

**Village of Mariemont
Council Meeting
December 20, 2021**

Mayor Brown called the meeting to order at 6:30 with the pledge of allegiance. Present were Mr. Bartlett, Mrs. Graves, Dr. Lewis, Mrs. Rankin, and Mr. York.

Mrs. Rankin moved, seconded by Mr. Bartlett to excuse the absence of Mr. Stelzer. On roll call: five ayes, no nays.

Mrs. Graves moved, seconded by Dr. Lewis to accept the minutes of November 22, 2021, as written. On roll call: four ayes, no nays, with Mrs. Rankin abstaining. Mayor Brown thanked Mrs. Graves for doing a very good job of conducting the meeting in his absence.

From Police Chief Hines: November 2021 Monthly report. Mayor Brown called attention to the last pages of the report that contained some very nice thank you letters. Chief Hines said that is a testament to the officers. He said a person who received a ticket actually called to say how professionally the officer involved had handled things. Mayor Brown asked if the Gift Card Program would be starting soon. Chief Hines said it would help some of those less fortunate. This is the tenth year for the program which is made possible from donations. Some of the officers donated to the program and several businesses had been very generous with donations. He thanked the businesses for their contributions. Mayor Brown said that kind of generosity is really appreciated at this time of year.

From Assistant Fire Chief Copeland: November 2021 Monthly Report. Mayor Brown said there was an increase in EMS runs. Chief Copeland said Anderson had asked for assistance in covering some of their area because of the distance between their stations. Most of the assistance was for Newtown which is very busy. Mariemont also assisted with a large fire at the YMCA just yesterday. Anderson also helps us out when needed. Chief Copeland said Mariemont Fire Department has COVID vaccine shots and booster available. As of right now, he could give shots to Council and Village employees. He is working with Hamilton County Board of Health to schedule dates when they could set up to give shots to residents at no cost. Chief Copeland said he hoped to have an event that would coincide with the 95th anniversary and would work on getting the word out to the public when everything was set up.

From Service Superintendent Scherpenberg: November 2021 Monthly Report. Mr. York asked if the pipes at the Bell Tower are being insulated. Mayor Brown said they are about 90% finished. They will be getting bids to add heat to the basement and bathrooms of the Bell Tower to keep the pipes from freezing. Mr. Bartlett said there is a pot hole by the library. Mrs. Rankin said she and Mr. York also had looked at it and wondered when it would be fixed. Chief Hines said he has been working on this with Mr. Schmid from the Service Department and with Village Engineer Chris Ertel. They all have been in contact with water works and water works said they do have a work order to repair it. They seem to be really far behind.

From Tax Administrator Darrah: November 2021 Monthly Report. Mr. Bartlett asked how income from this year to date compared with last year to date even though last year was not a very good year. Fiscal Officer Borgerding said it is up by about a hundred thousand from last year.

From Assistant Fiscal Officer Wendler: November 2021 Monthly Report. Mr. Borgerding said he thinks the new software is going to help us. The reports are a little different so if anyone has any questions about them they should contact him. He said when everything is closed for the year, they can compare actual department totals to the budget.

From Mariemont Pool Commission Meeting Minutes: Meeting Minutes November 15, 2021. Mayor Brown said there is a resolution about raising the rates. He said he and Mr. Scherpenberg have been getting quotes for the leak repair on a couple of the pipes at the pool. The first quote he got for just one of the pipes was about \$50,000. He is going to try to get at least one more quote. Mr. Bartlett asked if the \$50,000 estimate should be used as a placeholder in the Permanent Improvements for 2022. Mayor Brown said that may be the way to look at it because clearly something must be done. He is looking for other options.

From Police Chief Hines: Memo Dated December 14, 2021 re: Selling of Back-Up Medi Unit. Asst. Chief Copeland said he had run ads with the Fire Chiefs Association as Mr. Bartlett had requested, but did not get any response. He has continued to check the comps and the offer we got from another municipality is a good one. Asst. Chief Copeland pointed out that this would bring some money in while saving the costs of maintaining and insuring the unneeded equipment. Mayor Brown asked for a show of hands from Council if they accepted that offer. All were in agreement and Solicitor McTigue was asked to prepare the legislation. Chief Copeland thanked Council for the faith they had shown him in taking on the job and will continue to look for ways to cut costs and improve.

