

**MARIEMONT ARCHITECTURAL REVIEW BOARD
REGULAR MEETING
OCTOBER 16, 2017**

Mayor Policastro called the meeting to order at 5:30 p.m. Present were Mr. Brown, Ms. Schwartz, Mr. Kintner, Mr. Thomas and Mayor Policastro. Also in attendance was Building Administrator Don Keyes.

The request was from Dr. Lisa Larkin for Certificate of Appropriateness for the alteration of the building at 3908 Miami Road.

A – The front of the building has been modified for use as a medical practice. Previous reviews have only partially reviewed the front of the building and its signage as it exists.

B – The rear of the building has been modified for use as a medical practice. Previous reviews included the plan to enlarge and then the reversal of that plan. The redesign of the rear of the building was then done in steps, not all of which have been reviewed.

C – The placement of the bench and flower pots in the front of the building was reviewed and approved by the Mayor in accordance with Mariemont code 55.29 and is only mentioned here for information.

Findings of the Building Department Administrator:

The building has been remodeled for use as a medical practice. The remodeling plans were done in steps resulting from necessary changes in favor of maintaining the current building size, the desire to increase the size of the front windows to increase the amount of daylight into the office area and to keep the building within the same design characteristics as neighboring buildings. The rear of the building revision to allow entry at ground level and to redecorate the rear to include additional windows was revised due to engineering concerns. All building remodel plans have been reviewed to insure that Mariemont and Ohio building codes are met.

Mr. Joe Trauth, Attorney for Mr. Spinnenweber, wanted to clarify a procedural question and asked if there was a registered architect on the ARB. Mayor Policastro said Mr. Bentley has been appointed but the legislation has not gone through three readings. Mr. Trauth said Section 151.025 states that the ARB shall include at least one registered architect and others with interest. If there is not a registered architect then the Board is illegally constituted and any action taken by the Board is null and void. It further states that at least one member shall be the owner of property within the Historic District - meaning the District in question that we are referring to. Mayor Policastro said he does not get that connotation. Mr. Trauth said it does not refer to “a” or “an” historic district but the historic district. Mr. Keyes said there are no residences in district. Mr. Trauth said the code reads incorrectly. Mr. Brown said we could not possibly have a board member from each district. Mayor Policastro said we will have the emergency readings at the next Council meeting. Mr. Trauth wanted to verify that at the October

17, 2016 when this was originally approved there was a registered architect on board. Mr. Thomas said Mr. Bruggeman was on the board and was a registered architect.

Mr. Trauth said he does not want the Board to have to go through all of this for naught. Dr. Larkin said she would like a lot done for the record. Mr. Spinnenweber's court stenographer can record all of this. She indicated that she had a fifteen minute presentation and distributed documentation to ARB members including objectives for what she wants to accomplish this evening, a timeline of the events that have happened over the last 18 months. She has a power point presentation of images across the Village and a letter to Mr. Spinnenweber.

Dr. Larkin presented a summary timeline of events between March 2016 and October 2017 that support her belief that all of the complaints of Mr. Spinnenweber and associated ARB, Planning Commission and Council meetings over the last 18 months are a result of "sour grapes" about Mr. Spinnenweber's failure to purchase 3908 Miami Road (my property) and the lack of ARB approval of his fence to close off the north entrance to the Theatre parking lot.

1. She reminded the Village Council, ARB and Members of the community that she is a valuable addition to the Mariemont community. She is an enthusiastic and passionate member of the Village. She hopes to practice medicine here for the next 10-20 years. As a business owner who has improved and renovated the building, she pays substantial taxes to the Village. She pays property taxes, business taxes, and payroll taxes to Mariemont for all of her employees. She has really been rung through the mill during the last 18 months.
2. She will address the current specific issues raised by Mr. Spinnenweber about the aesthetics of her property that has led to this additional ARB meeting.
3. She is going to present an overview of the aesthetics of Mr. Spinnenweber's properties in comparison to her property and the lack of similar approval by the ARB for signage.
4. She is going to seek final approval for her building at this ARB meeting, however now that may be in question because of yet again another procedural issue.
5. She is going to openly and publically request that Mr. Spinnenweber 1) cease and desist in his attempts to interfere with her business and 2) to stop wasting tax payer dollars and the time of ARB and Council Members with frivolous ongoing meetings.

