

**Village of Mariemont  
Regular Council Meeting  
April 26, 2021**

Mayor Brown called the meeting to order at 6:32 p.m. Present was Mr. Bartlett. Virtually present due to the COVID-19 pandemic were Mrs. Graves, Dr. Lewis, Mrs. Rankin, Ms. Palazzolo, Mr. Stelzer, Fiscal Officer Borgerding, Building Department Assistant Aileen Beatty, Solicitor McTigue and Superintendent Scherpenberg.

Mr. Brian Lamar, Columbia Township Trustee and Melissa Taylor, Columbia Township Administrator addressed Council regarding the old Murray fire station renovation. Mr. Lamar thanked the Village for the partnership on the Murray Path project. They want to be transparent about this latest project and look forward to feed-back from the Village of Mariemont.

Ms. Taylor said the Fire House is 70+ years old iconic building in a desirable location within the Plainville Business District facing the Village of Mariemont. The Township has been working on this for the past year looking at what the market says, what the community has to say and what the Township can afford to do to the building. From market research they have learned that there is a huge demand for low/no cost space for community groups to gather at a trendy location with good amenities. To date they have secured \$500,000 for funds towards the Fire House redevelopment. The building is approximately 10,000 square feet with two levels. The plan is to have two phases. Phase one is to convert the upper level into a co-sharing office space with the Township moving the Administration Office to this location. Phase two will convert the garage into the event venue for group gatherings with full amenities. Columbia Township will move their Town Hall to this location to hold all their public meetings. She encouraged Mariemont officials and residents to join them Friday April 30 at 12:00 'for a bring your own brown bag' lunch zoom event to share ideas.

Mrs. Graves asked if the project would include repairing the drainage issues along Murray Avenue. Ms. Taylor said they are planning to do an interim resurfacing project. The full redevelopment of Murray Avenue requires the participation of Mariemont, MSD and Hamilton County. The interim resurface will be from Plainville to Berwick. Part of the Fire House proposal includes permanent outdoor public space. It will include street painting, street scaping and stripe it for a bike lane. They are talking with two property owners about selling or leasing property for additional parking.

Mr. Bartlett moved, seconded by Mrs. Rankin to accept the minutes as written for the Council meeting April 12, 2021. On roll call; six ayes, no nays.

**Communications:**

\*From Assistant Fiscal Officer Wendler: March 2021 Fiscal Officer's Report. Fiscal Officer Borgerding said the total expenses for the Village for March 2021 were \$448k and the expenses for March 2020 were only \$408k for an increase of \$40k or 9.8%. The general fund was up \$44k due to the following: Payout to the retiring Police Clerk for severance of \$8k and payout to the Assistant Fire Chief for buyback/unused vacation of \$14k. Maintenance payroll increased \$3k. 'Other' expense increased in Police Department of \$7k, 'Other' expense increased in fire dept of 4k, and 'Other' expense increased at the pool of \$4k. The Street Fund was down from \$23k to 8K. In 2020 we paid Kleingers Group for Petoskey Avenue \$18.5k and in 2021 we paid Choice One \$5.2k for the Murray bike path. 2020 also included 2 payments to Duke for streetlights of \$2.4k each but only one payment in 2021. We did not have a Coronavirus relief fund set up yet in 2020. In 2021 we paid \$19k to replace a Stryker cardiac monitor. For the Perm Improvement Fund, for both years we made a \$51k payment for the ambulance lease. In 2020 we paid \$34k to Ford Development for 2019 street repairs and in 2021 we paid \$10k for the tennis bathrooms and \$12k to convert a police vehicle to a fire vehicle. All other funds were fairly consistent from 2020 to 2021 with only minor changes.

\*From Administration Office: 2021 Trash Sticker Buy Back Form and Instructions. Mayor Brown said the office will be handling the buy-back program. It will be posted on the website and forms will be available in the lobby of the Municipal Building. Refunds \$20.00 and less will be cash reimbursements and requests over \$20.00 will be made in check form.

