

**MARIEMONT ARCHITECTURAL REVIEW BOARD
REGULAR MEETING
MAY 15, 2017**

Mayor Policastro called the meeting to order at 6:00 p.m. Present were Ms. Stalzer, Mr. Brown, Ms. Schwartz, Mr. Kintner, Mr. Bruggeman, Mr. Thomas and Mayor Policastro. Also in attendance was Building Administrator Don Keyes.

Ms. Schwartz moved, seconded by Ms. Stalzer to nominate Mayor Policastro as Chairman of the ARB. On roll call; seven ayes, no nays.

Mayor Policastro moved to nominate Charlie Thomas as Vice-Chairman of the ARB. Mr. Thomas declined. Ms. Schwartz moved, seconded by Ms. Stalzer to nominate Mr. Brown as Vice-Chairman. On roll call; seven ayes, no nays.

Mr. Thomas moved, seconded by Mr. Brown to nominate Mr. Thomas as Secretary of the ARB. On roll call; seven ayes, no nays.

The first request was from Spinnenweber Builders, 6880 Wooster Pike, Mariemont for approval of a fence at the eastern and northern boundaries of the parking lot bordering Thorndike Road and Millard Rogers Way.

Findings of the Building Commissioner: It has been common practice within Mariemont when an issue has been brought before the Architectural Review Board or Planning Commission and the issue or item of concern has been approved, then, when an identical item in plan and condition, is brought to the Village for a permit, the permit has been granted based on the earlier approval. In cases where the application is different or is challenged, the ARB or Planning Commission review is then held. Mariemont code section 151.005 defines the property and 151.100 provides the guidelines for fencing.

Mayor Policastro said ARB received letters from Dr. Larkin and Attorney Terry Mire who represents the Mariemont Center Partnership. He would like to table the matter so each attorney can submit in writing their reasoning. At that time he will submit to our Solicitor information from all three attorneys so he can give ARB an opinion letter to help guide us with the decision. The Building Administrator also did not place a sign out in front of the area as required by code.

Dr. Lisa Larkin said she opened her practice this April at 3908 Miami Road. The process for her to renovate and move into her building was long and arduous. She had to submit her plans many times to both the Planning Commission and ARB with multiple versions and questions about the aesthetics and the impact of her building on the surrounding building owners. The issue is that the proposed fence is a structure and will close off the north entrance/exit to the parking lot which really is now an easement. Most of the public and community uses it and it would be a huge change. In addition the aesthetics of a very large fence was never vetted the same way she had to present her plans multiple times. Her concern is that the permit was already issued and according to the letter from Mr. Spinnenweber it indicates that the fence will be installed mid-May. Without having this issue vetted by the Village, community, Planning Commission and ARB is the wrong thing to happen and sets a dangerous precedent. It makes sense on some level to table the issue but she wants to know what happens going forward.

Mayor Policastro said he plans to stop the fence permit temporarily and have the Building Administrator prepare a letter to Mr. Spinnenweber tomorrow indicating that the Village will review the issue after receiving information from the interested parties' attorneys. Dr. Larkin said it should not be up to the attorneys but since it is a Historic District the process should be standard for all business owners.

Kim Harley, Office Manager for Spinnenweber Builders, said they did receive notification from Mr. Keyes that the matter of the fence has been tabled. The fence is not yet on-site. She wanted clarification that all they need is a permit to put up the fence and not to close the driveway.

Mayor Policastro said that is why he is encouraging the opinions of the attorneys. Section 151.025(B)(7) states that ARB has the power and duty 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 Section 151.021(E) and Section 151.075 for landmark structures or structures within a historic district within the Village.

Mr. Thomas asked for clarification if Mayor Policastro is referring to location of the fence or the style of the fence. Mayor Policastro said he believes it refers to both. At one point he thought the aesthetics was the most important thing but he is finding out that is not necessarily true. Mr. Thomas said in his mind it is a very gray area. As long as he has been on ARB he does not know that we have ever made a ruling regarding the location of something if it is in fact in compliance with the zoning code. He is unsure what jurisdiction ARB has as far as approving the location of fences.

Mr. Kintner said the important question is why the need for the fence. Ms. Harley said the main concern with closing it is that the parking lot is being used as a pass through so as to avoid the square and traffic on Wooster Pike. It will also add parking spaces. They have installed cameras to track all the vehicles coming and going.