From Council Member Stelzer: Email Dated December 15, 2021 re: Murray Path Estimated Costs as of 12-15-21; Open Task List. Mayor Brown said the email was basically a summary of the costs, as well as a list of what has been reimbursed and what has not. There is also a list of what jobs remain to be completed. It should be noted that about four weeks ago, we received a check for \$52,000 which represents some of the unreimbursed aspects from the ODNr grant. There is still some money left from the private donations which could offset other expenses. We really won't know the exact amount the Village has in this project until it is finished and all revenue has been received for all expenses that are to be reimbursed. As of right now, it looks like the Village will have spent very little in getting the project completed.

From Joe Stelzer: Email Dated December 15, 2021 re: 2022 Swim Membership Proposed Increases. There is a chart showing the increases. The family membership will go up from \$400 per year to \$450. All the other types of memberships will also be increased. There is a resolution on the agenda for tonight to put those increases in place. Since Mr. Lorne Hlad of 3602 Center Street, Mariemont, Ohio, a member of the Pool Commission was present, Mr. Bartlett asked if he could speak to the idea of opening up membership to non-residents. Mr. Hlad said a survey had been done at the end of the season in 2020 asking members if they approved of allowing non-residents to join the pool. At that time, the majority were not in favor of it. There are a lot of pros and cons to consider. The extra revenue would help with permanent improvement projects. More members would mean more cars in a parking lot that is already too small. We would not want to make the change this year with the new pool management company taking over for the first time because it could cause confusion with member registration. We need to have a lot more discussion about this before we make any decisions. One thing we have to consider is non-resident tax dollars to not support the pool while resident taxes do. The idea of non-residents needing to have a resident pool member sponsor them has been discussed. We might also need to limit the number of non-residents. With all that needs to be decided, the Pool Commission does not see offering membership to non-residents this year. With the pool management company we have to give them well in advance any special events we want to schedule for the year and the Pool Commission will need input from Council on those.

"An Ordinance To Make Appropriations for Current Expenses and Other Expenditures of the Village of Mariemont, State of Ohio, During The Fiscal Year Ending December 31, 2021" Mr. Borgerding explained that each year, we make these appropriations that allow us to spend the money, but first we have to get Council approval to make appropriations. There are things that come up during the year that we didn't appropriate for and we spend more in some line items than we did in others. These appropriations allow us to realign so we can officially spend the money for things that have already happened. The new software will not allow us to spend any money that has not properly been appropriated. Exhibit A basically realigns the line items from the old CMI accounts that we used when we did the original appropriation to the new line items in UAN. There was a lot of movement into different line items plus we also had to appropriate the encumbrances from 2020 in UAN which we typically did not do. A lot of purchase orders that should have been closed at the end of the year, so those were carryover encumbrances that we need to appropriate this year in the new system. It looks like a lot of money but we are really not spending a whole lot more than we originally appropriated. Exhibit B is the actual items that were over what we originally appropriated. We have discussed having had an appropriations budget rather than an actual budget. Going forward, we will appropriate for each department rather than for a line item in the budget. The new software may help us with that. The ordinance 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: five ayes, no nays. The ordinance had a second reading and third reading. Mrs. Rankin moved, seconded by Mr. Mr. Bartlett to adopt the ordinance. On roll call: five ayes, no nays. Ordinance No. O-31-21 was adopted.

Mr. Bartlett moved, seconded by Mrs. Graves to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. On roll call: five ayes, no nays.

Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the recommendation of the Rules & Law Committee which met on Friday, December 17, 2021 at 9:00 am. Present at the meeting were Rules & Law Committee members Randy York (Chair), Marcy Lewis (Co-Chair), Rob Bartlett (Member), and Rod Holloway, Zoning Officer. The committee reviewed recommendations for the revisions and updates of four ordinances:

Ordinance 151.091 Temporary Portable Storage
Ordinance 151.105 Special Fences
Ordinance 151.115 Solar Heating, Cooling, and Hot Water Systems
Ordinance 152 Rental and Dwelling Units

Ordinance 151.091 Temporary Portable Storage was updated to include guidelines for the placement, maintenance requirements, temporary placement restrictions, and removal of self-contained portable toilets. There are temporary toilet guidelines detailed in Ordinance 151.060 Resident A District Regulations but these guidelines are inadequate and not applicable to all residential districts in the Village. Ordinance was created to provide guidelines for the private use of portable toilets, the public use for community events, the temporary use for construction and rehabilitation project, and the use during interruptions in sewer service.