**Permission To Address Council:**

Mr. Matt Ayer, 3908 Pocahontas Avenue, was granted permission to address Council. He said thank you to all of Council, our Mayor and Village staff for their ongoing work in plotting a course for the future of our emergency services. He understands that Council is considering hiring Kramer & Associates to perform an independent, third party review of our emergency services and to make recommendations. He supports this initiative for the following reasons:

- The focus should be first on delivering premium quality fire and EMS services to our residents, businesses and institutions. Costs are certainly a factor, but secondary (unless we truly need to compromise service for financial reasons, which he does not believe is the case);
- An independent analysis is helpful – based on experience with dozens of municipalities – we will get new ideas, a fresh perspective
- From reading three Kramer reports for other communities, he sees:

- A report does not say ‘do this’ or ‘do that’... it provides the pros and cons of various feasible options
- The consultant works closely with our Village’s staff as one of the primary sources of information ... reports appear to be collaborative, as they should be
- Value is recognized in locally operated services and explained in the report. In our case, we have a long history and tradition of a Mariemont Fire Department.
- New ideas and emerging trends are presented
- The report can be shared openly with the community
  - Value in transparency and education
- He would also like to encourage Council to allow Kramer to consider a set of feasible options that emerge from their analysis... not direct them to a specific target or set of options... let the experts in the field give us the logical alternatives based on best practices and experience.

**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. On roll call; six ayes, no nays.

**Committee Reports:**

The Rules and Law Committee met on April 14, 2021 to update a prior decision made in the Committee regarding a strategy to mitigate the problem of chain link fences in the Village that are in poor condition. The prior strategy had not been implemented back in 2017. The Committee reviewed the prior decision, which was to designate chain link fences as a “public nuisance” and require them to be mitigated. The Building Department would have discretion over the policy for mitigation. After reviewing the existing code, the Committee voted unanimously to define chain link fences as a “public nuisance” and require them to be abated. The Building Department will lead and supervise this process as stated in the Code of Ordinances. Dr. Lewis asked for the report to be amended to reflect that she was not at the meeting and did not vote. Mr. Bartlett moved, seconded by Dr. Lewis to amend the report to list who were present at the meeting: Mayor Brown, Maggie Palazzolo, and Mr. Bartlett. On roll call; six ayes, no nays.

Ms. Palazzolo gave background on the chain link fences. There was a prior ruling and other case law to justify that other communities have designated chain link fences as a public nuisance. It can require someone to abate the public nuisance meaning take it down. The code already states that chain link fences cannot be put up.

Dr. Lewis asked if it applies to residential areas. Ms. Palazzolo said it was discussed in the meeting if a person, business or the Village has a compelling reason for a chain link fence they can apply for a variance through the Building Department. Ms. Beatty said that would be a function of the Zoning Officer.

Mr. Stelzer asked when does the Village define that the fence has crossed the line to become a public nuisance. Ms. Palazzolo said there are no rules at this time – it would be up to the Building Department to determine. Mr. Stelzer asked to table the matter until he sees the standards to make sure they are reasonable. Ms. Beatty can prepare the standards. Ms. Palazzolo moved, seconded by Mr. Stelzer to table the matter. On roll call; six ayes, no nays.

On April 16th and April 22nd, the Health and Recreation Committee met to discuss the landscape recommendation for the Pool and a donated playset. Meeting attendees at one or both meetings included: Council Members Stelzer, Graves & Lewis & Mayor Brown; Maintenance Department Supervisor John Scherpenberg; Pool Manager Jordan Schad; Pool Commission Members Lorne Hlad, Terry Donovan, Mandy Rohal. The Committee decided to recommend to the entire Council that the Pool cannot accept the donation of a residential playset since it would not meet guidelines established for play equipment in public parks. The Committee decided to recommend to the entire Council that distressed and dangerous surrounding the Pool property be removed at a cost not to exceed \$10,000. The Committee decided to recommend to the entire Council that certain areas in the front of the Pool House and interior Pool grounds be landscaped at a cost not to exceed \$10,000. Attached are several documents with additional information regarding the above recommendations. Mrs. Rankin moved, seconded by Mr. Bartlett to amend the report to add the word “trees” after distressed and dangerous. On roll call; six ayes, no nays. Mr. Bartlett moved, seconded by Mrs. Graves to accept the amended report. On roll call; six ayes, no nays.

