

**Village of Mariemont  
Regular Council Meeting  
January 13, 2020**

Mayor Brown called the meeting to order with the Pledge of Allegiance at 7:00 PM. Present were Mr. Bartlett, Mrs. Graves, Dr. Lewis and Mrs. Rankin.

Mrs. Rankin moved, seconded by Mrs. Graves to excuse the absence of Ms. Palazzolo. On roll call; four ayes, no nays.

Mayor Brown asked for a moment of silence in memory of Nina Rogers. The Rogers Family was extremely important to the community.

Mrs. Graves moved, seconded by Mrs. Rankin to accept the minutes as written for the Council Meeting December 16, 2019. On roll call; four ayes, no nays.

Mayor Brown read the following communications:

From Police Chief Hines: December 2019 Monthly Report. Chief Hines said he was presented an award at the annual Hamilton County Police Association Awards Banquet for his two years of service as President. He will remain on the Board for the next two years as a Past President.

From Acting Assistant Fire Chief Feichtner: December 2019 Monthly/2019 Annual Report. Mayor Brown said the Village received the public classification of 2 from ISO which is excellent. It essentially is the highest ranking. It will help residents with their residential homeowner insurance rates.

Mr. Bartlett said with the purchase of the new ambulance the plan was to keep the old ambulance in the fleet for back-up use. He asked if Council could be given a quarterly report on the income the old ambulance is generating. Chief Hines said they are tracking the number of runs and he will have Acting Assistant Fire Chief Feichtner prepare the report. Mrs. Rankin said Mr. Feichtner does a heck of a job on his reports.

From Service Superintendent Scherpenberg: December 2019 Monthly Report. Mayor Brown said he got several calls from residents and asked the department to extend the leaf collection due to the odd weather we have had. Dr. Lewis asked about Christmas tree pick up. Superintendent said they pick them up through February/early March. Mrs. Rankin said she sees a lot of wreaths and roping set out with wire. Superintendent Scherpenberg said those should be disposed of in trash containers that Rumpke will pick up. Mrs. Rankin suggested putting a notice on Next Door Mariemont reminding residents of how to dispose of wreaths and roping.

Engineer Ertel said regarding the guard rail at 4012 Miami Road he has been holding the check for the contractor. He has received the purchase order for approval of the other piece of guard rail. He will set up a field meeting to go over what needs to be fixed with the first installation and then proceed with the second installation. He spoke with Tom Arnold, ODOT, who stated that they look for a safety study when there are 10 accidents in a 3 year period. The data we have is 4 accidents in a 3 year period. He does not believe they will look at the area for a safety study. The other counter measures the Village could do would be more signage and markings in the pavement. If the area is up for resurfacing soon we could put in a safety application with ODOT for friction treatment with the new application. The Village could perhaps pay for the difference in cost. Mayor Brown said that may be something to look into.

Mrs. Graves said it was added to the Safety Committee to look into whether or not the Village could pay to have an additional guard rail put on private property. In discussion with Solicitor McTigue his opinion was after researching case law that it is not a good idea for the Village to fund an additional guard rail on private property. Solicitor McTigue said as a general proposition we should never use public funds to benefit private property owners. Mrs. Graves said the property owner lives in Indian Hill. Mr. Brown said the guard rail is a heavier rail. Engineer Ertel said it is the same as what is used on interstates. Mrs. Graves asked that the matter be removed from the agenda as an item for the Safety Committee to discuss. Council was in agreement. Mrs. Graves said she will reach out to Mr. Bloomer.

Engineer Ertel said the Village received an email from the Hamilton County Storm Water District regarding the agreement entered in 2003 to help with the Clean Water Act. Ohio EPA has revised three of the articles of the National Pollutant discharge Elimination System (NPDES). Hamilton County has adopted the revisions and the Village needs to as well to stay in compliance. Part of this process is designating an Enforcing Official. This person monitors earthwork activity and reports any problems with regard to erosion. It is what the Hamilton County Soil and Water Conservation district is doing for us now at the Steam Plant Development. The Village can be the Enforcing Official or the Village can select the District to be the Enforcing Official. He recommends the district performs this task. It will not increase the cost. He will prepare sample Resolutions that the Solicitor will review before it is brought before Council for passage.