Ordinance 151.105 Special Fences was updated to add an ordinance for the installation of Invisible Fences. Ordinance was created to require a permit for the installation of invisible fences and to provide guidelines for the placement of Invisible Fences.

Ordinance 151.115 Solar Heating, Cooling, and Hot Water Systems.

Ordinance 151 Solar Energy Systems was created. The current Ordinance 151.115 was deemed to be inadequate and rather than update this ordinance a new ordinance was created. Ordinance 151.115 will be removed in its entirety and replaced with Ordinance 151 Solar Energy Systems.

Ordinance 152 Rental and Dwelling Units Review of ordinance to updating timing of Permit Validity, inspection and permit response times, and application fees and other fees. The Maintenance Code reference will still need to be updated. The Village body for overall administration is updated to Building Department and the body to review appeals was updated from the Board of Building and Appeals to the Planning Commission.

Proposed changes/additions/deletions will be reviewed by the Village Solicitor.

Mayor Brown said the report contained a lot of information and Mr. York had done a good job of putting it all together. Mayor Brown asked Solicitor McTigue if he had reviewed the changes to be made and was satisfied with everything. Mr. York said Mr. Holloway's input had been invaluable. On roll call: five ayes, no nays. Mayor Brown asked Solicitor McTigue to work on the necessary legislation.

Mr. York moved, seconded by Mrs. Graves to accept the recommendation of the Finance Committee which met on Thursday, October 7, 2021 at 3:00 pm to discuss the requirement in the Village's code book that any spending in excess of \$5,000 requires Council approval. Present at the meeting were Finance Committee members Rob Bartlett, Kelly Rankin and Joe Stelzer, Assistant Administrator Allison Uhrig and Mayor Bill Brown. Section 31.030 in Mariemont's code book states "The Mayor shall have the ability to enter into contracts not in excess of \$5,000 and to incur expenditures for the benefit of the village for amounts not to exceed \$5,000 without the approval of Council. Any expenditures in excess of said amount shall require legislative approval". This report is to document the "pre-approval" process before goods are ordered or services contracted. All expenditures are still subject to a final approval by Council when Council is asked to okay paying the bills. Ms. Uhrig has done an excellent job creating and distributing a form to the Department Heads for any non-emergency spending that exceeds \$5,000. To build on that, Council's expectation is that if competitive pricing is available, then at least two bids or prices should be obtained before presenting the proposed spending in writing to council. If there is a possibility that some of the cost may vary, then a "not to exceed" number can be approved. If it looks like the approved spending is going to be exceeded, then the Department Head will need to ask Council for a new spending limit. Of note: this process excludes any regular on-going items such as payroll, employee benefits, utility bills, waste collection, lawn care, Village Solicitor bills, income tax refunds and loan payments. For large capital projects, Council will determine if the project costs will be approved in total or if specific bids will need to be approved for different sections of the project. Also, if an item exceeds \$5,000 and was included in the original budget appropriation, then only a vote is required of Council to approve the spending. An example would be the projects that are approved as part of the Permanent Improvement Fund or if we are planning to purchase trees or pay for tree removal services, then those should be called out in the original budget. Per our Village Solicitor, if an item comes forward that was not included and called out in the original

appropriation and it exceeds \$5,000, then a resolution is required to approve the spending. An example of this would be the new mulching service that the Village contracted for part way through 2021. Also, if any spending is going to cause the original appropriation in a department to be exceeded, then an ordinance will be required to change the appropriation amount for that department. The Finance Committee recommends that Council approve the above process and that the Village Solicitor also draw up the necessary additions to Section 31.030 to allow the Mayor to approve any emergency spending that may exceed \$5,000, where an emergency is defined as something necessary to preserve the public peace, health, safety or welfare of the Village. On roll call: five ayes, no nays

Mrs. Rankin moved, seconded by Mr. York to accept the recommendation of the Finance Committee to restructure the Building Department and to implement a new fee structure. The basis for this recommendation were:

1. From 2018 to 2020, expenses exceeded revenue for the Building Department by \$40,700 per year on average

2. In comparing Mariemont versus other neighboring communities, Mariemont was the only community that had both a salaried employee and an hourly paid person in their Building Department. Terrace Park, Fairfax and Newtown all just had an hourly paid person.

