

**Village of Mariemont
Regular Council Meeting
July 12, 2021**

Mayor Brown called the meeting to order at 6:30 p.m. with the Pledge of Allegiance. Present were Mr. Bartlett, Mrs. Graves, Dr. Lewis, Mrs. Rankin, Mr. Stelzer and Mr. York.

Mayor Brown welcomed Mr. York to Council.

Dr. Lewis moved, seconded by Mrs. Rankin to amend the minutes as written for the Council meeting June 28, 2021, to include during the fire discussion that Mr. Bartlett said while addressing the residents that options are being looked at, but no decision has been made regarding the Fire Department. On roll call; six ayes, no nays.

Communications:

*From Assistant Fire Chief Copeland: June 2021 Monthly Report. Lt. Nick Guilkey updated Council on the condition of a paramedic who suffered a heart attack while on duty. The paramedic was experiencing chest pains and shortness of breath. The EKG showed significant abnormalities and he was suffering a major heart attack. Those on duty took him straight to UC General Hospital where he arrested on the table of the trauma bay and was revived immediately. It was determined that he had no blockage, yet he arrested a second time. A pacemaker was inserted and after days of testing it was determined that he had an infection that caused his aortic valve to spasm and close. The hope is that with medication he will be able to return to duty in 30 days. The attending physician said certainly if not for the immediate intervention of the Mariemont Paramedics the paramedic would not be with us today. We were very fortunate to have had experienced paramedics on duty, each with 10 plus years of experience.

*From Service Superintendent Scherpenberg: June 2021 Monthly Report

*From Tax Administrator Darrah: June 2021 Monthly Report. Fiscal Officer Borgerding pointed out that in 2020 the tax due date was July and 2021 it was June.

*From Swim Pool Manager Schad: May/June 2021 Monthly Report. Mr. Stelzer said the memberships are about even with last year. Fees are up 24%. They are in the process of reaching out to those members who did not renew this year to find out the reason why. The outsourcing of the concession stand will not happen this year due to staffing. It will be looked at to implement next year. They are looking at ways to cut the losses at the concession stand this year.

*From Assistant Fiscal Officer Wendler: June 2021 Monthly Report. Mr. Stelzer asked Fiscal Officer Borgerding to take a look at some of the funds and accounts – it is not consistent with the budget that was set (example monies for the Murray Path Project).

*From Susan Schumacher: 2020 Mariemont Benefit Sheet for Residential Recycling Incentive Program. Additional items that are now recyclable will be posted to the website.

Permission To Address Council:

Mr. Philip Schram, 3745 Harvard Acres, was granted permission to address Council. He is concerned with the noise generated from the Kellogg's factory 24/7/365. During COVID the noise was irregular and recently it has become steadier. The noise has been a concern since 2007. Mayor Policastro addressed the issue with letters. Kellogg's management does not seem to care and never answers concerns. In 2018 the origin of the noise was tested from different locations of the factory. The noise propagated through the Whiskey Creek valley and arrived in West Mariemont with certain noises amplified more than others. He asked that these noise generators be looked into by Council. Mayor Brown said he will plan on visiting and discussing the matter with the plant manager and will give to Mr. Schram any contact information he can obtain.

Ms. Mary Alice Maze, 6734 Chestnut, was granted permission to address Council. She is a 33-year resident of the Historic District. She has many questions regarding the Ordinance related to fence construction in Mariemont – Section 151.04. The questions were collected from many residents who also have concerns. She distributed to members of Council the list of questions:

1. What is the identified problem with chain link fencing? It is associated with aesthetics and trying to make the Village look better.
2. Does this apply Village wide or specifically to the Historic District? It applies Village wide.
3. Will variances be considered or offered and what are the guidelines? What are the specific approved replacement options? The Ordinance states what fencing is allowed and approved. The Building Zoning Officer would be available to answer questions. A resident does have the option to request a variance from the Planning Commission for zoning issues. The Architectural Review Board would issue Certificate of Appropriateness for fences in the Historic District.