From Building Administrator Keyes: December 2019 Monthly Report

From Tax Administrator Darrah: December 2019 Monthly Report

From Assistant Fiscal Officer Wendler: November 2019 Expense/Revenue Reports. Mr. Bartlett asked if the Village had been reimbursed by Mr. Spinnenweber for half the cost of the fire hydrant removal. Engineer Ertel said he will contact Mr. Spinnenweber to let him know that the work is complete and has been paid for by the Village. He will submit an invoice for reimbursement.

From ISO: Letter Dated December 23, 2019 re: Public Classification: 02

From Fiscal Officer Borgerding: Email Dated December 27, 2019 re: Safe Deposit Box. Fiscal Officer Borgerding said when he was at the bank they indicated that they just need to have it mentioned in the minutes. Mr. Bartlett moved, seconded by Mrs. Graves to allow for Mrs. Darrah to have access to the Safe Deposit Box at PNC Bank. On roll call; four ayes, no nays.

From Council Member Rob Bartlett: Swim Pool Task Force Charter. Mr. Bartlett said the Finance Committee has met many times to discuss ways to improve the Village's finances due to a deficit spending situation for five or six years. He has not seen the financials for 2019 yet. The pool is clearly a critical part of infrastructure offered to the residents and he believes the Village should do all they can to preserve it. Membership has been declining and because of that the pool's operating budget has become bigger and is part of the General Fund. He thought it might be good if we tap in to the knowledge base of the people of the Village, whom he believes are underutilized given the amount of skills that exist here, who could assess and make recommendations to Council about what can be done to improve membership and economics. The purpose of the Charter is to give some guidelines. The Charter would be created via Resolution and would consist of up to 7 members, consisting of the Pool Manager, a member from the Pool Commission and a member of the Pre-School Parents Group. He has reached out to the Solicitor for opinion on who can join the pool and suggested one idea might be those living in the Mariemont School District. It is a natural boundary which is not segregated in any way. Mrs. Graves moved, seconded by Dr. Lewis to proceed with the idea of forming a Swim Pool Task Force Charter. On roll call; four ayes, no nays.

Mr. Bartlett said if any Council members have any changes, ideas, suggestions, etc. to the Charter document to let him know so he can bring them to the next Council meeting for discussion. We need to start thinking about members so they can meet quickly to make recommendations by April before the pool opens. Solicitor McTigue said he will have a Resolution prepared for inclusion in the next Council packet.

Mr. Adam Blevins, 3853 Indianview Avenue, was granted permission to address Council. He wanted to introduce himself to Council and indicated that he submitted a letter of interest in the open Council seat. He would be happy to answer any questions Council may have. Mrs. Rankin said he would have the opportunity to formally address Council on February 3, 2020 at the Special Meeting of Council. Mr. Bartlett said in the meantime, individual Council members may reach out for a one on one interview.

Mr. Dennis Wolter, 3804 East Street, was granted permission to address Council. He congratulated Mr. Brown on becoming Mayor and welcomed Dr. Lewis to the Council. He sees a lot of hard work ahead and is glad they are willing to accept that. He already sees a nice demeanor and looks forward to success.

Dr. Lewis moved, seconded by Mr. Bartlett to nominate Mrs. Rankin as President Pro Tem of Council. On roll call; four ayes, no nays.

“An Ordinance to Make Appropriations for Current Expenses and Other Expenditures for the Village of Mariemont, State of Ohio During the Fiscal Year Ending December 31, 2020” had a first reading. Fiscal Officer Borgerding said this is a compliance procedure we have to do before we can spend the money. Council has to approve the expenditure. Mr. Bartlett moved, seconded by Mrs. Rankin to suspend the rules to allow for the second and third readings. The Ordinance had a second and third reading. Mr. Bartlett moved, seconded by Mrs. Graves to adopt the Ordinance. On roll call; four ayes, no nays. Ordinance No. O-1-20 was adopted.