And finally, she would like to invite Mr. Spinnenweber to meet with her, and with Mr. Thurner and Mr. Graeter (the 4 individuals that own Theatre parkinglot property) to discuss issues and concerns about the rear parking, and to negotiate a long-term solution.

On September 25, 2017, an ARB meeting was scheduled to discuss the 3rd application by Mr. Spinnenweber to place a fence to close off the north entrance of the Theatre parking lot. At the outset of that meeting Mr. Spinnenweber's attorney, Mr. Joe Trauth leveled complaints about the aesthetics of the front and rear of her building and about her benches and flowerpots citing changes in windows and signage that had not been approved by the ARB. This led to a formal letter to the Mayor with a list of specific complaints about her building that has led to this ARB meeting. It is important to note that she completed her building renovation in April 2017, and this formal complaint was made 6 months later, and not coincidentally only after Mr. Spinnenweber's fence had been declined by the ARB 2 times previously. She hopes this will be the final ARB meeting to discuss her building, but given past events she is not sure Mr. Spinnenweber will let this go. She presented the history and timeline of events of the last 18 months in an attempt to force closure on this situation. She feels this is all a personal attack against her and sour grapes because Mr. Spinnenweber does not own the building.

Timeline of events:

BUILDING PURCHASE

Early 2016	Mr. Spinnenweber attempts to buy the building from Mr. Barry Cors. His offer is rejected.
March 2016	Mr. Barry Cors accepts a purchase offer from Lisa Larkin MD.
April 2016	Mr. Spinnenweber attempts to purchase the building from Mr. Cors despite his knowledge of a signed purchase contract with Dr. Larkin. His offer is refused.

BUILDING REMODEL AND CONSTRUCTION 2016

May 2016	Lisa Larkin MD and Associates entablature signage is approved by Don Keyes without a formal ARB meeting.
May 23, 2016	Planning Commission Meeting #1: Initial discussions about the planned renovation and rear expansion and second floor addition of 3908 Miami Road.
June 1, 2016	Lisa Larkin MD closed on 3908 Miami Road.
June 8, 2016	Dr. Larkin installs her entablature signage.
June 9, 2016	Planning Commission Meeting #2: Review of the expansion and renovation plans of 3908 Miami Road. Unanimously approved.
June 22, 2016	Filing of formal complaint by Mr. Spinnenweber and Mr. Trauth citing procedural missteps by the Village in approving the renovation/expansion plans of 3908 Miami

Road. Mr. Spinnenweber cites "failure to notice" adjoining property owner.

June 27, 2016 Dr. Larkin's plans to start demolition of the property are put on hold.

June 28, 2016 Emergency ARB Meeting: The plans to renovate and expand are reviewed again **Mr. Spinnenweber and Mr. Trauth make complaints related to parking and the rear façade of the building. Of note, Mr. Spinnenweber cites aesthetics of her building as a concern when he takes down the apartment building. Plans unanimously approved. A Certificate of Appropriateness is issued.

June 29, 2016 Planning Commission meeting is scheduled for July 11, 2016.

June 29, 2016 Mr. Spinnenweber and Mr. Trauth request a continuance. Date was changed to July 18, 2016.

July 7, 2016 Mr. Spinnenweber and Mr. Trauth send a letter stating an intent to appeal the ARB challenging the Certificate of Appropriateness citing parking concerns.

July 10, 2016 Due to the ongoing threats from Mr. Spinnenweber and Mr. Trauth, and the delay in demolition and construction Dr. Larkin is forced to lease temporary space for her practice in Blue Ash. In addition to being held hostage, she was forced to pay enormous legal bills and find space to see her patients. This was all going on while trying to plan her wedding.