Ms. Nan Dill, 3701 Center Street, said she is a resident and a patient of Dr. Larkin and something feels it is very wrong. It feels spiteful, anti-Mariemont and anti-community. That would make sense to those who have followed the whole scenario.

Dr. Larkin said it is Mr. Spinnenweber's property and there is not a formal easement but ARB has to realize what the precedent is. No one has an easement across her property. It is a dangerous precedent to be able to unilaterally put up fences along a property border. It is closing off what has been a long standing thoroughfare. It will now mean that traffic will exit across her property, Graeter's and Mr. Thurner's property. There is no easement across her property. What is to prevent her from unilaterally putting up a fence and impacting traffic flow? It will become the war of fences.

Ms. Kelly Ruehl, 3944 Miami Road #108, said when she rented in the Village in 1978 she fell in love with the Village. Thirty years later she moved back because the integrity of the Village was the same. Her concern is precedent and she believes this will change our community.

Mr. Dennis Wolter, 3804 East Street, Council Member and Chairman of the Public Works and Service Committee, said he served many years as the Chairman of the Safety Committee. He has concerns regarding safety. Due to the purchase of the large fire truck the Safety Committee vetted all of the streets in the Village to be sure that egress was not a concern.

He is concerned about getting the fire truck in there if the fence is installed. It only takes one vehicle to be parked out of place and it could slow down the truck putting someone's life at risk. He is also concerned pushing so much traffic onto Madisonville Road and therefore Wooster Pike. He feels in the spirit of the Village just because someone owns a piece of property does not mean it is a license to be unfair to those who use it. He believes if you have a parking lot that is meant for public business use – you cannot discriminate against another business there. A precedent has been set that the easement for ingress/egress has been established and is important to the parking lot. This needs careful consideration and he also questions the motivation.

Mr. Thomas asked Mr. Wolter (as a member of Council) in his opinion, does he believe ARB has the right to make a determination on the fence due to safety reasons. Mr. Wolter said personally because of the predominance of safety issues it should go before the Safety Committee of Council. ARB should be handling architectural matters not traffic flow.

Mayor Policastro said the problem is the Code of Ordinances states that the decision shall be made by the ARB. Council will go in circles making the decision that ARB should be making. The Building Administrator thought he could make the decision but after research it was determined that it did fall under the review of ARB since it is in a Historic area. He did not think the parking lot was historic but since the buildings on the square are – the parking lot is included.

Mr. Dub Nelson, Owner of Rooster's Men's Shop, said after listening he is concerned because there are a lot of personal feelings involved in this decision and that is not what this is about. This is about the law and the ordinances that the residents and businesses are charged to live with. What is being discussed is someone's private property. That person pays out of their business funds the upkeep and maintenance of a parking lot. No one else should have a say in what happens with someone's personal property. It is how our country was founded and why we all live in this great country. It will be an inconvenience for his business but some of the traffic that uses that part of the parking lot have being using his dumpster. It does not matter why the fence is being put up. Unless they are doing something out of code the issue is pretty much solved.

Jerry Vianello, 6570 Wooster Pike, said if the traffic through the parking lot is a concern for the property owner, one reason is that the traffic is backing up on Madisonville Road perhaps because the traffic signal is not long enough to clear the traffic. If it was made longer he knows it would back traffic up on Wooster Pike but at some point we have to come to grips with how we want this community to function. Solve the traffic problem without creating a big legal issue.

Mr. Bob Osmond, President of Jordan Park Condominium Association, said he just learned of the matter this afternoon and has not been able to discuss it with the unit owners that will be effected. He does not believe due consideration was given to traffic flow. He questions what the flow will be like when the theatre traffic exits. There is no reason to shut it down. It feels very heavy handed and sinister.

Mayor Policastro moved, seconded by Mr. Brown to table the request, temporarily hold back the building permit that was issued until we can get information from all three attorneys to present to our Solicitor for an opinion to help make our decision. On roll call; seven ayes, no nays.

The second request was from Cincinnati Off-Road Alliance, PO Box 14587, Cincinnati, Ohio 45260 regarding use of the trails area for bicycle recreational use in Dogwood Park along

Whiskey Creek. On addition, the CORA organization has asked Mariemont to become an affiliate organization.