Mr. Stelzer reviewed the Pool Projects Summary and the current estimated costs as compared to 2021 budget. The estimated cost of plants to be purchased total \$5,032 not including the cost of delivery which should only be around \$300. This project involves a complete replacement of the landscaping at the Pool which has not occurred in many years.

He summarized the project sent by Pool Board Member, Terry Donovan, that has received support from the Pool Commission and importantly Karen Berkich given her Garden Club experience. The plan was developed for free (as a community service effort) by Bryan Miller who is the horticulturalist for Hyde Park Country Club. Bryan developed a similar plan for Hyde Park's new pool area. Pat O'Brien (Head Grounds Superintendent for Hyde Park Golf Club and Village resident) has volunteered to order the new plant material from Natorp's and will do his very best to secure "wholesale pricing" based on his professional relationship with Natorp's. If we are able

to secure the wholesale pricing the interior plant material (including delivery) should be in the \$2,500 to \$3,000 range. In any scenario we should be able to execute the interior plan for less than \$5,000. With Village approval Pat will order the new plant material and present us with an invoice so the Village can approve and pay Natorp's. Pat O'Brien also volunteered to lead a team of volunteers to plant the new plant material per the design. He will lead a crew of Village volunteers to complete the planting over 1–2-day period. To prepare for the planting we ask that John Scherpenberg and his team remove all the existing plant material in the bed between the upper and lower pools.

Discussion ensued regarding if a Resolution was needed. Solicitor McTigue said if it was budgeted a Resolution is not necessary. Mr. Bartlett asked for clarification because the Finance Committee has been told to do it differently with Permanent Improvement spending. Funds were budgeted for specific Police and Fire purchases, but a Resolution was prepared. Solicitor McTigue said transparency is key on many expenditures and Mr. Bartlett is right that he has prepared Resolutions in the past for Permanent Improvement expenditures especially if they are for competitive bidding. Mr. Bartlett said when Police and Fire use the State program that gives the best competitive bid eliminating the need for competitive bidding. He does not believe a Resolution would need to be done. Solicitor McTigue agreed. Mr. Bartlett wanted to make sure he understood the process and we were consistent going forward.

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the recommendation of the Finance Committee which met on Friday, April 16, 2021 at 2:00 pm via videoconference to discuss if Mariemont should hire a Village Administrator. Present at the meeting were Finance Committee members Rob Bartlett, Kelly Rankin and Joe Stelzer, and Mayor Bill Brown. The Finance Committee has previously shared with Council a list of activities that are not getting done today that we believe could be done if Mariemont hired a Village Administrator (see attached). When looking at other similar sized communities, the following all have a Village Administrator: Fairfax, Terrace Park, Amberley Village, Glendale, Wyoming, Columbia Township, Silverton, Deer Park, Evendale. The Finance Committee has created a list of responsibilities for the Village Administrator role, which is attached to this document. The responsibilities are in priority order. The dotted line in the responsibilities provides a demarcation between those responsibilities which are high priority, and those which can be filled later. While hiring a Village Administrator would mean incremental costs, in talking to a variety of communities, the Village Administrator role can pay for itself via a combination of improving operating efficiencies, obtaining external funding for projects, and improving economic development, which in turn increases the tax base. The final pay for the role will be determined by the skill level and the experience of the person we hire, but it is reasonable to assume the salary will likely be around \$100,000/year. The Village Administrator role already exists in Mariemont's code book, so no legislation is required to create this role. The role is appointed by the Mayor with the approval of Council. If council accepts this recommendation, the next step will be to start the search process.

