

**Village of Mariemont  
Regular Council Meeting  
March 8, 2021**

Mayor Brown called the meeting to order at 6:34 p.m. Present was Mr. Bartlett and Tax Administrator Darrah. Virtually present due to the COVID-19 pandemic were Mrs. Graves, Dr. Lewis, Mrs. Rankin, Ms. Palazzolo, Mr. Stelzer, Fiscal Officer Borgerding, Engineer Ertel, Building Administrator Keyes and Superintendent Scherpenberg.

Mr. Bartlett asked that the Council minutes from March 1, 2022 be amended to indicate that ‘the discussion regarding EMS services (and boundary lines) would take place after the fire services is decided.

Mr. Bartlett moved, seconded by Mrs. Rankin to amend the minutes for the Council meeting March 1, 2021. On roll call; six ayes, no nays.

Mr. Bartlett moved, seconded by Mrs. Rankin to accept the amended minutes for the Council meeting March 1, 2021. On roll call; six ayes, no nays.

**Communications:**

\*From Assistant Fire Chief Feichtner: February 2021 Monthly Report

\*From Service Superintendent Scherpenberg: February 2021 Monthly Report. He explained the Hafner contract and cost savings.

\*From Tax Administrator Darrah: February 2021 Monthly Report.

\*From Assistant Fiscal Officer Wendler: February 2021 Monthly Report. Mr. Stelzer said he asked to have provided additional analysis to compare YTD spending. Fiscal Officer Borgerding said he still needs to work on it and will prepare something for Council.

\*From Council Member Stelzer: Email Dated March 1, 2021 Re: Lap Pool Repairs and Painting. Mr. Stelzer distributed paperwork to members of Council prior to the meeting outlining the work that needed to be done at the pool and the estimated cost. The main pool painting was, he believes, approved by Council last year with the remaining \$9,209 to be paid in 2021. Some work was done and paid last year. With the pandemic the vendor agreed to defer some of the payment due to 2021. Ms. Palazzolo moved, seconded by Mrs. Rankin to approve the spending. On roll call; six ayes, no nays.

Mr. Stelzer said the patch work is estimated at \$4,160 which is below the Mayor’s spending limit. The work has been completed.

Mr. Stelzer said the estimate for the lap pool repairs and painting is \$13,359. It is still being discussed if this work in a Permanent Improvement charge or if the payment will come from the General Fund. Ms. Palazzolo said all of the charges for the pool should be lumped together and approved by Council rather than several small projects that the Mayor can approve with his spending authority. Mr. Stelzer disagreed saying the Mayor has a spending limit in order to provide efficiency to get work done. Should that be abused it would be another matter, but he does not believe that is happening. Mr. Bartlett moved, seconded by Ms. Palazzolo to approve the lap pool painting \$13,359 cost. On roll call; six ayes, no nays.

\*From Council Member Stelzer: Email Dated March 4, 2021 Re: Pool Exterior Painting Projects. Mr. Stelzer thanked the Pool Commission for all their work on the various projects. The painting projects include the main pool building, concession stand and the gazebo. It also includes painting the rusted light poles. Two estimates were provided: Hyde Park Painting \$13,145 and Trummel Painting \$12,450. Mr. Stelzer moved, seconded by Mr. Bartlett to approve the work at a cost not to exceed \$13,200. On roll call; six ayes, no nays.

\*From Council Member Stelzer: Email Dated March 4, 2021 Re: Pool Fencing. Mr. Stelzer said Mr. Donovan and Ms. Poudier from the Pool Commission were present to answer any questions. The hope of the Pool Commission is to have all work completed prior to the pool opening. It was indicated that the fencing could be torn down and the new fencing erected in two days. The estimate provided by Mills Fencing was for \$44,474 for black ultra-aluminum standard rail fencing. The current fence has some light posts built in with electrical conduit. Addressing that will be an added cost. Mr. Donovan said the Pool Commission came together at the request of Council. The pool revenue has been declining in recent years. A survey was done, and it was found that the pool was falling behind other competition such as the Sports Mall and Coney Island. The desire is to bring people back because it is a great asset and residents do love it. The current fence is the original fence and is in disrepair. Concerns for safety led the Pool Commission to recommend replacing the fence in its entirety. It would be something similar as to what is at the Tot Lot. Ms. Palazzolo said the gates at the Tot Lot are constantly broken. Ms. Poudier said the gates at the pool will not be used in the same capacity as at the pool. She believes the fence is of a higher grade. Mayor Brown said he also has concerns of the fence being broken by kids bending the slats. Mr. Stelzer said the barbed wire is not effective and it does not look good. Mr. Bartlett asked if the visible area of fencing could be replaced and leave

