

Health and Recreation Committee Meeting Minutes
*The meeting was held at 6:15 pm on February 12, 2018
in the Mariemont Village Council Room.*

Purpose: To discuss a proposed change to Mariemont Code Section 93.055 to restrict the growth of large expanses of tall grasses.

Attendance: In attendance were Mariemont residents Robert Van Stone, Dan Brown, and Linda Bartlett; Police Chief Rick Hines; Council Members Dennis Wolter and Avia Graves; Mayor Dan Policastro; Committee Vice-Chairperson Eric Marsland; Committee Member Mary Ann Schwartz; and Committee Chairperson Troy Hawkins.

Mr. Hawkins opened the meeting and invited Mr. Van Stone to present the proposed change and rationale.

The proposed change was to alter Mariemont Code Section 93.055 to read:

... (4) Any weeds, grasses, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches. [Proposed addition: Ornamental grasses in excess of 12 inches at full maturity are only permitted in isolated islands, borders, and may not exceed 10% of property lots.]

Mr. Van Stone stated that the proposed change to Mariemont Code Section 93.055 would restrict the growth of tall grasses over a large expanse of a residential yard. The reason for the proposed change was to prevent a situation where a resident would grow a large expanse of tall grass which is out of character with the vision of the Village as an *English garden* community. Restricting the growth of tall grass would provide an aesthetic benefit as well as benefits for public health by preventing the creation of habitat for rats, snakes, raccoons, insects, and other pests near neighboring residences. The issue initially arose due to concerns from the Van Stones and other neighbors regarding a residence with its entire front yard planted in Blue Lyme Grass.

Mr. Van Stone had provided a hand out (attached) in an earlier meeting.

During the discussion, several concerns regarding the proposed change were raised. These included:

- Concern that the proposed change would constitute “legislating beauty”, which would be subjective and not in line with other Village ordinances;
- Concern that the proposed change could lead to a slippery slope of codes restricting residents’ rights on their property;
- Concern that a change, if not carefully implemented, could amount to a limitation of residents’ freedom of expression on their property and could be challenged on a Constitutional basis.

A question was also raised regarding whether this was something the Village should do at this time. The immediate issue of the residence that led to the request has been resolved as the yard has been replanted with conventional mown grass.

It was suggested that the fact that the immediate issue has been resolved is beside the point as the intent was to prevent other residents having to go through this situation in the future.

It was proposed that there might be a way to word the ordinance revision that would meet the objective of the proposed change and sufficiently address the other concerns raised. The Health and Recreation Committee agreed time was needed to consider the proposed change. The issue was tabled until it can be addressed in a future meeting of the Health and Recreation Committee.

Committee Recommendation:

No recommendation was made, the issue was tabled for further discussion at a future meeting of the Health and Recreation Committee.