of three members each. Each member of Council shall be Chairperson of one committee and serve on two other committees. The standing committees are as following with functions:

- (1) Rules and Laws. General assembly, law, contracts, and claims;
- (2) Health and Recreation. Health, sanitation, parks, playgrounds, waste, and garbage collection;
- (3) Finance. Appropriation of property, sale of property, assessments for improvement, finance, ways and means;
- (4) Public Safety. Fire, police, and traffic;

(5) Public Works and Services. Light, telephone, telegraph, gas, water, conduits, sewers, heat, streets, roads, and transportation; and

(6) Planning, Zoning, and Economic Development. Building code, zoning, and dedication of property.

(7) Items shall be assigned to the committees by the Mayor with the consent of Council. Items can also be moved from one committee to another by the Mayor again with the consent of Council.

(8) Any special committees or commissions created by the Village shall be voted on and approved by Council. A charter shall also be created, laying out clear responsibilities, deliverables, and any desired timelines. Any committees or commissions that are temporary should be called out as such.

SECTION II. In all other respects, §32 of the Mariemont Code of Ordinances shall remain unchanged and in full force and effect.

SECTION III. This Ordinance shall take effect at the earliest date allowed by law.

Passed: November 23, 2020.

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. O-____-20

ORDINANCE REMOVING CHAPTER 31.078 FROM OF THE MARIEMONT CODE OF ORDINANCES
REGARDING DOG AND CAT WARDENS

WHEREAS, the Rules and Law Committee has met to discuss certain changes that it believes need to be made to the Mariemont Code of Ordinances.

WHEREAS, it was determined there is a current code section 31.078 regarding a Dog and Cat Warden which is outdated and is not required by the Ohio Revised Code; and

WHEREAS, Council for the Village of Mariemont believes it is in the best interest of the Village to remove Section 31.078 from the Mariemont Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
VILLAGE OF MARIEMONT, STATE OF OHIO, TWO-THIRDS OF THE
MEMBERS DULY ELECTED THERETO CONCURRING:

SECTION I. Section 31.078 Dog and Cat Warden is deleted in its entirety.

SECTION II. In all other respects, §31 of the Mariemont Code of Ordinances shall remain unchanged and in full force and effect.

SECTION III. This Ordinance shall take effect at the earliest date allowed by law.

Passed: November 23, 2020.

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

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VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. O-____-20

ORDINANCE AMENDING CHAPTER 90.01(A)(1)(b) OF THE MARIEMONT CODE OF ORDINANCES REGARDING DOGS OR OTHER ANIMALS RUNNING AT LARGE; DANGEROUS OR VICIOUS DOGS

WHEREAS, the Rules and Law Committee has met to discuss certain changes that it believes need to be made to the Mariemont Code of Ordinances regarding the animals running at large; and

WHEREAS, the current code states that dogs are permitted in the Tot Lot area of Dogwood Park if they are under positive leash control; and

WHEREAS, a law was passed that restricts dogs from entering the Tot Lot area of Dogwood Park and signs have been posted at the Tot Lot indicating said ban; and

WHEREAS, Council for the Village of Mariemont believes it is in the best interest of the Village to amend 90.01(A)(1)(b) of the Mariemont Code of Ordinances to reflect the restriction of dogs from the Tot Lot Areas of Dogwood Park.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, STATE OF OHIO, TWO-THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING:

SECTION I. §90.01(A)(1)(b) which reads as follows:

§ 90.01 DOGS OR OTHER ANIMALS RUNNING AT LARGE; DANGEROUS OR VICIOUS DOGS.

(A) *Animals running at large.*

(1) (a) Any person who is the owner or has charge of any animal shall not permit it to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or permit them to go upon any private yard, lot, or enclosure. Any such time that a dog is not in an enclosed and secured area on its owner's property, it shall be under positive leash control of the owner, keeper, or harbinger of the dog.