4. What is the time frame for implementation for this Ordinance? Will notices be sent to all property owners in the Village regarding implementation of this Ordinance? Should the Ordinance be voted and passed, a 30 day wait period will occur before the Ordinance becomes enforceable.
5. Has this type of Ordinance been researched with regard to be contested in court and has it been looked at within other communities? (several residents have voiced they will seek legal action against the Village). This Ordinance that restricts or limits fence types is a fairly common practice within a lot of other municipalities. It has been tested by the Supreme Court of Ohio and was upheld as long as they are uniformly enforced. This Ordinance pertains to chain link fences only, but the Village has other Ordinances that address any nuisance fence.
6. If all the fences are removed (in the Historic District) and if property owners choose not to put fences back up, how will that effect those cars that are being stolen and property is being stolen from townhouses? Should a crime issue arise the Police would investigate if there was a cause-and-effect situation going on.
7. How will garbage cans/recycling cans be contained now that ours are wide open in the Historic District which unlike the rest of the Village is serviced from the rear. That is an issue that Council may want to look at and address with an Ordinance. Ms. Maze will email pictures to the Mayor of the containment issue.

Lt. Matt Clark, Mariemont Fire Department, was granted permission to address Council. He sent the Mayor an email regarding the compost bin. There was a bad stench coming into the firehouse from the compost bin. It was relocated to the back grassy area of the property but is now causing the neighboring residents to complain. Even those families who stop to see the fire trucks are complaining of the foul smell. He would like to suggest that the compost be moved to the South 80 where the smell will not be offensive to those in the community. Mayor Brown said the area which holds the garbage and recycling cans for the building have been found to not have lids on them and a huge amount of debris that does not make it into the can. He stressed making sure the lids are on and that all trash makes it into the containers. He said he is aware of the situation but does not yet have a good solution. Mr. Stelzer said it is important to get everything in the compost bin. Also of importance is the pick-up frequency.

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. Mayor Brown noted that the Village filed an insurance claim for the damaged light pole and is waiting on payment from the insured motorist. On roll call; six ayes, no nays.

Committee Reports:

Miscellaneous:

Members of Council and Mayor Brown made their nominations for the Fire/EMS Resident Task Force. 14 residents were interested in serving. The meetings will be open to the public and all are welcome and encouraged to attend/participate to voice opinions and concerns. Mr. Bartlett and Mayor Brown will attend the first meeting to help them get started. It was agreed that Council would step back and let the Task Force steer their own meetings. The meetings will be held with the Fire Consultant, Bill Kramer. Mr. York suggested that everyone who expressed interest be contacted of the meetings by a member of Council. The following nominations were made:

Mr. Bartlett nominated Bill Herkamp
Mrs. Graves nominated Katie Mace
Dr. Lewis nominated Tracie Wichman
Mrs. Rankin nominated Matt Ayer
Mr. Stelzer nominated Dennis Wolter
Mr. York nominated Steve Lewis
Mayor Brown nominated Tom Boecher

It was recommended that the Fire Department be represented at the meeting. Chief Hines said there will be a member of the Fire Department at every meeting.

Mayor Brown will reach out to the Task Force and check the availability for the first meeting.

Resolutions:

Ordinances:

“Ordinance Amending Section 151.04 of the Mariemont Code of Ordinances Regarding Fence Construction” had a third reading. Mayor Brown said there was an email sent by resident Matt Ayer stating that aluminum fences were not listed as acceptable fences in the Ordinance.

Mr. Stelzer moved, seconded by Mrs. Kelly to table the Ordinance until the criteria/definition for a variance is established and put in the code. On roll call; six ayes, no nays. The matter will be tabled until reassigned to a committee.

Mr. Bartlett asked that the Council agenda indicate the Committee members.

The meeting adjourned at 7:34 p.m.

William A. Brown, Mayor

Anthony J. Borgerding, Fiscal Officer