July 19, 2016 Planning Commission Meeting #3: Parking issues discussed. Planning Commission grants a 15 parking spot variance to allow for the building expansion and the second floor addition.

July 29, 2016 Mr. Spinnenweber and Mr. Trauth issue an intent to appeal citing the parking variance is inappropriate.

August 17, 2016 Dr. Larkin receives a proposal from Mr. Spinnenweber and Mr. Trauth requesting an easement on her property to install a 5 foot fence between her lot and Graeter's in exchange for not continuing to appeal her building remodel. Dr. Larkin refuses the offer.

September 2016 With the continuing threat of ongoing litigation, Dr. Larkin makes the decision to forgo expanding the building. This is huge because the building is not adequate for her needs.

Sept-Nov 2016 Dr. Larkin works with her architect, and incurred a huge cost, to completely revise plans.

October 27, 2016 ARB Meeting: Revised plans without any expansion are reviewed and unanimously approved.

November 4, 2016 Building permits issued.

November 21, 2016 Dr. Larkin starts demolition.

Nov '16-March '17 Construction ongoing. Rear windows are modified from original design when it is determined that the load bearing wall would not withstand the second large window. She had no choice but to leave the glass blocks in place.

PRACTICE OPENS

- April 10, 2017 Dr. Larkin opens her practice in Mariemont after 7 months in temporary space and all of the associated costs.
- April 22, 2017 Ribbon cutting April 27, 2017. Mayor proclaims April 27, 2017 Dr. Lisa Larkin Day and brought her a plaque.
- May 4 & 6, 2017 Community Open Houses (Partnered with Graeter's)
- May 2017 Benches and flower pots installed. Flag installed; rear awning installed. Dr. Larkin specifically went to Milford concrete and specifically asked to purchase the same ones as are in the Village. Property lines and parking spots painted in the rear of her building to clarify where her employees are to park.
- May 4, 2017 Dr. Larkin learns of Mr. Spinnenweber's plans for a fence and closure of the N Theatre entrance and exit. Dr. Larkin requests an ARB meeting.
- May 15, 2017 Letter from Terrance Meyer, representing 3914 Miami, opposing fence.
- May 15, 2017 ARB Meeting #1: re: Spinnenweber fence. Application denied was denied citing safety concerns.
- May 17, 2017 Letter from Fire Chief – stating fence was not safe.
- June 12, 2017 Mariemont Council Meeting – Dr. Larkin spoke about the fence issue after seeing people spraying the parking lot making it appear that they were going to dig.
- July 17, 2017 ARB Meeting #2: re: Spinnenweber fence. Application denied.
- July 21, 2017 Dr. Larkin files a complaint regarding Mr. Spinnenweber's property citing health and safety concerns. Mr. Spinnenweber is informed that his property with debris and mulch is in violation of code.
- August 2017 A complaint is filed regarding Dr. Larkin's rear awning.
- August 21, 2017 Dr. Larkin sends an email to ARB members regarding awning in advance of the ARB meeting.
- August 21, 2017 ARB Meeting: re: Lisa Larkin MD rear awning. Application approved.
- September 8, 2017 Certificate of Appropriateness for Awning received.
- September 25, 2017 ARB Meeting #3 re: Spinnenweber fence. Application denied. At the start of the ARB Meeting #3 Spinnenweber/Trauth make complaints about the aesthetics of Lisa Larkin MD building and code violations.
- September 26, 2017 Mayor receives letter from Mr. Trauth with specific complaints about Lisa Larkin MD building aesthetics.
- September 27, 2017 For the first time, Dr. Larkin starts parking on her property in a manner that prevents ingress and egress from Roosters. Prior to this date, Dr. Larkin had allowed ingress and egress to the spots at Roosters despite the lack of easement. Police are called and note Dr. Larkin is parking on her property and there is no violation. It

was only after this very flagrant attempt to harass her by Mr. Spinnenweber and Mr. Trauth did she take the stand of parking where she wanted to on her own property.

