

**Village of Mariemont
Council Meeting
June 13 , 2022**

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

Mrs. Rankin moved, seconded by Mr. Bartlett, to accept the minutes as written for May 23, 2022 and the Special Meeting of Council May 25, 2022. On roll call: six ayes, no nays.

Communications:

From Police Chief Hines: May 2022 Monthly Report. Question was raised about the increase in expired licenses. Lt. Pittsley said it was mainly due from people not getting their plates renewed during COVID and the extension that was granted.

From Assistant Fire Chief Copeland: May 2022 Monthly Report

From Service Superintendent Scherpenberg: May 2022 Monthly Report. The mowing was discussed. Superintendent Scherpenberg said they are getting it done though some projects, such as mulching has been delayed. He is still optimistic that the firemen may be available to help. The Tree Board has offered to help with the tree water bags. It is manageable for now – the fall will be harder with leaf pick-up.

From Tax Administrator Barlow: May 2022 Monthly Report. He reported that the Village is on track with a 5.5% increase YTD. He contributes that to increases in individual returns, profits are up and earnings are up. Mrs. Brownknight asked if it was possible to get a report on those post COVID who are working from home. Mr. Barlow will see what he can compile.

From Building Official Holloway: May 2022 Monthly Report. It was noted that 30 hours are being spent on compliance issues. The new fee structure went into effect the first of the year. The Village is close to breaking even with the Building Department.

From Assistant Fiscal Officer Wendler: May 2022 Monthly Financial Reports. Last year the cash balance was 2.1 million. It is now 2.6 million. Street work has not yet begun. Expenses are down or have not yet come due. The Village is below average when it comes to cash on hand as benchmarked with other municipalities.

From Council Member Randy York: Human Nature Addendum: Dogwood Park Project. Mr. York said this will provide more to fundraise with in addition to the grant money available to pay for this. He did apply for a \$35,000 Hamilton County Development Corps mini grant.

From Administrative Assistant Allison Uhrig: 2021 RRI Letter from Ham. Co. R3Source. Mayor Brown read from the letter: “Thank you for participating in the Residential Recycling Incentive (RRI) program. The Village of Mariemont diverted 1,413.33 tons and achieve a 57.67% diversion rate for 202. Your community will receive a direct deposit check in the amount of \$11,419.64”. He thanked the residents and employees for their participation to obtain this achievement.

From Cincinnati Pool Management: Contract Addendum re: Increase Hourly Rate for Lifeguards at Swim Pool. Mayor Brown said his recommendation would be that Council does not take any action on this tonight. We need our new Fiscal Officer, Richard Ford, to weigh in on this and perform an analysis on the cost. The Solicitor needs to also weigh in on unanswered questions going forward regarding the full contract. Those issues should be

resolved before considering passing an addendum such as this. He suggested putting the matter back into the Health and Recreation Committee.

Mr. York disagreed stating that the lifeguard shortage is real. The Village is paying less than other municipalities. If we want to have a pool this year Council will need to approve this. How we approach Cincinnati Pool Management going forward is a separate subject. Eight Mariemont guards are going through certification now, but they will not stay here if they can go other pools and make more money. It is a breach of contract and they have been a breach of contract. We have made three payments and what happens when the next payment is due on July 1st.

Solicitor McTigue said he looked this over and does not find this addendum to be valid due to no "tit for tat". There is no consideration for the Village and there is no guarantee that they are going to hire extra lifeguards and if so that those hired would remain at the Mariemont pool. The original contract warrants they have 150 lifeguards in their employment. They also indicate they have E&O insurance. He would like to review it. It appears that Cincinnati Pool Management has gone radio silent as they have not returned his phone calls. The contract also indicates that senior managers could lifeguard if needed. By not having the proper staffing it creates a hazardous risk for the residents. The Village needs to put CPM on legal notice that they have participatory reputed breach of contract.