the old fencing in place that is not visible. Ms. Pouder said they did get a quote for front facing aluminum and new chain link fence around the other areas because there are holes in the back portion of the fence. They are hopeful to get the fence installed this year. It could be installed in 48 hours. Discussion ensued regarding how much was budgeted for the pool in the General Fund and the Permanent Improvement Fund. Ms. Pouder said it would be easier to fundraise for a water feature or slide than for a fence. Dr. Lewis asked if any other estimates were sought from other companies. Ms. Pouder said they did not, but they would not be opposed to another quote. Mr. Stelzer said he wanted to talk with Chief Hines about the security of the fencing. Another security measure would be cameras. He also has concerns about what is legally required to be put around a commercial/community pool such as height etc. Mayor Brown said his understanding is that our liability insurance carrier instructed the Village to reach out to Hamilton County Board of Health for guidelines. Superintendent Scherpenberg said he will contact them. Mr. Stelzer moved, seconded by Mr. Bartlett to refer the matter to the Health and Recreation Committee. On roll call; six ayes, no nays. Ms. Pouder said once the pool is open, the Pool Commission plans to give to Council their 5-year and 10- year plan for operating and permanent improvement needs.

\*From Council Member Graves: Email Dated March 4, 2021 re: Temporary Port-O-Lets Dogwood Park. Mrs. Graves said this matter has come up for years. She reached out to Mariemont Recreation Association and they were not so keen on being the financial responsible party. The answer is not children going to the bathroom in the woods, parents driving kids home during a game or going to a local restaurant to use the facilities. Superintendent Scherpenberg said the restrooms in the Bell Tower are typically opened in mid-May due to the lack of heat in the building, which the Village does not own. Some of the problem with a port-o-let is the trucks cannot drive all the way back to service them. They would have to be moved to the street. We have had issues before with the port-o-lets being knocked over the hillside and set on fire. Mayor Brown said the issue of placement and procedures for port-o-lets is currently in the Rules and Law Committee. Ms. Palazzolo said she has begun work on the issue, but that is more for the use for one during construction. She suggested looking at the issue of a compost toilet or camping toilet for spring and summer. Council agreed to put one or two port-o-lets in the gated area for the time being – perhaps gray or green. Mayor Brown referred to the Health and Recreation Committee future study of the restrooms at the Bell Tower.

\*From Julie Renner: Email Dated March 3, 2021 re: Traffic Pattern Hiawatha/Rembold. Mrs. Graves said one communication from one person regarding traffic patterns does not warrant putting the matter into a Committee of Council. Her committee is working on Village traffic speed concerns. She suggested Ms. Renner take a poll of residents along the area and submit a petition to have it referred to a Committee of Council. Mayor Brown said he will contact Ms. Renner.

\*From Kramer & Associates, Fire & EMS Consultants: Draft Proposal to Help Analyze Proposed Shared Services for EMS and Fire Service Functions as they exist and as they should evolve in the future. Mr. Bartlett said under ‘Mapping Considerations’ it should include risk factors such as the schools, industrial zone and historic structures. ‘Utilizing Data Already Obtained’ we have historical spending for both departments which can be used in the analysis. Ms. Palazzolo asked that mutual aid received in terms of location/fire department and response times. Under ‘Mapping Considerations’ she would like training levels added. Under ‘Considerations for Internal Improvements’ she said she would like to see safety and a plan for sustainability. Dr. Lewis would like the study to include years of experience. She also would like to see another bid/proposal for comparison. Mayor Brown and Mrs. Rankin agreed. Mayor Brown said he could reach out to Mike Washington, Assistant Fire Chief with the City of Cincinnati. Mr. Bartlett said Mr. Washington works for the Village and wanted to be clear that an employee could not do the study as it would be a conflict of interest. He would not object if Mr. Washington recommended someone to do the study. Mayor Brown said at the next Council meeting Mr. Lemon and Mr. Kubicki will be giving a short presentation on the proposed shared services. Mayor Brown and Mr. Bartlett will look for other consultants.

#### **Permission To Address Council:**

None

#### **Motion To Pay Bills:**

Mrs. Rankin moved, seconded by Mr. Bartlett to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. Ms. Palazzolo verified that the cardiac monitor was voted on by Council. She asked about the one cent difference in payment for Wex Bank. Mrs. Rankin said she received a text from Ms. Uhrig explaining that the fire/paramedic bill is split in half. On roll call; six ayes, no nays.

Mr. Bartlett went back and looked at the 2020 bills and found several that were over the \$5,000 Mayor’s spending authority. Some had approval from Council, and some did not. He has reached out to the Solicitor for clarification. We are not consistent across the board and he would like to see more consistency. He would like the Solicitor to bring clarity to Council on how they are to be handled.