Dr. Larkin said Mr. Spinnenweber has petitioned to fence his property around his apartment building and close off the north entrance and exit to the parking lot. This is in contradiction to statements he previously made in 2016 when he cited concerns about the aesthetics in the rear of her building because he planned on demolishing the building. His complaint was her building would be more visible. You would think that all the other rear façade aesthetics would be a concern. It is also interesting to note that nothing has happened in terms of the building coming down and why would we be putting up a fence and closing off the rear entrance if in fact the building was going to come down. It is very contradictory. Of course we really do not understand what Mr. Spinnenweber is doing. The complaints about the aesthetics of her building did not surface until his proposed fence had been declined by the ARB two times. She feels genuinely harassed in her own building. Mr. Spinnenweber has had surveillance cameras pointing at her property for months to observe the parking of her colleagues and staff. There have been two concerning rumors that she has heard. She does not have proof of these (a) She and her employees have heard from employees of Roosters that they have heard that their clients have had tow notifications on their cars with Lisa Larkin MD name on them. We have never left tow notices on any cars. (b) On October 14, 2017, Mr. Dubs Nelson, owner of Roosters, came to her office stating that one of Dr. Larkin's staff had been in an altercation with one of his customers over parking in the rear and they were verbally abusive. This is absolutely an egregious lie. It is impossible that this event took place as all of my staff was already parked and inside at the supposed time this altercation took place. I have requested documentation, proof or any substantiation of his claim which to date we have not received. This is all becoming harassment in her opinion.

Dr. Larkin presented a power point presentation of formal complaints by Mr. Spinnenweber and Mr. Trauth showing pictorials of completed renovation for 3908 Miami Road: (1) concerns about the front windows (2) signage about the door and picture window (3) flower pots and benches (4) rear windows (5) color of the rear façade. She showed pictures of other places in the Village such as Rooster's that have no mullions. The entablature on her building was approved by Mr. Keyes. She showed pictures of other buildings in the Village such as the TriHealth Building, MariElders and the Dentist offices. Each have signage and she believes hers looks the best. She showed pictures of the Strand and said if Mr. Spinnenweber wants to challenge her on what has been approved from the ARB she would like to know if all the signs attached to his fencing have been approved by ARB. They certainly do not meet code. The signage on the fence at Mio's she is sure was not approved by ARB. She bought flower pots and benches to match everything in Mariemont. She planted and waters the flowers herself. The pots outside of Graeter's are exactly the same. The bench at

Graeter's is a new bench and she is sure that it was not approved by ARB. The benches and pots outside of the Mariemont Inn and the Theatre are exactly same. The pots and bench outside of Mio's are not the same and she is not sure that they were ever approved either. She said all the stuff taped to the door at Mio's is not aesthetically appealing. Regarding the rear of her building – what was approved by ARB was two picture windows on either side. Once the remodeling begun it became clear that structurally the second window was not going to be able to be put in because of structural concerns. Once the demolition and construction was done the building looked terrible from all of the construction. She never remembered that we had agreed to some specific color and her belief was the front of the building was white and the back of the building should be white. It was painted and looked clean. If Mr. Spinnenweber is really concerned about the aesthetics of her building let's take a tour of the aesthetics of his building. She showed pictures of dump trucks with mulch and pillars, rusting metal grates across the windows at Roosters, the front of the Village Kitchen which has sat vacant for ten years and asked if the sign asking for tenants had been approved by the ARB. She asked if that looked nice and if it was in keeping with the historic district. Is that something we should approve or question? Look at the second floor addition at the Village Kitchen and the bird stuff and the junk hanging over the flower pots that are messy from not being cleaned up. Look at the back of the vacant PNC Bank which looks so awful. Look at Santa's Workshop and all the sheets hanging in the windows because it is vacant. Look at the lovely awning on the apartment building that is in such disrepair. Look at the window sills in disrepair. Is there any reason except clearly trying to directly attack her – is anyone else questioning the aesthetics of her building. What is really the reason? This is now a personal attack against her and personal sour grapes that he did not get the building. And a personal concern of Mr. Spinnenweber's regarding parking which she does not find to be an issue.