(b) Notwithstanding the provisions set forth in division (A)(1)(a) above, an owner, keeper, or harbinger of a dog may allow the dog to run off leash at Ann Buntin Becker Park, Dogwood Bell Tower Park, the green space on the south side of Miami Bluff Drive between 6812 Miami Bluff and 6973 Miami Bluff, including the Mariemont Concourse, the lower 80 acres, the grassy boulevard between Hiawatha Avenue and Rembold Avenue, and the practice field at Waldorf School; provided, that the dogs must be under positive leash control while in the Tot Lot area of Dogwood Park as well as at all times in the sports field area of Dogwood Park and the practice field by Waldorf School during sporting activities.

Shall be amended to read as follows:

§ 90.01 DOGS OR OTHER ANIMALS RUNNING AT LARGE; DANGEROUS OR VICIOUS DOGS.

(A) *Animals running at large.*

(1) (a) Any person who is the owner or has charge of any animal shall not permit it to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or permit them to go upon any private yard, lot, or enclosure. Any such time that a dog is not in an enclosed and secured area on its owner's property, it shall be under positive leash control of the owner, keeper, or harbinger of the dog.

(b) Notwithstanding the provisions set forth in division (A)(1)(a) above, an owner, keeper, or harbinger of a dog may allow the dog to run off leash at Ann Buntin Becker Park, Dogwood Bell Tower Park, the green space on the south side of Miami Bluff Drive between 6812 Miami Bluff and 6973 Miami Bluff, including the Mariemont Concourse, the lower 80 acres, the grassy boulevard between Hiawatha Avenue and Rembold Avenue, and the practice field at Dale Park; provided, that the dogs must be under positive leash control at all times in the sports field area of Dogwood Park and the practice field by Dale Park during sporting activities.

SECTION II. In all other respects, §90 of the Mariemont Code of Ordinances shall remain unchanged and in full force and effect.

SECTION III. This Ordinance shall take effect at the earliest date allowed by law.

Passed: November 23, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. O-____-20

**ORDINANCE AMENDING SECTION 32.13 RULES OF COUNCIL (GG) RULE 33 OF THE
MARIEMONT CODE OF ORDINANCES**

WHEREAS, the Rules and Law Committee has met to discuss certain changes that it believes need to be made to §32.13 Rules of Council (GG) Rule 33 of the Mariemont Code of Ordinances.

WHEREAS, although the Code of Ordinances states that Council shall follow Robert's Rule of Order, the current section on what constitutes a majority is not consistent with Robert's Rule of Order; and

WHEREAS, it is necessary to amend said code to be consistent with Robert's Rule of Order.

WHEREAS, Council for the Village of Mariemont believes it is in the best interest of the Village to amend §32.13 Rules of Council (GG) Rule 33 of the Mariemont Code of Ordinances to reflect said changes.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
VILLAGE OF MARIEMONT, STATE OF OHIO, TWO-THIRDS OF
THE MEMBERS DULY ELECTED THERETO CONCURRING:**

SECTION I. §32.13 Rules of Council (GG) Rule 33 which reads as follows:

§ 32.13 RULES OF COUNCIL.

The following rules shall apply in connection with the organization and administration of the meetings of the Council of the municipality.

(GG) Rule 33.

(1) The following procedures shall apply to the passage of ordinances and resolutions.

(a) Each ordinance and resolution may be read by title only, provided, the legislative authority may require any reading to be in full by a majority vote of its members.

(b) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

(c) The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered on the journal.

(d) An ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority.

(2) Action by the legislative authority, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.

Shall be amended to read as follows:

§ 32.13 RULES OF COUNCIL.

The following rules shall apply in connection with the organization and administration of the meetings of the Council of the municipality.

(GG) Rule 33.

(1) The following procedures shall apply to the passage of ordinances and resolutions.

(a) Each ordinance and resolution may be read by title only, provided, the legislative authority may require any reading to be in full by a majority vote of its members.

(b) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

(c) The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered on the journal.