#### **Committee Reports:**

None

### **Miscellaneous:**

The Outstanding Citizen Award nominations are due to Mrs. Van Pelt by March 11, 2021.

Mayor Brown asked Council if they wanted to go forward with the 4<sup>th</sup> of July Fireworks. The expense is \$5,000. While the Village does receive contributions, they have not in recent years covered the cost. Council unanimously agreed to go forward with the fireworks.

Mayor Brown said as a reminder that the Village will be phasing out the trash stickers May 1, 2020. He will set up the process for sticker reimbursement.

### **Resolutions:**

Mayor Brown announced that Don Keyes will be retiring at the end of March from his position as Building Administrator. He thanked Mr. Keyes for his service to the Village and for his willingness to assist with the transition process. Ms. Palazzolo moved, seconded by Mrs. Rankin to remove the Resolution from the agenda. On roll call; six ayes, no nays.

“To Confirm the Reappointment of Christopher M. Ertel as Village Engineer for Calendar Years 2021 and 2022; And To Set Compensation” had a third reading. Mrs. Rankin moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-8-21 was adopted.

“To Confirm the Reappointment of Elissa Wendler as Part-Time IT Administrator for Calendar Years 2020 and 2022; and To Set Compensation” had a third reading. Ms. Palazzolo moved, seconded by Mrs. Rankin to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-9-21 was adopted.

“To Appoint Alicia Cline as a Member of the Pool Commission, To Fill the Unexpired Term of Leesa Blanding, for the Calendar Years 2021 and 2022” had a first reading.

“Resolution to Update Swimming Pool Fees” had a third reading. Mayor Brown said we received information from our liability insurance carrier who did not recommend allowing 9-year-old children to attend the pool unaccompanied. Mr. Stelzer said the right question was not asked of the insurance company. The Village is not changing the rules but continuing the rules that have been in place. Those rules were sent to the insurance company. The pool manager also checked with other pools to see what their rules were.

Ms. Palazzolo said whether the insurance company was unaware of our policies because they did not read it, or we did not tell them is insignificant. The beans were spilled to the insurance company and now they know what the real risk is and that is what is underwritten. If the policy says we need to test young children, then we should practice the policy or raise the age.

Mr. Stelzer said we can decide the age in the coming weeks, but we need to get the pool fees passed so marketing may begin. If we change the rules regarding the age, we can refund money.

Dr. Lewis said in her opinion the question is not about age, but about competency and safety. It may be possible to have parents sign a liability waiver.

After discussion, Mrs. Rankin moved, seconded by Ms. Palazzolo to amend the Resolution to read “born on or after 2011”. On roll call; six ayes, no nays. Ms. Palazzolo moved, seconded by Mrs. Rankin to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-7-21 was adopted.

### **Ordinances:**

“To Amend Section 34.02(A) of the Mariemont Code of Ordinance Regarding Residency Requirements for Marshal” had a third reading. Ms. Palazzolo moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-13-21 was adopted.

“To Amend Section 31.076(A) of the Mariemont Code of Ordinances Regarding Residency Requirements for Administrator” had a third reading. Ms. Palazzolo moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-14-21 was adopted.

“To Amend Section 31.004 of the Mariemont Code of Ordinances Regarding Residency for Police Chief” had a third reading. Ms. Palazzolo moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-15-21 was adopted.

“To Amend Section 31.060(A) of the Mariemont Code of Ordinances Regarding Residency Requirements for Street Commissioner” had a third reading. Ms. Palazzolo moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-16-21 was adopted.

“To Amend Ordinance O-16-20 of the Mariemont Code of Ordinances to Increase Payment for Employees” had a third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-17-21 was adopted.

“To Repeal Ordinance No. O-10-20 Pertaining to Maximum Pay Rates for All Grades of Recreation Employees and To Enact New Legislation Pertaining To Maximum Pay Rates for All grades of Recreation Employees” had a third reading. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-18-21 was adopted.

“To Amend Section 51.17 of the Mariemont Code of Ordinances, Fees for Garbage and Refuse Pick Up” had a second reading.

Mr. Bartlett asked to remind residents of the upcoming Council seats should they be interested in running. Mayor Brown said we will address it at the next Council meeting.

Ms. Palazzolo said she spoke with Ms. Wendler regarding the email procedures and retention policies. It comes down to a legal question that we need answered. There is no point having a meeting until there is an answer. She asked that the matter be removed from the Rules and Law Committee.

Mayor Brown referred the matter of Social Media Policies to the Rules and Law Committee.

The meeting adjourned at 8:15 p.m.

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William A. Brown, Mayor

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Anthony J. Borgerding, Fiscal Officer