Findings of the Building Administrator: Mariemont Code Section 151.025 indicates that all applications for Certificate of Appropriateness regarding change in use or alteration of any historic property, including parkland, must be approved by the Architectural Review Board. Also, code section 95.07 indicates “No person shall use or ride any bicycle, motorcycle or motor bike on any walk or foot path within park or recreational premises or property, except on paths or roads provided for that purpose”

Mr. Doug McClintock, President of CORA, said he is confused why his organization is on the agenda as they have made no application to the ARB. His organization approached Council in March 2017 with an opportunity to bring some grant funding, both corporate and private, to further enhance the trails along Whiskey Creek that were put in January 2015. We are not seeking to enforce code or make a change for use to the existing trails. He respectfully asked that it be removed from the agenda. The only request CORA has made to the Village is if they choose to take advantage of the grant funding that the Village enter a Memorandum of Understanding. Mayor Policastro asked if he wanted ARB to stop the application. Mr. McClintock said there is nothing to stop as they did not make any application with the ARB. He asked Council to make a decision if they wanted to enter an agreement. Mayor Policastro said Council would not have the power in this situation – it is up to ARB and asked if he wanted ARB to make a ruling to allow or deny the application. Mr. McClintock said he has read the code and he is not sure where in the code that is referenced and he is unclear how the funding aspect would work. He never made a formal process to apply for the ARB but would be happy to discuss what CORA has to offer to maintain the trails.

Mr. Clem Luken, 6610 Mariemont Avenue, said the idea of the park is for it to be a sanctuary. He is not against the concept of bicycles. With baseball and soccer it is not exactly a quiet location. Once something is allowed it is difficult to take it back. Bikes off road do not play into the concept of a sanctuary. His property is beginning to slide and they had storm sewer work done (by the Village) this past year. There is a 2' walking ridge. Walking traffic and bike traffic are not the same pressure pattern. It is a potential erosion issue. On the walking ridge he does not believe it is wide enough to accommodate both bikers and pedestrians. He also has concerns with the lighting equipment that can be put on bikes today. It can be very bright and could open up the possibility of bikes to use the trail anytime they want. Mr. Brown asked if Mr. Lukens can hear bicyclists from his house. Mr. Lukens said he does not hear bicyclists but noise does work its way up to the house. He can hear conversations from those along Whiskey Creek.

Mr. Joe Stoner, President, Mariemont Preservation Foundation, read the letter dated April 7, 2017 from then President, Claire Kupferle to Mayor Policastro and Members of Council it stated: “I am writing on behalf of the Board of the Mariemont Preservation Foundation to voice some concern about the possibility of allowing extreme bike riding in the Whiskey Creek area of Dogwood Park. The area has historic significance and should be protected. Specifically, there are remnants of a brick kiln used by Joseph Ferris in the early 1800's to make salt-glazed jugs for his whiskey, which he sent down the Ohio as far away as New Orleans. His distillery would have been located along the creek as well. Dr. Ken Tankersley recently identified the location of the kiln, and it is right on one of the trails. The Ferrises were one of the first families to settle in this area and their remains rest in the pioneer Cemetery adjacent to the church. The MPF Board would encourage you to enforce the ordinances already in place which establish Dogwood Park as a bird and wildlife sanctuary and which prohibit bike riding on the trails.” He walked the trails last evening and commented that there are a lot of children and families with small children and

voiced concern that the trails are too narrow to be used by both pedestrians and bicyclists. Mr. Kintner pointed out that there is a difference between mountain biking and extreme biking. He clarified that MPF's concern was with the Whiskey Creek trails and not the South 80 trails.

Ms. Louise Schomburg, 3885 Oak Street, said she is President of the Parks Advisory Board. She said the board met and discussed the issue and all members oppose to allow bikers in the sanctuary area. The concern is the destruction of the trails by some of the bikes. They also consider the animals and the vegetation that grows along the area. They would like to keep it as natural as possible according to the plans that Mary Emery stated for her plans for the Village. She stated that there should be parks that would be cared and groomed for as well as parks that would remain natural. There was also concern with the change with the Indian Mounds and the archeological areas along with distillery kiln. They also had some safety concerns. It is difficult to keep a natural look to a place when there is a lot of traffic going through. It is evident where the Waldorf children play in several places. Mr. Brown asked her opinion if the trails are narrow. Ms. Schomburg said yes the trails are narrow.