The recommendation from the Finance Committee was to eliminate the salaried Building Department position and go to an hourly paid position only, and to also begin to use XPEX to handle all building reviews that required specialized skills. In moving to XPEX, the Finance Committee also recommended updating the fee structure such that XPEX's costs would be estimated on the front end and their costs would essentially be passed through to the resident. Council approved the recommendation and in April, the salaried position was eliminated. Below is a table which shows the revenue and expense for the Building Department for the first three months of the year, as well as the revenue and expense from April through October, and from 2018 through 2020.

	<u>2021</u>		<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>3 yr average</u>
<u>Mariemont</u>	<u>Jan-Mar</u>	<u>Apr-Oct</u>				
Building Permit Income	\$13,456	\$38,351	\$44,647	\$43,753	\$42,294	\$43,565
Building Department Exp	<u>\$21,234</u>	<u>\$29,019</u>	<u>\$85,753</u>	<u>\$67,664</u>	<u>\$99,415</u>	<u>\$84,277</u>
Gain/(Loss)	(\$7,778)	\$9,332	(\$41,106)	(\$23,911)	(\$57,121)	(\$40,713)

As can be seen, the Building Department has now gone from losing money to covering its own costs. To be fair, the Village has had the benefit of Bob Van Stone doing the work of Zoning Officer for free for the past few months. However, Mr. Van Stone's reports indicated that he totaled 74.8 hours of volunteer hours in September and 56.1 hours in October. Using a pay rate of \$20/hour, which is the rate we will pay our permanent Zoning Officer, the above costs would increase by just \$2,618, still leaving a positive balance of over \$6,700 for the Building Department.

Mayor Brown said we are definitely moving in the right direction with this change. Mr. Bartlett pointed out that a change in permit fees is also coming. On roll call: five ayes, no nays.

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the recommendation of the Finance Sub-Committee which met on Wednesday, December 8, 2021 at 3:00 pm to discuss who to recommend lead a strategic planning session for Mariemont. Present at the meeting were Finance Sub-Committee members Rob Bartlett, Kelly Rankin and Randy York, Mayor Bill Brown and council member Marcy Lewis. Two different organizations submitted proposals: Ohio Plan, and McBride Dale and Clarion. Ohio Plan's proposal is to have one 6 hour session on a Saturday where they will lead a group through a traditional SWOT analysis. Coming out of the session, they will develop a summary report of the discussions, conclusions and recommendations. Total cost would be \$2,850. Ohio Plan provided examples of their recent work for Goshen and Deer Park. McBride Dale and Clarion's proposal was to help the Village develop a planning roadmap that identifies planning and zoning needs. The first phase of this process, which would entail a lot of data gathering and interviews, would cost up to \$10,000. McBride Dale and Clarion provided some examples of their work. The finished product cost could range from \$75,000 to \$125,000. The committee recommends that the Village contract with Ohio Plan for this work. The cost is more reasonable and the committee also believes that since this will be the first time the Village has developed a strategic plan, it needs more of a working document that can evolve over time versus a glossy finished product. Ohio Plan is currently available to do a planning session on either March 5 or 12. They recommend that the working group be

no larger than 15 people. The committee recommends we target for 12 people. The time commitment would be to participate in a 2 hour prep meeting, the 6 hour Saturday session, and then a 2 hour post meeting to review and discuss the final report. The committee also believes it is important that we have targeted representation in this working group to ensure a variety of demographics are included. Attached is an initial cut at the different groups we recommend be on the working group. Once the report is ready, the committee recommends it be made available to all residents for additional input. Once the strategic plan is finalized, specific - action steps should be developed and also the plan should be incorporated into the goals of each Village department. If council is in agreement with the recommendation to go with Ohio Plan then the Mayor will sign the proposal for services with Ohio Plan and planning will begin.

This is good plan and a good price. Mayor Brown confirmed with Mrs. Rankin that this is a firm price. On roll call: five ayes, no nays.