(d) An ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority, **excluding blanks or abstentions.**

(2) Action by the legislative authority, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.

SECTION II. In all other respects, §32.13 of the Mariemont Code of Ordinances shall remain unchanged and in full force and effect.

SECTION III. This Ordinance shall take effect at the earliest date allowed by law.

Passed November 23, 2020.

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. 0-____-20

ORDINANCE AMENDING SECTION 91.36 OF THE MARIEMONT CODE OF ORDINANCES

WHEREAS, the Rules and Law Committee has met to discuss certain changes that it believes need to be made to the Mariemont Code of Ordinances regarding the use of grills on balconies; and

WHEREAS, the Assistant Fire Chief for the Village of Mariemont advised of changes to the Ohio State Fire Code that he felt should be implemented within the Village of Mariemont; and

WHEREAS, Council believes that it is the best interest of the Village to amend Section 91.36 of the Mariemont Code of Ordinances, Violations of State Fire Code Prohibited, to reflect the changes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, STATE OF OHIO, TWO THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING:

SECTION I. Section 91.36 of the Mariemont Code of Ordinances which currently reads as follows:

§ 91.36 VIOLATIONS OF STATE FIRE CODE PROHIBITED.

(A) No person shall knowingly violate any provision of the State Fire Code or any order made pursuant to it.
(R.C. § 3737.51(A))

(B) Except as a violation of R.C. § 2923.17, regarding the felonies of unlawful possession of a dangerous ordnance and illegal manufacture or processing of explosives, involves subject matter covered by the State Fire Code, whoever violates division (A) above is guilty of a misdemeanor of the first degree.
(R.C. § 3737.99(B))

(C) (1) Nothing contained in this section shall in any way modify the provisions of the State Fire Code, except as expressly set forth herein.

(2) (a) The storage and use of electric grills is permitted on balconies of multi-family units, provided, the grills are inspected and approved by the Fire Department for the village. For purposes of this section, a MULTI-FAMILY UNIT shall be defined as when multiple separate units for dwellings are located within one or several buildings within a complex.

(b) A few examples of multi-family housing are duplexes, townhomes, condominiums, and apartments.

(3) The use of open flame grills of any size, whether gas or charcoal, is not permitted on the balconies, porches, or patios of multi-unit structures, except if the grill is located ten feet or more from the structure, whether owner occupied or a rental tenant.

(4) The storage of gas or charcoal grills and their related fuels is not permitted in multi-dwelling structures, either on balconies or in the building itself.

(5) No outdoor wood-burning fire pits are permitted on the balconies, porches, or patios of multi-unit structures.

(6) This division (C) shall go into effect at the earliest date allowed by law.

Passed: January 14, 2012

(2000 Code, § 91.36) (Ord. O-2-13, passed 1-14-2012)

Statutory reference:

Fire Code violations, see R.C. §§ 3737.41 et seq.

State Fire Code, see O.A.C. Ch. 1301:7-7

Shall be amended as follows:

§ 91.36 VIOLATIONS OF STATE FIRE CODE PROHIBITED.

(A) No person shall knowingly violate any provision of the State Fire Code or any order made pursuant to it.
(R.C. § 3737.51(A))

(B) Except as a violation of R.C. § 2923.17, regarding the felonies of unlawful possession of a dangerous ordnance and illegal manufacture or processing of explosives, involves subject matter covered by the State Fire Code, whoever violates division (A) above is guilty of a misdemeanor of the first degree.
(R.C. § 3737.99(B))

(C) (1) Nothing contained in this section shall in any way modify the provisions of the State Fire Code, except as expressly set forth herein.

(2) (a) The storage and use of electric grills is permitted on balconies of multi-family units, provided, the grills are inspected and approved by the Fire Department for the village. For purposes of this section, a MULTI-FAMILY UNIT shall be defined as when multiple separate units for dwellings are located within one or several buildings within a complex.

(b) A few examples of multi-family housing are duplexes, town homes, condominiums, and apartments.