Mrs. Rankin said she has had questions regarding that this position will pay for itself. Mr. Bartlett said he shared previously the amounts of grants that the Administrator for Fairfax had secured (4.75 million dollars). Ms. Taylor for Columbia Township has gotten 1 million in grants in the last year. Mr. Stelzer said going after grants requires identifying projects. It is a process that needs someone to coordinate from day one. The Village has a problem with project management. This position could be the liaison for all the resident volunteer commissions. He believes the Village will be able to pay for the position easily including the oversight of economic development.

Mayor Brown said he is interested in this position wearing a dual hat and being more of a person who will work with the financial aspects of the Village beyond what the Fiscal Officer does by reporting trends and analysis to Council. He is not sure that the Village is large enough to have a full-time Administrator and posed the question of a part-time role. In no way are his remarks reflective of Mr. Borgerding and the work he does for the Village. In no way is he suggesting this person would replace him.

Mr. Bartlett said he has templates of similar job postings from the Center for Local Government. It is possible that former Columbia Township Administrator, Mike Lemon, could assist with the job search along with himself and Mayor Brown. Newtown tried a part-time Administrator for two years and it did not work well for them. There is a report from 1976 made to the Mayor and Council from the Village residents recommending the need to look for a Village Administrator. The MPF Vision 2021 recommended a Village Administrator. Dr. Lewis said that is no longer the position of MPF.

Dr. Lewis said she asked for the list of grants secured by Fairfax and she never received it. Mr. Bartlett said Mayor Brown indicated that he would send it. He is happy to send if needed. Dr. Lewis said she is concerned about a \$100,000 commitment that will pay for itself without numbers and a timeline of when that will be, it is putting the cart before the horse. Especially, with the financial concerns voiced at the March meeting. We have a progression of cutting services (Building Department, elimination of back of house trash pick-up, discussion of Fire Department shared services) and she would like to see it approached on a more wholistic level. She suggested a resident committee or consultant that could provide a comprehensive overview of the Village.

It was discussed that at this point the report is simply to start the search not specifically that the Village is hiring an Administrator. If the right candidate cannot be found, then there is not a good reason to do it. Dr. Lewis asked if Mayor Brown and Mrs. Rankin felt they had enough time to look at other options. Mayor Brown said they had a lengthy discussion with Ken Geis who outlined plans that would be years in the making. They have not made contact with the person who does grant work for Amberley Village. On roll call; five ayes, one nay (Dr. Lewis dissenting).

Mr. Rankin moved, seconded by Mr. Bartlett to accept the recommendation of the Finance Committee which met on Friday, April 16, 2021 at 2:00 pm via videoconference to discuss the health care plan for full time Mariemont employees. Present at the meeting were Finance Committee members Rob Bartlett, Kelly Rankin and Joe Stelzer, and Mayor Bill Brown. Mariemont currently participates in the Center for Local Government Benefits Plan. This is a consortium of municipalities that pools their money to self-fund health care and dental care insurance. Horan administers the plan and provides us with data on what other communities are offering their employees. Attached is a spreadsheet that includes Mariemont's current plan and the plans of some of the communities that we benchmark with on salaries. In comparing the percent of the health care premium that Mariemont's employees are being asked to contribute relative to the benchmark communities, most are in line. The Committee discussed that the 10% contribution rate for the Platinum A plan was a little on the low end. However, last year was the first year that we asked employees to start to pay a percent of the premium, so the committee recommends leaving the employee percent of the health care premium unchanged for this year. It was also noted that making three different options available for employees to choose from has worked well, as each of the three plans have been chosen by at least two employees. As such, the Committee is recommending no changes be made to the plan offerings. After reviewing the most recent benchmarking data, the Finance Committee is recommending no changes to the Village health care plan this year. The Center for Local Government will be meeting later this month to determine how much the premiums will be increasing effective August 2021. Once we have that data, we will share that with Council and the Fiscal Officer for budget planning purposes. On roll call; six ayes, no nays.