Dr. Larkin reading the following:

October 16, 2017

Mr. Dan Spinnenweber,

I am writing to invite you to a meeting to discuss issues related to the Mariemont Theatre parking lot.

Although the parking lot is perceived by most of the Mariemont community as a Mariemont Village community parking lot, the parking lot is actually private property. Only four of us own the Theatre parking lot property. Mr. Thurner, Mr. Graeter, you and I. As you know, we all own differing amounts of the parking lot property, and the irregular boundaries of our individual properties, the lack of

easements across our properties, and our individual business interests have left us at odds about how to best use and manage the parking lot.

The current Theatre parking lot situation -with our arguments about fencing, policing and towing from the lot, parking on our individual property, easements, aesthetics, safety and maintenance- is bad for all of us- as individual property owners and as Mariemont business owners. Our patrons and the Mariemont community as a whole are being negatively impacted by this situation.

I believe we, as business owners in the Mariemont community, owe it to the people of Mariemont to meet and find a resolution to this situation.

I am aware that we have many issues to discuss and that we are at odds over many of them. I am also well aware that discussing these issues and finding a solution will be difficult. Transparency and willingness to compromise will be required. I believe if we can meet and openly discuss the issues at hand, and negotiate with good intentions that we will ultimately be able to find a permanent solution that we can all live with and one that will benefit the residents of Mariemont and our patrons.

If you are willing to meet, I will work to schedule a time that works for everyone in the coming weeks. I feel we should invite the Mayor and Don Keyes to our meeting, and I believe our own legal counsel may be appropriate.

Please feel free to call my office by 10/23 (513.760.5511) and leave a message if I am unavailable to let me know of your willingness to meet, and please provide some dates on which you might be available for an evening meeting. I will contact the others to arrange and will confirm a final date and time with you ASAP.

Sincerely,

Lisa Larkin, MD, FACP, NCMP, IF

Dr. Larkin is openly and publicly asking that Mr. Spinnenweber to cease and desist in all of these attempts to interfere with her business and to stop wasting taxpayer dollars, and the time of ARB and Council members with frivolous ongoing meetings about her business. She is a small business owner and good citizen who is taking care of her building. She is being harassed at this point. Her building is aesthetically appealing and this really needs to end. If the issue is really related to what is going on in the parking

lot then Mr. Spinnenweber needs to stand up and sit down in a meeting and have a conversation about what the issues are so we can resolve them. Where this is going is nowhere productive for any of us, the Mayor or the Village of Mariemont.

Mr. Trauth said this is not a legally constituted board or meeting. The purpose of his letter to the Mayor was to point out, not complain about benches and flower pots, but to say what was and what was not approved. He tried to show through exhibits that the mullions were approved on the front. Two drawings were approved. One drawing was mullions only on the top and one was mullions on the top and on the two main windows. That is what was approved but that was not what was built. There are no mullions on the top – it is only solid. The signage to his knowledge was not approved because there are now three signs with a light over it saying Dr. Larkin three times. We are only asking to enforce what was approved. Dr. Larkin's architect went through great detail at the October 2016 meeting for the back of the building. The architect submitted a picture of what it would look like but also went into great detail about red being the color of the brick and gray would be the color of the concrete. That is what was expected to have been painted. Instead it is all white. This was all done without coming back to ARB. That is our concern. If things have to be approved by this board they should be enforced or they should be modified by this board. There is nothing in his letter complaining about the aesthetics of Dr. Larkin's whatsoever. All we ask is that enforcement take place on what was approved. Those are the two issues that were brought to the attention of the Mayor. What he heard tonight is an attack on his client Mr. Spinnenweber. We have not made any attacks against Dr. Larkin period. We have only asked this board to enforce what it approved. He has heard Dr. Larkin say she is blocking off her own private property. All Mr. Spinnenweber ever asked was of the ARB was to enforce parking on his own private property. At every turn this board has turned him down. Every time Dr. Larkin has asked for something this board has granted it without question. Mr. Spinnenweber has been turned down in an effort to control parking cut through on his own private property. Is that fair? He does not think so. Mr. Spinnenweber did try to purchase the property but he does not have sour grapes about it. Whatever Mr. Cors wanted to do – he did even if it was taking less money for the property than Mr. Spinnenweber offered. We thought when Dr. Larkin said she was not going to expand the building that she was doing that for economic reasons. We had no idea what her motivation was but it certainly made it easier in terms of a 15 parking spot variance. The fact that we have been through all these hearings is not necessarily because of something Mr. Spinnenweber has done. This is not a legal meeting. He raised the question to the Mayor and Council that there is overlap on ARB with Village Council. He thought at one point there were four members but if there are only two that even is a problem. The appeal process is to appeal to Council. A 5/6 vote is required to overturn a decision by ARB. If there is an overlap of two that makes it impossible, unfair and unconstitutional to appeal to Council. The makeup of the board should be different. It is the way the code is written and it really is a problem. Dr. Larkin always said she did not care about people parking on her property and now she is blocking Rooster's customers which is now becoming