(3) The use of open flame grills of any size, whether gas or charcoal, is not permitted on the balconies, porches, or patios of multi-unit structures, unless the grill is permanently installed with a natural gas line and the unit is equipped with a sprinkler system. In addition, the balcony must have a mounted fire extinguisher.

(4) The storage of gas or charcoal grills and their related fuels is not permitted in multi-dwelling structures, either on balconies or in the building itself.

(5) No outdoor fire pits of any kind are permitted on the balconies or porches of multi-unit structures. Outdoor fire pits are permitted on first floor patios, provided said fire pits are at least ten (10) feet away from the premises.

(6) This division (C) shall go into effect at the earliest date allowed by law.

Passed: January 14, 2012

(2000 Code, § 91.36) (Ord. O-2-13, passed 1-14-2012)

Statutory reference:

Fire Code violations, see R.C. §§ 3737.41 et seq.

State Fire Code, see O.A.C. Ch. 1301:7-7

SECTION II. In all other respects, Section 91.36 of the Mariemont Code of Ordinances shall remain unchanged and in full force and effect.

SECTION III. This Ordinance shall go into effect at the earliest date allowed by law.

Passed: November 23, 2020.

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT

ORDINANCE NO. O- ____-20

**TO AMEND SECTION 151.126 (A)(6) OF THE MARIEMONT CODE OF ORDINANCES,
SIGNS WITHIN RESIDENTIAL DISTRICT**

WHEREAS, the Rules and Law Committee of Council has met to discuss certain changes that it believes need to be made to Section 151.126 (A)(6) of the Mariemont Code of Ordinances to clarify setbacks from the street for temporary yard signs.

WHEREAS, the Council for the Village of Mariemont agrees it is in the best interest of the Village that said changes are made and therefore adopt same.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
VILLAGE OF MARIEMONT, OHIO A MAJORITY OF THE MEMBERS
DULY ELECTED THERETO CONCURRING:**

SECTION I. That current §151.026(A)(6) of the Mariemont Code of Ordinances which reads as follows:

§ 151.126 SIGNS WITHIN RESIDENTIAL DISTRICTS.

(A) Permitted signs. Within any residential district as designated on the building zone map, only the following signs shall be permitted subject to the provisions of this chapter:

(1) Traffic or other municipal signs pertaining to the health, welfare, and safety of the village; highway signs erected by or at the direction of the state, including legal notices, danger signs, emergency signs, and non-advertising signs, when approved by the Mayor;

(2) One non-illuminated or "front-lit" "name plaque sign", not exceeding one square foot in area, shall be permitted for each single-family dwelling. Name plaque signs shall not be placed nearer to a street lot line than 15 feet;

(3) Signs and "bulletin boards" pertaining to public or semipublic recreational or educational uses permitted in the residential districts. These signs or bulletin boards shall not exceed 12 square feet in area and shall be erected only on the premises of the use to which the sign refers. No more than one sign or bulletin board may be erected for each premises. Bulletin board signs shall not be placed nearer to a street lot line than 15 feet;

(4) Name of building or date of erection, fabricated of incombustible material and built into the walls of a building. Name of building shall not exceed six square feet in areas and shall not be placed nearer to a street lot line than 20 feet;

(5) Memorial signs, plaques, and tablets, when approved by the Council;

(6) Temporary signs not intended for permanent use, subject to requirements specified in § 151.131;

(7) Hospital, or a nursing, rest or convalescent home located within residential district may have one identification sign and additional "incidental" signs in order to denote entrances and exits. Incidental signs shall not exceed four square feet in area and shall not be placed nearer to a property line than 25 feet;

(8) "Professional signs" for home occupations as permitted by § 151.060(A)(7). Not more than one such sign shall be permitted for each premises and each sign shall not exceed two square feet in area. These signs shall be "wall signs" or lettered on the glass surface of a window or door. The top of the sign shall not be higher than the top of the front door; and

(9) Temporary signs made of lightweight wood or cardboard, or of wire frame and plastic, denoting political cause or candidate not over six square feet in area. Such signs shall be placed back from every street lot line at least the distance in feet equal to the number of square feet area of the sign; provided, that no such sign shall be placed nearer to a street lot line than 15 feet. An exception may exist where permanent shrubbery or topography prevent view of sign if placed as required above. In such event, approval may be given by the Mayor for a location other than that required under normal conditions.