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the recommendation of the Finance Committee which met on Friday, April 16, 2021 at 2:00 pm via video to discuss a potential new organization structure for the Building Department. Present at the meeting were Finance Committee members Rob Bartlett, Kelly Rankin and Joe Stelzer, and Mayor Bill Brown. The Finance Committee has already presented to Council a recommendation to eliminate the salaried Building Administrator role and move to an hourly paid Zoning Officer role, similar to Terrace Park and Fairfax. Attached is a list of the responsibilities of the Zoning Officer. The Finance Committee is recommending that we pay the Zoning Officer \$20/hour, consistent with Fairfax (the Terrace Park Zoning Officer is a resident who is doing it for free). The role would be appointed by the Mayor with the approval of Council. To be clear, the responsibilities of the Zoning Officer could continue to evolve. With the help of Aileen Beatty, who has laid out the responsibilities of the Zoning Officer, we have identified that there is a fair amount of work that is more clerical in nature that could be done by someone who would not need to be paid \$20/hour. However, with Don Keyes' retirement and the start-up of XPEX for all of the technical aspects, we need to get the Zoning Officer role up and running. The Finance Committee will address these additional opportunities later this year. The Finance Committee would also like to make one addition to the responsibilities of XPEX. We believe XPEX should also do all inspections of rental units, as recommended previously by Ms. Beatty. In terms of who would pay for this inspection, if it is part of a rental unit turning over, then the landlord would pay. If it is requested by a renter, and the unit is found to not be in compliance, then the landlord would pay. And if the inspection is requested by the renter and the unit is found to be in compliance, then the renter would pay the fee. If Council agrees to this recommendation, rental inspection will be added to the list of XPEX responsibilities and Village Solicitor will draw up the necessary legislation to create a Zoning Officer.

Dr. Lewis questioned the hours the Zoning Officer would be working. An email from Mr. Bartlett said 40-50 hours. Mr. Bartlett stated there have not been any specific hours set. The email indicated that there was \$40,000 in the budget which would cover up to 40 hours per week. We are hopeful the work can be done for less. Mayor Brown said they are still in the process of defining the role and as that becomes clear we will have a better grasp on how many hours it will be. Dr. Lewis said it is important to provide continuity to the residents. On roll call; six ayes, no nays.

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the recommendation of the Finance Committee which met on Friday, April 16, 2021 at 2:00 pm via video to discuss a request by Chief Hines to make the School Resource Officer a full-time employee role. Present at the meeting were Finance Committee members Rob Bartlett, Kelly Rankin and Joe Stelzer, Mayor Bill Brown, and Police Chief Rick Hines. Chief Hines shared with the Committee that the School Resource Officer (S.R.O.) role is currently considered a part-time role, and as such, cannot participate in the Village's health care plan. S.R.O. Romano has received an offer to work elsewhere that would allow him to participate in their health care plan. However, he would prefer to continue to stay in his current role as S.R.O. if it were possible for him to have access to the Village's health care plan. S.R.O. Romano has even volunteered to reduce his hourly pay by \$4.00/hour in order to offset some of the cost of him joining our health care plan. Chief Hines also reached out to Lance Hollander from the Mariemont School District, because the Mariemont School District currently covers 80% of the cost of the S.R.O. Mr. Hollander said they would very much like to keep S.R.O. Romano as well, to the point they would be willing to pay \$8,000/year more to help cover the health care costs. The added benefit of keeping S.R.O. Romano is he also fills in on our police department during the summer when many of our officers take vacations. Paying S.R.O. Romano's lower rate versus having to pay one of current officers' overtime to fill in for vacations saves the Village money as well. Assuming that S.R.O. Romano chose our Gold A plan (which is the middle of the three plans), and after taking into account the reduction in pay of \$4.00/hour and the additional \$8,000 payment by the Mariemont School District, the net cost increase for the Village is roughly \$2,000/year, so the cost sharing between the Village and the School District is 20%/80%, consistent with the overall agreement. The Finance Committee recommends that Council approve making the School Resource Officer role a full-time role versus a part-time role, which requires a change in the Village salary ordinance. Furthermore, because S.R.O. Romano currently has an offer to work elsewhere, the Committee is recommending this change be made on an emergency basis so we can keep S.R.O. Romano in our organization. On roll call; six ayes, no nays.