Ms. Suzy Weinland, 3812 Indianview, said it was her understanding that the bike trail itself had already been built and approved. The matter of the erosion is what, she thought, made the Village reforest the area. If going straight by the code, section 95.07 says the bicyclists should be allowed to remain because they were already built for that purpose. There is no reason to renege letting someone bike on the trail. She biked for years when she lived in Columbus and the trails were never disturbed because the bicyclists remained on the paths. She is in support of the bike trails and understands the concerns regarding safety issues but she does not see this area as having tons of pedestrians and tons of bicyclists at the same time. She suggested signage for designated trails. She believes the sound issue is a moot point as she is sure the sound from the ball fields carry to the homes as well. Mr. Brown asked where she got the information that the trails were built as bike trails. Ms. Weinland said it is her understanding from friends that she knows that the bike trails had approval from the Village. Mayor Policastro said the group came into a Council meeting after the trails were built. Council thanked them for cleaning up the honeysuckle but he felt like he was bamboozled. There was no mention of CORA or the impact of them putting it on their Facebook page. Ms. Weinland said she would think we would want to welcome people to the Village to enjoy what we have to offer. Her experience with bikers is that they are respectful, not noisy but are doing this for exercise.

Ms. Val Garber, 6812 Miami Bluff Drive, said the Village is a National Historic Landmark. We achieved that through the planning of Mary Emery all those years ago. We need to be very careful. There are only 2500 National Historic Landmarks in the United States. She believes the area in Whiskey Creek is too narrow for bikes and pedestrians to coexist. When she addressed Council a couple of weeks ago she had pictures from the area along the Tot Lot showing that all of the parking lot spaces were taken. She is concerned with the stress to the parking area because not everyone will bike to the area. We need to take care and be protective of our historic status.

Mr. Jerry Vianello, 6570 Wooster Pike, said the trails along Whiskey Creek have been there for over 35 years. Some Mariemont residents did do some improvements along the trails recently but there have been a lot of people who have spent time making improvements to the area along Whiskey Creek and the Boathouse. He is not in favor of biking anywhere along Whiskey Creek and recommends that the ARB not allow biking of any sort. He is also concerned with the congestion of parking and preserving the National Historic Landmark status.

Mr. Bruggeman asked if we know approximately how many people are using the trails on bikes or the trails. Mr. Vianello said he has encountered a few bikers after being told they were not permitted on the trail to go on ahead anyway. He estimated that there are 100 people walking the trails on a nice Saturday.

Mr. Jim Bowling, 7 Albert Place, said he was fortunate enough to witness how this would be used. He turned onto Pleasant Street from Wooster Pike and past the Tot Lot was a gaggle of 27 mountain bikers. They started by the backstop in the parking lot, rode on the grass and past the signs that say "No Bikes" and disappeared down the hillside between the backstop and the Tot Lot. He asked if that is what we want here in the Village – he does not think so.

Dr. Ken Tankersley, Tenured Professor Department of Anthropology and Department of Geology, Historic Preservation Program, Curator, Court Archaeological Research Facility with the University of Cincinnati said there are several points he would like members of the ARB to be aware of. He also noted that he is an avid biker. (1) On December 29, 1896, the Last Will and Testament of Phoebe Ferris was submitted to court for probate and record. It bequeathed the old growth woodland along Little Miami River-Whiskey Run Creek confluence area to Harvard University and Dr. Charles Metz with the understanding that the archaeological and old growth forest be protected. On April 1, 1903, the Court of Appeals of Hamilton County, Ohio reverted the ownership of the property to the Ferris Family. They subsequently sold the land to the newly formed Mariemont Company with the understanding that this area would be spared from development in keeping with Phebe Ferris' original Last Will and Testament. This area became a fundamental aspect of the National Exemplar of Mariemont. (2) Today, the trail, which runs across the terrace and floodplain of the lower Little Miami-River-Whiskey Run Creek confluence area in Dogwood Park cuts through the internationally recognized Madisonville site and the location of the Joseph Ferris Distillery and Mill built sometime between 1792 and 1808. The Madisonville site is currently listed on the National Register of Historic Places and the location of the historic distillery and mill archaeological site is eligible for nomination to the National Register of Historic Places. Both sites are currently included within the Mariemont Historic District, which is listed on the National Register of Historic Places and the Village of Mariemont National Historic Landmark. These properties include buildings, districts, archaeological and historic sites, structures, and objects that have been recognized by federal or state government as historically and culturally important and worthy of preservation. (3) It is important to remember that these properties can be taken off the National Register of Historic Places (NRHP) and lose National Historic Landmark status, which in the end can lower property values. The National Register status recognizes a property's integrity through seven aspects of qualities: location, design, setting, materials, workmanship, feeling and association. Section VIII of NHPA focuses on "How to Evaluate the Integrity of a Property of the National Register Criteria for Evaluation." It defines Historic Feeling as: A property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. In the case of a historic or architectural district, if the visual impact interrupts the sense of the historical period, then the district's integrity may be lost or seriously damaged. Visual qualities include the integrity of the setting as related to the significance of the property and should be considered integral parts of the resource. (4) Currently, the Madisonville and the Ferris Distillery and Mill sites along the floodplain and terrace of the Lower Little Miami River-Whiskey Run Creek confluence area fall under Section 106 and 110 of the October 15, 1966 National Historic Preservation Act (NHPA) and the January 1, 1970, the National Environmental Policy Act (NEPA). Impact to the Madisonville and Ferris Distillery and Mill sites must be done in compliance with these federal laws. He said if the trail was built/constructed as a bike trail then it is non-compliant with NHPA/NEPA. It is in direct violation of federal law and a felony was committed. He would be glad to show anyone the