Mr. Bartlett moved, seconded by Mrs. Rankin to pay the bills as approved by the Mayor, Fiscal Officer and Finance Chairman. Mr. Rankin asked if Mayor’s Policastro’s cell phone bill will come off and Mayor Brown’s phone will be added. Mayor Brown said he will work with Chief Hines about the Verizon phone for Village business. Solicitor McTigue said he has had communication from Eli Wendler about employees/officials doing business on personal phones/email. If you are going to do anything Village related it should be done by way of the Village email as opposed to personal emails. It is more important that the Village have those should someone leave and the Village receives a public records request it could prove to be problematic. Mr. Bartlett said Mrs. Wendler sent an email with instructions on how to archive files. On roll call; four ayes, no nays.

Mr. Bartlett moved, seconded by Mrs. Rankin to accept the recommendation of the Rules and Law Committee Topic: Updates to the Ordinance describing The Pool Commission and The Parks and Garden Committee (incl. the South 80 Committee) and the Yard Sign Ordinance. Attendees: Rob Bartlett, Maggie Palazzolo. On October 10, 2019 at 6:00 PM, the Rules and Law Committee met to review the Language in the Ordinance regarding the Pool Commission and The Parks and Garden Committee (incl. the South 80 Committee) and yard signs (Sections 151.125 and 151.126). The current code is not constitutional as it pertains to political yard signs, so the committee discussed how to clarify the code concerning all yard signs. These changes are based on model code developed by the Miami Valley Risk Management Association. The committee also decided to limit the number of yard signs allowed on any one property, and reviewed how to address temporary yard signs in a way that would not limit the use of signs in the Wooster median used by community groups to communicate and advertise meetings and events for the residents. The committee recommends changing Sections 151.125 and 151.126 and adding Section 151.124 as indicated in the attached: Next the Committee discussed the Code that sets up the Boards and Commissions. The Pool Commission and the Parks Advisory Board (and The South 80 Trails, Gardens, and Parks Advisory Board) were addressed at this meeting (Section 37.03 and 37.05). Please see the attached for the code changes. They are tracked changes in a document containing the original code language for clarity.) Additionally, the committee suggests deleting section 151.076(B) because it is an identical repeat of the Parks Advisory Board language, and instead add a reference to Section 37.03(A) at the end of Section 151.076(A). It is recommended that the Village Solicitor prepare the necessary legislation.

Mrs. Graves asked for clarification that the highlighted items were the items added – as it was a bit hard to follow with so many moving parts. Mr. Bartlett said that was correct. Solicitor McTigue said the reference to yard signs brings the Village more in line with what other communities’ yard signs are all about. Basically, the Village wants to stay away from any reference to political ideas but at the same time there is a safety factor present such as putting a sign too close to a street. Council talked months ago about dressing up the code due to a number of inconsistencies. We are going to eliminate Section 151.076 (B) because it is essentially what is contained in Section 37.03 and he believes it will be a simple fix.

Mr. Bartlett said Madeira is being sued over the language of their political signs which is the same wording. We are eliminating the term political signs because there cannot be rules with limitation to political signs. The proposed change will just apply to yard signs in general. Mayor Brown and Solicitor McTigue expressed concern over the idea that by eliminating ‘political signs’ a resident would be limited to the number of political signs they might want to display because the ordinance references a certain number of signs under temporary signage. Solicitor McTigue suggested digesting the information and having further discussion at the second reading of the legislation. If modifications are needed, we can amend the legislation at that time. Should anyone have a questions about what is/is not legal to send him an email and he can research it.

Mrs. Graves moved, seconded by Mr. Bartlett to accept the recommendation of the Rules and Law which met on October 10, 2019 at 6:00 p.m. to review the Language in the Ordinances regarding the Architectural Review Board and the Planning Commission. Attendees: Rob Bartlett, Maggie Palazzolo, Ed McTigue, Bill Brown and Marcy Lewis. The Committee discussed changes to the ordinances governing the Planning Commission and the Architectural Review Board. Mr. Bartlett had previously met with the Village Solicitor to discuss differences in the code book between the two organizations and the opportunity for more consistency. Based on input from the Village Solicitor, the committee recommends the changes in the attached to Sections 54.11, 151.024 and 151.025. All of the changes to all of these ordinances have been reviewed and approved by the Village Solicitor. It is recommended that the Village Solicitor prepare the necessary legislation. On roll call; three ayes, no nays (Dr. Lewis abstained).