### Miscellaneous:

Murray Avenue groundbreaking will be April 30, 2021 at 4:00 including festivities and refreshments.

Village Offices will be closed in Observation of Memorial Day Monday May 31, 2021.

Mayor Brown said the painting of 20-23 lamp posts is almost complete and they look good. The cost to do the square was \$13,800. Mr. Bartlett said it was not built into any budget and stressed that we need to have a consistent process. Superintendent Scherpenberg said it was approved in 2019 with former Mayor Policastro. After further discussion, Mayor Brown referred the matter to the Public Works and Service Committee.

Council discussed naming resident Stan Bahler, Lynn Tummler and Bill Herkamp to the Audit Committee. Mayor Brown said he will reach out to see if they are interested in serving. We would need a Resolution to name the individual members.

Council discussed the two proposals for the consulting work regarding the Fire Department: Kramer is based in Blue Ash and the proposal was \$7,400. McGrath is based in Illinois and the proposal was \$18,250. The consultants would give their independent opinion, review the proposal by Chief Timmers and Assistant Fire Chief Feichtner and advise if the Village chooses to do nothing. Mr. Bartlett moved, seconded by Mrs. Rankin to hire Kramer due to the working knowledge of the area and the cost. On roll call; five ayes, one nay (Dr. Lewis dissented saying she agrees with doing the study but believes it should be on a wider scope, not just limited to the Fire Department).

Mayor Brown said he strongly feels a resident committee should be formed to help in assessing any fire department opportunities. It was discussed that the scope of work needs to be defined and what role the committee will perform analyzing the proposals. They would be a stakeholder group that Kramer would meet with. Mr. Bartlett said he would take a first cut at preparing the charter and asked Council to email any thoughts to him. It was agreed to discuss further at the next Council meeting and limit the size of the Committee to five members.

### **Resolutions:**

“Resolution Declaring the Necessity of Levying a Tax in Excess of the 10 Mill Limitation for Permanent Improvements and Requesting the County Auditor to Certify Matters in Connection Therewith” had a third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-12-21 was adopted.

“Authorizing Purchase of Mayor’s Court Software from the Baldwin Group, Inc. (BGI)” had a second reading.

“To Authorize the Recodification of the Mariemont Code of Ordinances” had a second reading.

“Fixing a Time for Public Hearing on the 2022 Budget” had a first reading.

“Authorizing Subscription to Lexipol Software to Assist Police and Fire Departments” had a first reading.

“To Accept Bid of Supreme Scapes for Mulching Required Ares of the Village” had a first reading.

“Resolution Appointing Members to the Tree Advisory Board” had a first reading. Ms. Palazzolo said Kristen Van Scott needs to be changed to Kristen Van Scoy.

### **Ordinances:**

“An Ordinance Amending Ordinance No. O-32-98 Establishing a Restricted Computer Fund, Herein Called Mayor’s Court Computer Fund” had a second reading.

“To Amend Ordinance O-17-21 of the Mariemont Code of Ordinances to Increase Payment for Employees; and To Declare Emergency” had a first reading. Mrs. Rankin moved, seconded by Dr. Lewis to suspend the rules to allow for the second and third readings. The Ordinance had a second and third reading. Mr. Rankin moved, seconded by Mr. Bartlett to adopt the Ordinance. On roll call; six ayes, no nays. Mrs. Rankin moved, seconded by Mr. Bartlett to invoke the emergency clause. On roll call; six ayes, no nays. Ordinance No. O-21-21 was adopted.

Mayor Brown referred to the Finance Committee a flat fee credit card charge with the new Mayor’s Court software.

Mayor Brown reminded Council that the next Council meeting will be live in the Council Chambers. Social distancing and mask requirements will be in place.

The meeting adjourned at 8:40 p.m.

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William A. Brown, Mayor

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Anthony J. Borgerding, Fiscal Officer