portion of the trail which was cut through the Madisonville site has human bones exposed. Mr. Brown clarified that by allowing bikes to use the Whiskey Creek trails the Village is at risk for losing National Historic Landmark. Dr. Tankersley said that was correct. It is very fragile and all it would take is for someone to complain. The trail cuts into two National Register Sites and one site that is eligible for National Register of Historic Places.

Ms. Maggie Palazzolo, 6600 Miami Bluff, said she is a member of Council and asked if we are jeopardizing our National Historic Landmark status by allowing walking on the trails. She also asked if playing on the ballfields is disturbing the definition of the sanctuary area. Dr. Tankersley said the important distinction is the recreation area versus the old growth forest. Foot traffic is one thing due to the conveyed "feeling" of the history of founding of Mariemont. If the Village wants to keep their National Historic Landmark District that should govern the decision on this matter.

Mr. Joe Stelzer, 6609 Pleasant Street, former Vice-Mayor and Council Member and former Chairman of the South 80 Trails Committee said he was deeply involved in the trails development along Whiskey Creek. There seems to be a revision to history going on about the trail development. We originally formed the South 80 Committee to concentrate on converting the South 80 into a trail area and create more park space. We accomplished that with very little tax dollars. In 2015 Mayor Policastro asked the Committee if we could determine how to build trails along Whiskey Creek. It was not on their agenda to do but they took a look to see if it was something they could do. The Mayor kept pushing for this primarily because he was trying to get grant money for the erosion project. He wanted a trail from the Boathouse to the historic site that Dr. Tankersley was digging down in the South 80.

Mayor Policastro said it was for walking trails. Mr. Stelzer said the Mayor can have his revision history but he has the minutes that clearly indicate that the trails were approved by the Mayor. Mayor Policastro said that Mr. Stelzer told him several times that the workers were doing the work without permission. Mr. Stelzer said they were referring to bike trails and multi-purpose trails. There was an article that was published in the Town Crier in April that discussed this project. This was not a secret project. Mr. Stelzer said what he believes the Mayor was referring to was his concern about the trail along the ridge. He agrees that it needs to be closed due to erosion control project that took out half of the hillside making the trail narrow.

Mr. Stelzer said that he finds Dr. Tankersley's comments interesting. May 2016 he took 40 of his students and walked the trail. Not once did Dr. Tankersley express any concern about where the trails were placed or how they were done. They stopped at the Kiln site pointing out the bricks that they had located. He does not ride mountain bikes but the mountain bike community was a great help spending countless hours getting these trails in place. Suddenly something has changed. These trails had to be created. The ones that were there years ago did not go anywhere. It was not easy due to the topography of the area. He and the Mayor visited the area. He did voice concern to the Mayor that some of the trails that were being constructed were a bit more aggressive. Mayor Policastro said at that meeting (January 2015) that it appeared that Council did not mind a few bikes but it appears we were bamboozled because no one told us of CORA and that there would be a website advertising what they called Mariemont Trails. Mr. Stelzer said he resigned from the South 80 Committee in June 2016 so he not been involved with what has happened since then. He resigned because of this type of issue that we have right now and that is the Mayor is not admitting or acknowledging the decisions that he has reached in the past and Mr. Stelzer felt like he was taking on a lot of personal responsibility for issues that might develop down there. He did not feel he could expose his family's assets to that type of situation. He said he had that conversation with Mayor Policastro. He asked what the matter was in front of

