

**Village of Mariemont
Regular Council Meeting
May 24, 2021**

Mayor Brown called the meeting to order at 6:32 p.m. with the Pledge of Allegiance. Present were Mr. Bartlett, Mrs. Graves, Ms. Palazzolo and Mrs. Rankin.

Mrs. Graves moved, seconded by Mr. Bartlett to excuse the absences of Dr. Lewis and Mr. Stelzer. On roll call; four ayes, no nays.

Mrs. Rankin moved, seconded by Mrs. Graves to accept the minutes as written for the Council meeting May 10, 2021. On roll call; six ayes, no nays.

Communications:

*From Council Member Stelzer: Email Dated May 21, 2021 Re: Committee Assignments. Mayor Brown referred to the Finance Committee the Hamilton County Block Grant Program. Mayor Brown referred to the Health and Recreation Committee consideration outsourcing the concession stand sales to a contractor.

*From Council Member Palazzolo: Email Dated May 10, 2021 Re: Chain Link Fence Information for Rules & Law Committee. Ms. Palazzolo said previously the Committee had recommended that chain link fences be declared a nuisance and have them removed. It is already in the code that new fences cannot be chain link. A letter will be sent to homeowners citing the new code and that the chain link fences need to be abated. The Building Department does have some discretion and an application for a variance can be applied for. Solicitor McTigue said he has drafted legislation which will have a first reading at the next Council meeting but will update his research. Ms. Palazzolo moved, seconded by Mrs. Rankin to un-table the matter. On roll call; four ayes, no nays. Mr. Bartlett moved, seconded by Mrs. Rankin to accept the previously submitted Rules & Law Report recommendation which declares chain link fences a public nuisance and to require them to be abated at the discretion of the Building Department. On roll call; four ayes, no nays.

Permission To Address Council:

Motion To Pay Bills:

Mrs. Rankin moved, seconded by Ms. Palazzolo to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. Mrs. Rankin noted that Mr. Fiedler's bill was sizable and asked for a copy to be sent to all members of Council. In the past there was a monthly report given to Council. Mayor Brown said that has been addressed and one should be forthcoming going forward. Mr. Bartlett asked if Service Superintendent was able to find the authorization to paint the poles. Ms. Palazzolo said she remembers it being approved several years ago. On roll call; four ayes, no nays.

Committee Reports:

Mrs. Rankin moved, seconded by Ms. Palazzolo to accept the recommendation of the Finance Committee which met on Friday, May 14, 2021 at 11:00 am to discuss a proposal from Assistant to the Building Administrator Aileen Beatty on an alternative versus using XPEX for plan reviews, building inspections and certifications. Present at the meeting were Finance Committee members Rob Bartlett, Kelly Rankin and Joe Stelzer, Mayor Bill Brown, Assistant to the Building Administrator Aileen Beatty and Council Member Marcy Lewis. First, the Committee would like to thank Ms. Beatty for taking the time to develop this alternative proposal. The Finance Committee had previously presented to Council a recommendation to hire XPEX, which Council approved. But the Committee believes it is appropriate that we take the time to review all options before making a final decision. Ms. Beatty reviewed with the Committee the document she emailed to Council on May 10 and provided some additional perspective on how she arrived at her proposal. After much discussion and information sharing, the Committee unanimously voted to recommend that we continue forward with the plan to hire XPEX. The reason for this is the committee felt that XPEX provided more depth and breadth of expertise in the construction field. Also, XPEX has internal backup capabilities which we do not have today if the people who do our plan reviews or building inspections are out for a significant period of time. Finally, in all of their interactions with XPEX, both the Mayor and Mrs. Rankin felt that XPEX was very customer service oriented and willing to make accommodations, as necessary. One additional recommendation from the Finance Committee is that the Mayor explore with Bill Fiedler, who does our building inspections today, if he would be interested in doing inspections of rental units going forward. If Mr. Fiedler is not interested, then XPEX will do the rental inspections. If Council agrees to this recommendation, the second reading of the Resolution entering into contract with XPEX will proceed. On roll call; four ayes, no nays.

Ms. Palazzolo moved, seconded by the Finance Committee met on Friday, May 14, 2021 at 11:00 am to discuss a proposal from the Mayor's Court Clerk of Court to move to a flat fee when credit cards are used for payment in Mayor's Court. Present at the meeting were Finance Committee members Rob Bartlett, Kelly Rankin and Joe Stelzer, Mayor Bill Brown, and Mayor's Court Clerk of

Court Vikki Hill. Currently, the Village charges a fee of 3.5% when credit cards are used to pay the Village. This is to offset the fee that the Village is charged by the credit card companies. With the implementation of the new Baldwin software for Mayor's Court, we have discovered that the software does not handle percent calculations very well. It is better designed to handle a flat fee. The proposal is to implement a flat \$3 fee for any payments in Mayor's Court that use a credit card. Ms. Hill stated that in April this year, a \$3 fee would have been the rough equivalent of a 3.5% charge for all credit card payments. Of note: at the start of 2022, Mayor's Court is going to implement a new online payment system. This system will have the capability to handle a fee that is a percent of the total charge, so the flat fee that is being proposed will only be in place until the new online payment system is up and running. If Council agrees to this recommendation, the Mayor's Court Clerk of Court has requested that the \$3 flat fee for all credit card charges involving the Mayor's Court be passed as an emergency measure, so it can be implemented as quickly as possible. And again, once the new online payment system is up and running, we will revert back to a fee that is a percent of the total charge. On roll call; four ayes, no nays.