Mrs. Graves moved, seconded by Mr. Bartlett to accept the recommendation of the Public Works & Service Committee met on December 14, 2021 at 4:30 PM to discuss revisions to the current building permit fee schedule. In attendance were the Committee Chairperson Kelly Rankin, Committee Member Avia Graves, Committee Member Rob Bartlett, Zoning administrator Rod Holloway, Bob Van Stone and Mayor Brown. The Village has entered into agreement with XPEX to inspect and issue building permits on behalf of the Village and has hired a part time Zoning administrator. Bob Van Stone, who was filling in on a volunteer basis as the Building administrator since the retirement of Don Keyes in the spring, analyzed the current fees and the increased cost of running the department and provided the Committee with a revised fee schedule. The Committee recommends accepting the revised schedule and has requested the Village Solicitor to provide the appropriate legislation. On roll call; five ayes, no nays.

Mayor Brown made the following miscellaneous announcements:

Leaf Season will run through Thursday December 23, 2021. Don't rake leaves into the street. Rumpke will take bagged leaves if residents don't want to wait for the leaf vacuum truck.

Village offices will be closed Friday December 24th and Friday December 31st in Observation of Christmas and New Year's Day.

Permanent Improvement Meeting will be Monday January 10, 2022 at 5:30 p.m.

Mayor Brown said the roof on the Boathouse was replaced 25 years ago, but is already starting to shed stones and leaking. Replacing it would be very expensive. He wanted to give Council a heads up that this will be something they will need to look into soon.

Resolutions:

"To Accept Bid of Cincinnati Pool Management, and To Authorize Contract; 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: five ayes, no nays. The resolution had a second and third reading. Mrs. Rankin moved, seconded by Mr. York to adopt the resolution. On roll call: five ayes, no nays. Mrs. Rankin moved, seconded by Mr. Bartlett to invoke the emergency clause. On roll call: five ayes, no nays. Resolution R -59- 22 was adopted.

"To Appoint Betsy Bybee as a Member of the Pool Commission for the Calendar Years 2022 and 2023" had a first reading.

"To Reappoint John Bentley as a Member of the Architectural Review Board for the Calendar Years of 2022 & 2023" had a first reading.

"Resolution to Update Swimming Pool Fees; and To Declare Emergency" had a first reading. Mrs. Rankin moved, seconded by Mr. Mr. Bartlett to suspend the rules to allow for the second and third readings. On roll call: five ayes, no nays. The resolution had a second and third reading. Mayor Brown said it needed to be passed as an emergency so there would be time to get all the information prepared. Mrs. Rankin moved, seconded by Mr. Bartlett

to adopt the resolution. On roll call: five ayes, no nays. Mrs. Rankin moved, seconded by Mr. Bartlett to invoke the emergency clause. On roll call: five ayes, no nays. Resolution R -60- 21 was adopted.

Ordinances:

“Ordinance Amending Section 151.04 of the Mariemont Code of Ordinances Regarding Fence Construction” (Third Reading) Tabled 7-12-21

“To Amend Section 79, Schedule I of the Mariemont Code of Ordinances To Include No Parking On West Street Between Thorndike and Madisonville Road” had a second reading. Mayor Brown said he and Mrs. Graves had received communications regarding this, mostly from residents of the condominiums. Mrs. Graves said she had received calls from the other side as well. Mayor Brown said he had communications in both directions also with some saying yay and some saying nay. He has expressed to all of them that this is a safety issue due to a bottleneck being created there that could cause accidents. Mrs. Graves said she agree and that this is the best solution to the problem.

“Ordinance Amending Section 150.16 of the Mariemont Code of Ordinances; and To Declare Emergency” (Building Code Fees) Mrs. Rankin moved, seconded by Mr. York moved to suspend the rules to allow for the second and third readings. On roll call: five ayes, no nays. The resolution had a second and third reading. Mrs. Rankin moved, seconded by Mr. York to adopt the resolution. On roll call: five ayes, no nays. Mrs. Rankin moved, seconded by Mr. York to invoke the emergency clause. On roll call: five ayes, no nays. Ordinance O -32- 21 was adopted.

The meeting was adjourned at 8:11 p.m.

William A. Brown, Mayor

Anthony J. Borgerding, Fiscal Officer