ARB. The trails were approved the first time without the approval of the ARB. He does not believe there has been a full, fair and transparent hearing of this process. The time of this meeting is bad. A lot of supporters cannot be here because of The Night of the Arts at the high school. We should be providing things for kids to do – not taking them away. The term extreme biking is being used and that is not what this is about. This is not a Mountain Dew or energy drink commercial. It is tame mountain biking. He offered to give the members a tour of the trails and is unclear why members did not take him up on the offer. He gave a tour to members of Council after a recent rain and the mountain bikes left less of an impact than pedestrians and dogs. Because of the inconsistencies that this should be heard through ARB he is asking that it be pushed back to Council to have those inconsistencies in the Code resolved. He also asked for full disclosure for any documentation that was provided to members of the ARB. The information should be available for those to look at.

Mr. Vianello said 20% of the trails that are in the area have been done by the group with 80% of the trails were basically there. Mr. Stelzer agreed.

Mr. Thomas said he has raised the issue of why this matter is before ARB several times. He is unclear as to why ARB is reviewing this. Mayor Policastro said our Solicitor has reviewed this and according to Section 151.025(A)(B)(7) which states that the ARB powers and duties shall be to review and approve or deny applications for all landmark structures, historic sites and districts, including signage, for a certificate of appropriateness. Mr. Thomas said he feels this is the wrong venue and no doubt in his mind this belongs in front of Council. There is not one “change of use”. The word “use” is not used one time in the description of the ARB. Mayor Policastro said the appeal process would go before Council.

Mr. Grant Karnes, 6909 Mr. Vernon, said he has lived in the Village for 16 years and he and his family mountain bike. He said about one in eleven are bikers that use the trails. For every negative experience there is a 100 positive experiences. Bikers, hikers, trail runners and dog walkers have safely coexisted on the trails for over 15 months. The trails were built under the direction of Mayor Policastro. It was reviewed in Council and completely above board. He does not believe we are at risk of losing our National Historic Landmark status because there is a trail through the area. There has been no application made by CORA. He does not see this as an agenda item for ARB. Bicycling is certainly permitted under Section 95.07 because the trails were built specifically for the purpose of biking. There have been no complaints. He is on the trails most every day. There are a small number of bikers using the trails - we do not have bikers packing in here from Northern Kentucky. He has never seen a group of 27 bikers. Everything we are talking about is easily solved. He invited all members of the ARB to take a tour of the trails. Bikers are very courteous trail riders. Nobody is trying take credit for building all of the trails. His concern is discrimination against something that cannot be proved that does more damage and why is access for trail bikers being taken away to an area like this.

Mr. Kintner said he needed clarification on how you can ban mountain bikes along Whiskey Creek but still allow them in the South 80 acres. He too has questions if ARB is the body to make this decision.

Mayor Policastro said the South 80 acres is not a historic area yet – Council would have to look at that. Dogwood Park is a Historic District. He said he has read that biking in a tender volatile area like Whiskey Creek exaggerates erosion. The area is known for trail slides and can damage tree roots according to Davey Tree Company. Being a Tree City USA community that is important. We must protect the Native American mounds, the Madisonville site and the Ferris Brick Kiln. Our liability insurance company and the Army Corps of Engineers have said biking

paths and walking paths in this type of area do not go hand in hand. They are too dangerous. Since 1949 Dogwood Park has been a peaceful bird and wildlife sanctuary. We need to work with MPF to get on the list of historic items the Ferris Brick Kiln, the Serpent Mound and the Underground Indian Village. Those will then become historic. He is not sure at this point if we want to make the lower 80 acres historic or not but he is hoping to put a Committee together from this board and Council to look into the matter. We also need to protect our parking. We don't have more room for cars and pickup trucks along Pleasant Street, Mariemont Avenue, Fieldhouse, Denny and Park Lane during ball games, concerts at the park, parties at the park etc. We can't handle more vehicles especially in an area where small children are playing.

Mr. Brown said if this turns out to be a jurisdictional question then this will end up pouring back to Council. Mayor Policastro said if someone files suit or appeal but he did review this with our Solicitor and his opinion was it was ARB's decision to make.