(B) Prohibited signs. All other signs, announcements, declarations, demonstrations, displays, or insignia, other than those specified in division (A) above, shall be prohibited, including those designated in § 151.127(B). (2000 Code, § 151.126) (Ord. O-4-96, passed 3-25-1996; Ord. O-20-00, passed 12-20-2000; Ord. O-12-06, passed 12-26-2006; Ord. O-3-08, passed 2-25-2008) Penalty, see § 151.999

Shall be amended to read as follows:

§ 151.126 SIGNS WITHIN RESIDENTIAL DISTRICTS.

(A) Permitted signs. Within any residential district as designated on the building zone map, only the following signs shall be permitted subject to the provisions of this chapter:

(1) Traffic or other municipal signs pertaining to the health, welfare, and safety of the village; highway signs erected by or at the direction of the state, including legal notices, danger signs, emergency signs, and non-advertising signs, when approved by the Mayor;

(2) One non-illuminated or "front-lit" "name plaque sign", not exceeding one square foot in area, shall be permitted for each single-family dwelling. Name plaque signs shall not be placed nearer to a street lot line than 15 feet;

(3) Signs and "bulletin boards" pertaining to public or semipublic recreational or educational uses permitted in the residential districts. These signs or bulletin boards shall not exceed 12 square feet in area and shall be erected only on the premises of the use to which the sign refers. No more than one sign or bulletin board may be erected for each premises. Bulletin board signs shall not be placed nearer to a street lot line than 15 feet;

(4) Name of building or date of erection, fabricated of incombustible material and built into the walls of a building. Name of building shall not exceed six square feet in areas and shall not be placed nearer to a street lot line than 20 feet;

(5) Memorial signs, plaques, and tablets, when approved by the Council;

(6) **Temporary signs not intended for permanent use, subject to requirements specified in § 151.131; Such signs will not exceed six square feet in area and shall not be placed nearer to a street lot line than 15 feet. Also, such signs shall not be placed outside the width of the house that is facing the street. An exception may exist where permanent shrubbery or topography prevent view of sign if placed as required above. In such event, approval may be given the Chief of Police for a location other than that required under normal conditions as long as it does not create a safety issue.**

(7) Hospital, or a nursing, rest or convalescent home located within residential district may have one identification sign and additional "incidental" signs in order to denote entrances and exits. Incidental signs shall not exceed four square feet in area and shall not be placed nearer to a property line than 25 feet;

(8) "Professional signs" for home occupations as permitted by § 151.060(A)(7). Not more than one such sign shall be permitted for each premises and each sign shall not exceed two square feet in area. These signs shall be "wall signs" or lettered on the glass surface of a window or door. The top of the sign shall not be higher than the top of the front door; and

(9) Temporary signs made of lightweight wood or cardboard, or of wire frame and plastic, denoting political cause or candidate not over six square feet in area. Such signs shall be placed back from every street lot line at least the distance in feet equal to the number of square feet area of the sign; provided, that no such sign shall be placed nearer to a street lot line than 15 feet. An exception may exist where permanent shrubbery or topography prevent view of sign if placed as required above. In such event, approval may be given by the Mayor for a location other than that required under normal conditions.

(B) Prohibited signs. All other signs, announcements, declarations, demonstrations, displays, or insignia, other than those specified in division (A) above, shall be prohibited, including those designated in § 151.127(B). (2000 Code, § 151.126) (Ord. O-4-96, passed 3-25-1996; Ord. O-20-00, passed 12-20-2000; Ord. O-12-06, passed 12-26-2006; Ord. O-3-08, passed 2-25-2008) Penalty, see § 151.999

SECTION II. That in all other respects Section 151.126 of the Mariemont Code of Ordinances shall remain in full force and effect.