Solicitor McTigue said he will take responsibility because we had so many Ordinance amendments put together in the last week. He was confident that he got it all together. At the direction of the Mayor, we did pull the legislation relative to Section 37.01 for further research. Dr. Lewis asked what is the rationale for the 5-4 overturn change for ARB. Mayor Brown said he does not think there has been an appeal hear by Council relative to a Planning Commission or ARB decision. Mr. Bartlett said Ohio law states for Planning Commission it requires a 4-6 vote. Talking with other local communities, such as Terrace Park, Fairfax, Newtown and Indian Hill, they too are all 4-6. He questions why Mariemont has to be so different than anyone else and set a higher bar than what Ohio law requires. He believes the Village should go back to what Ohio law says. All the neighboring communities are doing the same as well. Solicitor McTigue said for clarity the Village is in compliance with either 5-6 or 4-6. It is not a legal decision that Council needs to make but what is in the best interest of the Village. Mayor Brown said it has been a long standing precedent. We have always done it that way. Mr. Bartlett said just like approving appointments to the Planning Commission, it was a long standing precedent to do it that way.

#### Miscellaneous:

It was discussed to table the appointment of a member of Council to the Planning Commission until there was a full body of Council but then decided that a new member of Council may not be the best recommendation. Mr. Bartlett moved, seconded by Mrs. Graves to appoint Mrs. Rankin to the Planning Commission. On roll call; four ayes, no nays.

Outstanding Citizen Award Nominations are due to Mrs. Van Pelt by March 12, 2020.

Mayor Brown referred to the Finance Committee the Salary Ordinances for Full-time, Part-Time and Appointed Officials.

Mayor Brown referred to the Safety Committee to review the ADA compliance requirements for handicap parking at the Municipal Building.

Mrs. Rankin moved, seconded by Mr. Bartlett to table the Council Committee assignments until there is a full body of Council. Mrs. Rankin said it is her opinion that the Committee Chairs be left in place but look at Vice-Chairs and Members after the new Council member is sworn in. We need to analyze the skill sets. Mr. Bartlett said it would be good to solicit Council members to see where there interests/knowledge are and rank them to their preference. On roll call; four ayes, no nays.

#### Resolutions:

“To Appoint Ted Beach as a Member of the Pool Commission for the Calendar Year 2020” had a third reading. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the Resolution. On roll call; four ayes, no nays. Resolution No. R-1-20 was adopted.

“Resolution to Clarify Prior Resolutions No. R-17-15 and R-7-15 Relative to the Boundaries of the Community Reinvestment Area (“CRA”) in the Village of Mariemont” had a second reading. Solicitor McTigue said he and Mrs. Rankin met with Representatives from Hamilton County and gave some clarifications to the boundaries of the CRA. This is to ensure that the Wellinghoff property and others on the north side of Murray Avenue are included.

“Resolution Authorizing the Naming of the Hiawatha/Rembold Median to the “Interurban Trolley Line Park” had a first reading.

Ordinances:

“To Amend Certain Sections of Section 151 of the Zoning Code regarding Sign Regulations of the Mariemont Code of Ordinances” had a first reading.

“To Amend Section 37.03 Parks Advisory Board of the Mariemont Code of Ordinances” had a first reading.

“Ordinance Amending Chapter 151.025 Powers and duties of the Architectural Review Board” had a first reading.

“To Amend Section 54.11 Undedicated Streets; Improvements Forbidden of the Mariemont Code of Ordinances” had a first reading.

“To Amend Section 151.024 of the Powers and duties of the Planning Commission, of the Mariemont Code of Ordinances” had a first reading.

Fiscal Officer Borgerding said Council needs to schedule the Capital Improvements Meeting. It was agreed to hold the meeting on Monday February 10, 2020 at 6:00 prior to the Council meeting. Fiscal Officer Borgerding asked Mrs. Van Pelt to have the Department Heads get their budgets to him as soon as possible.

Mr. Bartlett said it is hopeful that the new website will be running by late March/early April. He believes it would be good to create space to post committee reports and minutes etc. by Swim Board, Parks Board etc. for transparency.

The meeting adjourned at 8:05 p.m.

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William A. Brown, Mayor

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Anthony J. Borgerding, Fiscal Officer