Mayor Policastro moved, seconded by Ms. Stalzer to reject the offer from CORA to affiliate with the Village of Mariemont and reinforce our code section 95.07 to disallow bicycles in the Whiskey Creek trails of Dogwood Park. On roll call; Three ayes, no nays (Ms. Schwartz, Mr. Kintner, Mr. Bruggeman and Mr. Thomas abstained)

Mr. Thomas said he believes this is a Council issue not the responsibility of ARB. He has not always agreed with our Solicitor and he respectfully does not agree with this opinion as well.

Ms. Schwartz said there are some things that are not clear and this is too important not to get right. She is concerned with losing landmark status because bikes use it but not when 100 Waldorf children trampling all over it. She has difficulty separating the two. Dr. Tankersley said the trail goes through a property that is eligible for nomination for the National Register. The trail also currently goes through a property that is currently listed on the Register for Historic Places. Status is based on the fact that the Village is federally entrusted with the care. It is up to the Village to determine to reduce the impact to maintain the quality that got the Village on the Historic Register as a district. The Madisonville Site is its own entity – it has its own National Historic Register Standing. The Ferris Distillery is eligible. The District becomes endangered if it becomes degraded. It is a federal compliance issue. He offered to have the University of Cincinnati's Archeological field school in the lower 80 acres. He will be happy to devote part of the field school into mapping the historic properties along Whiskey Creek. As the entity which was designated National Historic Landmark District the Village is entrusted to maintain the seven issues. You have to maintain the "feeling" of the history of the time period for which the district falls.

Ms. Schomburg said there has been some difficult situations with the Waldorf School and the children attending the school. They have been asked to not climb on the Family Statuary. She is not against the school or their philosophy but they need to know where their limits are and they need to be held accountable. It is a group that the Village can talk to and ask them not to have the children run all over the protected area. She feels there is some lack of consideration and sense of entitlement.

Mr. Brown suggests that ARB seeks further clarification on Section 151.025(a)(b)(7) or we return it to a Committee of Council.

Mr. Kintner said he is afraid if we do not allow mountain bike riding in the Whiskey Creek area that we are in danger of losing any mountain bike riding trails in the Village.

Mayor Policastro said we already have Section Code 95.07 on our books so we do not have to reinforce the Code and reworded his motion. Mayor Policastro moved, seconded by Ms. Stalzer to reject the offer by CORA (to affiliate with the Village of Mariemont). On roll call; five ayes, one nay (Mr. Bruggeman), one abstain (Mr. Thomas).

The third request was from the Village of Mariemont, 6907 Wooster Pike, Mariemont, OH for approval of signage, indicating “No Bicycles Allowed” to be placed along park trails in Dogwood Park and in the South 80 park section.

Findings of the Building Commissioner: The signs in question are defined as ground signs per Mariemont code section 151.125 with color and construction as defined in code section 151.129. The number and placement of the signs may be according to need such that they provide information but do not create safety obstacles for travelers along the trails. Signs posted must be complied-with per code section 95.08.

Superintendent Scherpenberg said there will be seven signs put up around the entrances to the trails stating that per the ordinance there are no bicycles or motorized driven vehicles allow on the park trails. They will be brown and white metal. Mr. Brown moved, seconded by Ms. Stalzer to accept the proposed signage. On roll call; five ayes, one abstain (Ms. Schwartz), one nay (Mr. Kintner).

The fourth request was from the Cincinnati Waldorf School, 6743 Chestnut St., Mariemont, for approval for the replacement of windows to the lower east side of the building.

Findings of the Building Commissioner: The current windows were replacement casement windows that did not match the original windows in the building. Mariemont code section 150.01(A)(2) indicates that . . . “Replacement windows shall closely match the color and configuration of the existing windows . . . “. Waldorf is replacing the casement windows with double hung windows similar to the building’s original windows. The difference is that windows today are not permitted to be that large due to safety issues with raising windows. Therefore the new windows will have a transom section above the windows, permitting a smaller double hung window to be installed.

Mr. Thomas said he believed ARB has approved a similar request. Building Administrator Keyes said they applied last year to do the same thing in a different location. They are putting new windows in as they are able to budget for.

Mayor Policastro moved, seconded by Mr. Thomas to approve the request for a Certificate of Appropriateness. On roll call; seven ayes, no nays.

Mr. Thomas moved, seconded by Ms. Schwartz to accept the minutes as written from March 22, 2017. On roll call; five ayes, no nays.

The meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

Mr. Charlie Thomas
Secretary