Miscellaneous:

Village Offices will be closed in Observation of Memorial Day Monday May 31, 2021. Mayor Brown said the Village will again this year do a drive by parade. He encouraged all to help celebrate and participate.

4th of July Fireworks will be held on Sunday July 4, 2021 at Dusk. Mayor Brown said the Outstanding Citizen for 2021 will be announced prior to the start of the fireworks.

Village Office will be closed in observation of Independence Day Monday July 5, 2021

Mayor Brown said the pool will open Saturday May 29 and thanked the Pool Commission members, volunteers and Pool Manager Jordan Schad for all the work they have done to get the pool up and running this year.

Mayor Brown said the trash sticker buyback program is still underway and is running very well.

Solicitor McTigue updated Council on the Beech Street situation. He was at the trial between the landlord and tenants. This is a case that the Village does not need to be involved in at all. He believes there was a misconception early on that the Building Department had the authority to levy fines when in fact only the Mayor's Court Magistrate can levy fines.

Resolutions:

"Fixing a Time for Public Hearing on the 2022 Budget" had a third reading. Mrs. Rankin moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; four ayes, no nays. Resolution No. R-16-21 was adopted.

"Authorizing Subscription to Lexipol Software to Assist Police and Fire Departments" had a third reading. Mr. Bartlett moved, seconded by Mrs. Graves to adopt the Resolution. On roll call; four ayes, no nays. Resolution No. R-17-21 was adopted.

"To Accept Bid of Supreme Scapes for Mulching Required Ares of the Village" had a third reading. Mrs. Rankin moved, seconded by Mrs. Graves to adopt the Resolution. On roll call; four ayes, no nays. Resolution No. R-18-21 was adopted.

"Resolution Appointing Members to the Tree Advisory Board" had a third reading. Ms. Palazzolo moved, seconded by Mr. Bartlett to adopt the Resolution. On roll call; four ayes, no nays. Resolution No. R-19-21 was adopted.

"Renewal of 3.0 Mill Tax Levy in Excess of 10 Mill Limitation for Capital Improvements for the Tax Years of 2021, 2022, 2023, 2024, 2025" had a first reading.

"To Enter Into Contract with XPEX for the Purpose of Enforcing the Building Codes Applicable to the Village and To Issue Related Permits; And To Declare Emergency" had a second reading. Solicitor McTigue said if there are any changes to the XPEX contract to please let him know regarding rental inspections. It was agreed to put in the contract that XPEX would perform rental inspections on a back-up basis.

"To Temporarily Suspend the 3.5 Percent Credit Card Convenience Fee Charged in Mayor's Court and Establish a Flat Fee of \$3 for Credit Card Payments Until New Software is Up and Running; and To Declare Emergency" had a first reading. Mrs. Rankin moved, seconded by Mr. Bartlett to suspend the rules to allow for the second and third readings. On roll call; four ayes, no nays. The Resolution had a second and third reading. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the Resolution. On roll call; four ayes, no nays. Mr. Bartlett moved, seconded by Ms. Palazzolo to invoke the emergency clause. On roll call; four ayes, no nays. Resolution No. R-20-21 was adopted.

Ordinances:

“Creating the Position of Zoning Officer for the Village of Mariemont, Establishing Compensation Therefor, and Declaring an Emergency” had a second reading.

Mayor Brown said he has put together the members for the Audit Committee. The next step will be to formally adopt via legislation.

Ms. Palazzolo said the DORA rollout is underway. The letters have been delivered to the restaurant owners. She is hoping to contact media outlets to do a press release. The start will be Thursday May 27, 2021 and we are on our second order of cups. We welcome feedback as the program goes forward. The signs are up but not along the Murray Path due to the construction.

Ms. Palazzolo announced that she will be moving out of the Village at the end of the summer and June 14, 2021 will be her last meeting serving on Council. She distributed the outline for the process to be used in filling Council vacancies. The process includes letting the residents know the date when those with interest to serve on Council must submit their desire to the Village and when the Committee of the Whole will meet to vote to fill the unexpired term. Council will have 30 days from June 14 to fill the vacancy, if not, the vacancy will be appointed by the Mayor.

Mayor Brown asked why fill the position when there will be an election in November for that Council seat. It seems to him that it would be giving that person an advantage in running on the ballot as an incumbent. Council disagreed citing it is following the law.

Council agreed that the date for submission should be June 21, 2021. The tentative date for the Special Meeting of Council is July 8, 2021, but it will be determined after checking the availability of Dr. Lewis and Mr. Stelzer. Notice will be placed on the website, emails will be sent to those who have signed up for news, alerts and meeting information and reaching out to Mariemont Preservation Foundation, Mariemont Pre-School Parents Group and the Chamber of Commerce.

The meeting adjourned at 7:30 p.m.

William A. Brown, Mayor

Anthony J. Borgerding, Fiscal Officer