contentious between her and the owner of Rooster's – not Mr. Spinnenweber. The architect for Dr. Larkin changed things on the drawings on his own.

Ms. Schwartz asked if he had the minutes from the ARB meeting of October 2016 saying that ARB approved the windows with the mullions. Ms. Schwartz said she has been on the ARB and knows that Mr. Spinnenweber was given a lot of liberties. When he built the theatre he did not have the color picked out and he was supposed to bring the color back to the ARB. She is 99.9% sure that he never brought the color back for approval. Mr. Spinnenweber has been given leniency over the years.

Mayor Policastro said he has been on the board for years and the Village paid to have the kick out for outside dining at the Quarter. The inn parking lot we did a trade so he could build the Strand. We said one part of the parking lot is being used during the day and the other at the Inn was being used at night. We added those together and gave him the number he needed. Mr. Trauth said with all due respect this is not about Mr. Spinnenweber or what has gone on in the past. This does not have anything to do with what happened at an ARB meeting a long time ago. Mr. Spinnenweber has proved that he is a friend of the Village and he has created more economic development and business in the Village than anyone else. We do not need to attack Mr. Spinnenweber. Mayor Policastro said he is not attacking Mr. Spinnenweber. He is saying we let Mr. Spinnenweber do stuff and we are going to let Dr. Larking do some good stuff too. Mr. Trauth said he understands that but what you said she could do she did not do. There was somethings that Mr. Spinnenweber did not do and it was overlooked because it was for the good of the people and Village. If there was a mistake made we are here tonight to correct it if need be.

While looking for the minutes from October 2016, Mayor Policastro said since this is not a "meeting", he said we will get our architect on with emergency legislation at the upcoming Council meeting.

Dr. Larkin said this is about the aesthetics of the building not architecture and she would like to still take a vote even if Mr. Trauth and Mr. Spinnenweber would like to contest the validity of this meeting. She would like the minutes in the Town Crier and circulated to the community to let them read it and see what they think.

Ms. Schwartz moved, seconded by Mr. Brown to make this a meeting and to call for a vote. Mr. Trauth contested the motion. On roll call; five ayes, no nays.

Building Administrator Keyes said the front of the building was modified with the windows being modified in a couple of ways. Basically the ARB said it was okay if you want to do it either way. As it turned out the result was slightly different from either one of the two. Even though it was okay the ARB did not really make a decision on the way the front of the building was to look. In addition, the contractor made a change above the front door

so they could put a window sign on the window above the front door. That was not on the architectural drawings at the time of the decision. There was no way the ARB could have made a decision on that particular issue. The flower pots and benches by our code are allowed to be approved by the Mayor and it was. It is not an issue. Mr. Brown asked if there was any conversation with the architect regarding the signage over the door. Building Administrator Keyes said no and he is not certain but the change may have been done by the construction manager rather than the architect. Mr. Brown asked if there was any conversation regarding the mullions on the windows. Building Administrator Keyes said the ARB knew what it looked like but they had not made a decision.