SECTION III. That this ordinance shall go into effect at the earliest date allowed by law.

Passed: November 23, 2020

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony J. Borgerding, Fiscal Officer

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. O-____-20

**TO AMEND SECTION 70.30 OF THE MARIEMONT CODE OF ORDINANCES
REGARDING OBEYING TRAFFIC-CONTROL DEVICES**

WHEREAS, the Rules and Law Committee was asked to review the Mariemont Code of Ordinances to make certain that it complies with the Ohio Manual of Uniform Traffic Control Devices ("OMUTCD"); and

WHEREAS, the Village of Mariemont is a statutory Village and, as such, is required to follow the OMUTCD; and

WHEREAS, questions have arisen in the past as to whether or not the Village has, in fact, followed the OMUTCD; and

WHEREAS, Council wishes to make certain that in the future the Village will, in fact, follow the OMUTCD.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, STATE OF OHIO, TWO THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING:

SECTION I. That Section 70.30 of the Mariemont Code of Ordinances, Obeying Traffic-Control Devices which now reads as follows:

§ 70.30 OBEYING TRAFFIC-CONTROL DEVICES.

(A) (1) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic-control device placed in accordance with the provisions of this traffic code, unless at the time otherwise directed by a police officer.

(2) No provision of this traffic code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this traffic code does not state that signs are required, that section shall be effective even though no signs are erected or in place.
(R.C. § 4511.12(A))

(B) (1) Except as provided in division (C) below, any operator of a commercial motor vehicle, upon approaching a scale location established for the purpose of determining the weight of the vehicle and its load, shall comply with any traffic-control device or the order of a peace officer directing the vehicle to proceed to be weighed or otherwise inspected.

(2) Any operator of a commercial motor vehicle, upon bypassing a scale location in accordance with division (C) below, shall comply with an order of a peace officer to stop the vehicle to verify the use and operation of an electronic clearance device.

(C) Any operator of a commercial motor vehicle that is equipped with an electronic clearance device authorized by the Superintendent of the State Highway Patrol under R.C. § 4549.081 may bypass a scale location, regardless of the instruction of a traffic-control device to enter the scale facility, if either of the following apply:

(1) The in-cab transponder displays a green light or other affirmative visual signal and also sounds an affirmative audible signal;

(2) Any other criterion established by the Superintendent of the State Highway Patrol is met.

(D) Any peace officer may order the operator of a commercial motor vehicle that bypasses a scale location to stop the vehicle to verify the use and operation of an electronic clearance device.

(E) As used in this section, **COMMERCIAL MOTOR VEHICLE** means any combination of vehicles with a gross vehicle weight rating or an actual gross vehicle weight of more than 10,000 pounds if the vehicle is used in interstate

or intrastate commerce to transport property and also means any vehicle that is transporting hazardous materials for which placarding is required pursuant to 49 C.F.R. pts. 100 through 180.

(R.C. § 4511.121(A) through (C), (E))

(F) No person shall use an electronic clearance device if the device or its use is not in compliance with rules of the Superintendent of the State Highway Patrol.

(R.C. § 4549.081(B))

(G) (1) Except as otherwise provided in this division, whoever violates division (A) above is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates division (A) above is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates division (A) above is guilty of a misdemeanor of the third degree. (R.C. § 4511.12(B))

(2) Whoever violates division (B) above is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of division (B) above or any substantially equivalent state law or municipal ordinance, whoever violates division (B) above is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of division (B) above or any substantially equivalent state law or municipal ordinance, whoever violates division (B) above is guilty of a misdemeanor of the third degree.

(R.C. § 4511.121(D))

(3) Whoever violates division (F) above is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.

