

## **Health and Recreation Committee Meeting Minutes**

*The meeting was held at 6:30 pm on March 20, 2018  
in the Mariemont Village Council Room.*

### *Purpose:*

1. To discuss a proposal from the Mariemont Preschool Parent's Group for a new Pocket Park in the greenspace between East Street and Murray Ave (on the east side of East Street).
2. 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 Mandy Pouder, Robert Van Stone, and Dan Brown; Mayor Dan Policastro; Committee Vice-Chairperson Eric Marsland; Committee Member Mary Ann Schwartz; and Committee Chairperson Troy Hawkins.

### **Pocket Park**

Mayor Policastro opened the meeting and invited Mrs. Pouder to present the proposed plan for the pocket park.

The proposed park is the result of discussions over the past year or so between the Mayor and members of the Mariemont Preschool Parents' Group (MPPG). Representatives of the MPPG met with Mayor Policastro and Mr. Hawkins in January and discussed a proposal where the Village would match MPPG funding for playground equipment up to roughly \$10,000 each. Since that time, Mrs. Pouder and other MPPG representatives have worked with Steve Ellis from Recreations Outlet to obtain pricing for options and to select a proposed set of playground equipment. The proposed pocket park would be located in the greenspace between East Street and Murray Avenue to the east of East Street where the sidewalk connects two segments of Murray Avenue.

The proposed equipment and pricing is presented in the attachments to these minutes and includes a swing set, a pirate boat swing, a mini merry go round, a small climbing wall, and a seesaw. The pricing for these elements including installation is \$14,273 (quote attached). In addition, pricing was obtained for a commercial grade picnic table and round garbage receptacle which came out to \$2,327 including commercial installation.

The meeting attendees discussed the choice of equipment.

- The Mayor suggested Mariemont families love Wally the Whale and Freddy the Frog, the springy toys at the Tot Lot.
- Mrs. Schwartz suggested the group consider a slide and chin up bars which are popular at the Tot Lot.
- Mrs. Pouder indicated the group had been trying to focus on playground elements that would be different than those already available in other playgrounds within walking distance.

- Mr. Marsland recommended against the pirate boat swing because of the risk of older children misusing it and the potential liability (based on personal experience).
- It was also suggested that the group consider a small climbing element like those at the Tot Lot. Mrs. Poudier replied that the group had originally requested pricing for an element like that, but due to budget constraints had decided to go for a series of stand alone elements.
- Mrs. Schwartz requested the group consider benches in addition to the picnic table.
- Mr. Marsland suggested there might be a Boy Scout interested in building a picnic table and/or benches as part of an Eagle Scout project. The Mayor said the Village already has a bench at the Boat House that was donated by another Eagle Scout that could potentially be relocated to the new park. Mr. Brown suggested the High School Wood Shop class is also making picnic tables.
- The Mayor stated that the Village has an extra stone covered garbage receptacle in storage that could be used in the park.

The group also discussed whether the installation should be done by equipment provider or the Village. Due to liability reasons, the Mayor suggested it would be preferable to have the provider do the installation. Mr. Hawkins had also spoken with John Scherpenberg and indicated that the Service Department is very busy in the spring and would have trouble doing the installation in a predictable, timely manner.

The group discussed the mulch and containment that would be used for the playground area. The Mayor stated the Village Service Department could prepare the area beforehand and lay the mulch after installation. He also suggested the Village would provide the mulch as part of its normal park maintenance and that the cost of mulch could be handled separate from the portion of the project included in the MPPG / Village match. Mr. Marsland asked what would be used to contain the mulch and suggested rounded wood landscaping ties be used. The Mayor indicated these should not be a significant cost and that they could also be handled as part of installing the mulch. Mrs. Schwartz suggested we need to be sure to use non-splintering mulch and the Mayor indicated this is also what is regularly used in the Tot Lot and Ann Buntin Becker Park.

The group also discussed the fact that the Mayor had spoken with the residents whose yards are immediately adjacent to the park and none of them expressed serious concerns about the plan. The nearest neighbor requested the foliage along their fence not be removed so that it would provide some screening between their yard and the park. The Mayor also suggested that the Village could evaluate whether an additional privacy fence might be needed along that property line.

Mr. Hawkins stated that the goal for this meeting was to present a plan and to walk away with a recommendation regarding a budget for the project and feedback on the choice of equipment. The fact that the Village Capital Improvements Budget is already heavy this year and so whatever can be done to keep costs down helps. Exploring the possibility of having the Boy Scouts provide the picnic table and/or benches and using the garbage receptacle the Village

already has can avoid the need for the \$2,327 cost estimate for those items. The cost estimate for the other items was \$14,273 and given that the group will be following up on equipment suggestions, it was recommended the planners target a project budget of \$7,500-\$8,000 each from MPPG and the Village. Mrs. Schwartz said that when the Village purchased the play equipment in Ann Buntin Becker Park, Sue Singleton had received a catalogue from a company that was running a 20% off sale on commercial grade playground equipment. Mrs. Poudier said she would follow up with Sue to see what catalogues and offers the Village has received recently.

The Committee recommends Council approve the Village cost match for the pocket park of up to \$8,000 as part of a 50/50 cost sharing for the playground equipment and installation with the MPPG. The Committee also recommends the designation of the pocket park between East Street and Murray Avenue east of East Street. Finally, the Committee recommends the Village Service Department lay landscape ties and non-splintering mulch around the playground equipment after it is installed and that the Village provide a stone clad garbage receptacle (currently in Village storage).

### **Tall Grasses**

Next the Committee discussed a proposed change to 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.]

This issue had been discussed at some length at a previous meeting of the Health and Recreation Committee on February 12, 2018. The outstanding question was whether altering the ordinance was something the Village should do and if so is there a way to word the ordinance revision that would meet the objective of the proposed change and sufficiently address concerns regarding whether the ordinance overly restricts residents' freedom in expressing themselves on their own property. Discussion centered around whether the proposed ordinance change would constitute the Village "legislating beauty" or if it were a helpful clarification of the existing ordinance restricting the growth of rank vegetation and requiring residents to maintain grass below 12 inches. The Committee had received an email from the Village Solicitor Mr. McTigue (attached) from which Mr. Hawkins read an excerpt at the request of the Committee.

"At the outset, we have to be cautious about enacting any legislation that prohibits what we may feel is offensive, although it may be very attractive to other people. As they say, "beauty is in the eye of the beholder." We certainly could recraft an ordinance to be a little bit more specific about what we will allow and what we won't allow, but as for the decorative grass that was in front of one of the residents where you showed me a picture, there really is not much we can do about that. I have been told that particular homeowner thought it was very attractive. Often times it can be an unconstitutional intrusion on one's property rights if we

legislate too much. We may be better off just not doing anything at this time and see if there are any further complaints. I am not aware of any locations within the Village where we have had problems, but if you want to get the committee together and decide if our ordinance should be updated or changed in any way, please feel free to do so. I would then try to give you any guidance I can.”

The Committee had also received an email from resident Linda Bartlett recommending against the proposed ordinance change.

The Committee receive an email from a resident in support of the proposed ordinance change including pictures of a backyard with tall vegetation which they would hope would be corrected by the ordinance change. It was discussed that the situation shown in the pictures should be addressed by the Village’s current ordinances as the vegetation shown in the picture included noxious weeds specifically listed in the Village code. If a situation like that arises in the future, the residents can request the Police issue a citation. The Mayor suggested if there continues to be questions about rank vegetation growing on a residential lot, those affected could also call the Village office for support.

After extensive discussion, the Committee decided to recommend Council not act in response the proposed ordinance change at this time.