Regarding Issue "A" - Mr. Thomas moved, seconded by Mr. Kintner to modify the approval granted in October 17, 2016 to what is existing today at the building located at 3908 Miami Road. On roll call; five ayes, no nays.

The front of the building has been modified for use as a medical practice. Previous reviews have only partially reviewed the front of the building and its signage as it exists. Mr. Thomas moved, seconded by Mr. Kintner to modify the approval granted in October 17, 2016 to what is existing today at the building located at 3908 Miami Road. On roll call; five ayes, no nays.

Regarding Issue "B" – The rear of the building has been modified for use as a medical practice. Previous reviews included the plan to enlarge and then the reversal of that plan. The redesign of the rear of the building was then done in steps, not all of which have been reviewed. Building Administrator Keyes said this was a similar kind of circumstance. He was not aware of the engineering concern about the structure of the back of the building until after it was accomplished. There was a lot going on and a lot of changes being made and consequently that one did not happen. We did not review probably because he did not know about it at the time either. Once it was finished ARB basically said they thought it would be okay but we did not actually have a decision. Mr. Brown said he believes it is an insignificant distinction. Mr. Thomas said it should have come back to ARB but given the facts of what we know about the situation we probably would have approved it. Mr. Brown moved, seconded by Mr. Kintner to approve the modifications. On roll call; five ayes, no nays.

Regarding Issue "C" – The placement of the bench and flower pots in the front of the building was reviewed and approved by the Mayor in accordance with Mariemont code 55.29 and is only mentioned here for information. Mayor Policastro said he approved the benches pots because we like them in our square. Mr. Thomas said it should state that the ARB reviewed the pots and benches and issued an approval. Mayor Policastro said the color white is permissible. Mr. Trauth stated again that the approved plans from the ARB was the back of the building was to be red and gray. Ms. Schwartz moved, seconded by Mr. Brown to approve the white as a modification to the back of the building. On roll call; five ayes, no nays.

Dr. Larkin thanked the ARB. She said does not agree with anything Mr. Trauth said about this not being personal at this point. The facts speak for themselves. As adults and co-property owners this is really not a good use of tax payer dollars and time of Council. He is requesting of Mr. Spinnenweber to come to the table and have a

discussion about all these issues so we work to resolve them without this continued harassment. The best interest for everyone is to resolve this from the outside.

Mayor Policastro asked Mr. Trauth if Mr. Spinnenweber would be open to mediation. Mr. Trauth said he does not know. They have stated their position. For Dr. Larkin's architect to put forward all these things before the ARB and the board agreeing with them and then do 180 degree turn and not do what was approved and say it is okay is frustrating. This is an illegal meeting and it is of no consequence that we have no technical appeal rights because of the overlap on the ARB and Village Council. We will need to see what our next step is.

Dr. Larkin said she wanted it on the record that she comes here in good faith to really try to resolve this by sitting down and hash this out as adults should do to figure out what the issues are and how to resolve them. Clearly, there is an unwillingness that that is going to happen. Mr. Trauth said that is not what he said. Dr. Larkin said as she pointed out in her power point presentation there are many things she can start to complain about and question whether or not there has been ARB approval. Or we can continue to spin our wheels and do through having repeated meetings. If that is the direction they want to go we can continue to do that. She has deliberately not put up concrete barriers around her property. But she can do that just as Mr. Spinnenweber has done around his property. She is trying to ask to resolve these issues in an adult manner. She is being harassed by Mr. Trauth and Mr. Spinnenweber. She will let the voice of opinion of what is really going on here stand for itself. The continued maneuvers to push the issue due to procedural errors is frankly wrong. She has been harmed, she has been injured, personally, professionally and financially.

Mr. Thomas moved, seconded by Mr. Brown to accept the minutes as written for September 25, 2017. On roll call; five ayes, no nays.

The meeting was adjourned at 6:25 p.m.

Respectfully Submitted,

Mr. Charlie Thomas
Secretary