(R.C. § 4549.081(C))

(2000 Code, § 70.20)

Statutory reference:

Placing traffic-control devices on state highways, permission required, see R.C. § 4511.10

Traffic-control devices to conform to the state manual and specifications, see R.C. § 4511.11

Uniform system of traffic-control devices, see R.C. § 4511.09

Shall be amended to read as follows:

§ 70.30 OBEYING TRAFFIC-CONTROL DEVICES.

Per Ohio Revised Code §4511.11, Mariemont has to follow the Ohio Manual of Uniform Traffic Control Devices (“OMUTCD”) concerning the installation any maintenance of any and all traffic control devices. As such, before voting to install or modify a traffic control device, council should refer to the OMUTCD if any new traffic control devices are being contemplated, to insure they comply with Ohio law.

(A) (1) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic-control device placed in accordance with the provisions of this traffic code, unless at the time otherwise directed by a police officer.

(2) No provision of this traffic code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this traffic code does not state that signs are required, that section shall be effective even though no signs are erected or in place.

(R.C. § 4511.12(A))

(B) (1) Except as provided in division (C) below, any operator of a commercial motor vehicle, upon approaching a scale location established for the purpose of determining the weight of the vehicle and its load, shall comply with any traffic-control device or the order of a peace officer directing the vehicle to proceed to be weighed or otherwise inspected.

(2) Any operator of a commercial motor vehicle, upon bypassing a scale location in accordance with division (C) below, shall comply with an order of a peace officer to stop the vehicle to verify the use and operation of an electronic clearance device.

(C) Any operator of a commercial motor vehicle that is equipped with an electronic clearance device authorized by the Superintendent of the State Highway Patrol under R.C. § 4549.081 may bypass a scale location, regardless of the instruction of a traffic-control device to enter the scale facility, if either of the following apply:

(1) The in-cab transponder displays a green light or other affirmative visual signal and also sounds an affirmative audible signal;

(2) Any other criterion established by the Superintendent of the State Highway Patrol is met.

(D) Any peace officer may order the operator of a commercial motor vehicle that bypasses a scale location to stop the vehicle to verify the use and operation of an electronic clearance device.

(E) As used in this section, COMMERCIAL MOTOR VEHICLE means any combination of vehicles with a gross vehicle weight rating or an actual gross vehicle weight of more than 10,000 pounds if the vehicle is used in interstate or intrastate commerce to transport property and also means any vehicle that is transporting hazardous materials for which placarding is required pursuant to 49 C.F.R. pts. 100 through 180.

(R.C. § 4511.121(A) through (C), (E))

(F) No person shall use an electronic clearance device if the device or its use is not in compliance with rules of the Superintendent of the State Highway Patrol.

(R.C. § 4549.081(B))

(G) (1) Except as otherwise provided in this division, whoever violates division (A) above is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates division (A) above is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates division (A) above is guilty of a misdemeanor of the third degree. (R.C. § 4511.12(B))

(2) Whoever violates division (B) above is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of division (B) above or any substantially equivalent state law or municipal ordinance, whoever violates division (B) above is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of division (B) above or any substantially equivalent state law or municipal ordinance, whoever violates division (B) above is guilty of a misdemeanor of the third degree. (R.C. § 4511.121(D))

(3) Whoever violates division (F) above is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.

(R.C. § 4549.081(C))

(2000 Code, § 70.20)

Statutory reference:

Placing traffic-control devices on state highways, permission required, see R.C. § 4511.10

Traffic-control devices to conform to the state manual and specifications, see R.C. § 4511.11

Uniform system of traffic-control devices, see R.C. § 4511.09

SECTION II. In all other respects, §70 of the Mariemont Code of Ordinances shall remain unchanged and in full force and effect.

SECTION III. That this Ordinance shall go into effect at the earliest date allowed by law.

Passed: November 23, 2020.

William A. Brown, Mayor

ATTEST:

Anthony Borgerding, Fiscal Officer

I, Anthony Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 24th day of November 2020.

Anthony Borgerding, Fiscal Officer.