Discussion ensued whether Council could authorize the pending funds if the lifeguards are for Mariemont use. Presently there are volunteers working at the pool to keep it properly staffed. There is a "true-up" provision in the contract for rain days etc., but this is a totally different situation. If the whole increase would go to the lifeguards and if the pending lifeguards are to work in Mariemont, some of Council felt comfortable to approve. There should be a mid-year and final evaluation of the contract. Concern was noted if there would be a Health Inspection and it was determined that there was not the proper number of lifeguards on duty and that the chemical level was unsafe. On a hand vote Council did not have the vote to sign the addendum at this time. It was agreed to hold a Special Meeting of Council to further discuss the matter and to include Fiscal Officer Ford. Mrs. Van Pelt noted that part of his Memorandum of Understanding was Mr. Ford would review all contracts and he was adamant that Council does not approve spending decisions without consulting him first.

Permission To Address Council:

Ms. Joyce Monger, 3923 East Street was granted permission to address Council. She is a 42-year resident of the Village and is concerned about the grave safety hazard to our young school children posed by the parking of cars along West Street between Madisonville Road and Thorndike. She picks her granddaughter up 4 days a week after school to bring her home. Walking or driving, the situation on West Street is an accident waiting to happen. Vision is obstructed by the parked cars; parent cars are stopped there temporarily with car doors opening and closing and people on the street getting in and out of cars. In addition, a school bus drops an impaired child at the intersection of West and Thorndike shortly after dismissal, forming a blockage as it requires cars to stop. The sidewalks and crosswalks are teeming with children darting playfully and moving unpredictably. Visual confusion is rampant. Drivers cannot see and there is so much commotion that pedestrians' safety is greatly at risk. We need to provide a safer environment than the current situation. It is her opinion that no parking should be allowed on either side of West Street between Madisonville and Thorndike on school days during school opening 8-10 am and dismissal hours 3-5 pm. Police ticketing of violators should be strictly enforced. Pedestrian safety must be a priority.

Mayor Brown said there will be a Safety Committee Report presented to Council this evening that will address this matter.

Motion to Pay the Bills:

Mr. Bartlett moved, seconded by York, 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:

Mr. Rankin moved, seconded by Mr. Bartlett to accept the recommendation of the Health and Recreation Committee which met on Monday June 6, 2022 at 5:30pm. Present at the meeting were Health and Recreation Committee members Randy York (Chair), Susan Brownknight (Vice-Chair), Leah Geldbaugh (Member) and Mayor Bill Brown. Also in attendance were residents Matt Ayer, Jo Henning, and Rob Matthews. The purpose of the meeting was to review the Statement of Qualifications (SOQ) that were submitted by the three firms who responded to our RFP to study the Village Of Mariemont involvement in the CROWN urban loop trail. Three consultants responded to the Village's RFP. They are Carpenter Marty, Choice One/Rasor, and The Kleingers Group. IBI Group was expected to give a response but they did not. PCA Architecture confirmed they do not perform this type of work. Elevar advised that they do not perform this type of work. Browne Engineering did not respond to requests. The committee unanimously agreed that the best firm to contract to conduct the study would be The Kleingers Group. There was concern that their scope of work did not include the preparation of engineering cost estimates. The approval was conditional on The Kleingers Group addressing the engineer cost estimates concern. Following the meeting we reached out to David Meyer of the Kleingers Group and he confirmed by email that the scope of work would include engineering cost estimates. The committee therefore recommends that the Village contract the Kleingers Group to conduct the Mariemont CROWN Urban Loop Trail Master Plan Study and that all cost associated with the study would be reimbursed by the CROWN group. Legislation will be prepared to be passed on emergency. On roll call; six ayes, no nay.

The legislation was prepared but was not able to make it into the packet. Council agreed to hold a Special Meeting of Council on Thursday June 16, 2022 at 5:30 to pass the legislation on an Emergency Basis so it allows for more time for public input and to further discuss the Cincinnati Pool Management addendum.

Mr. Bartlett moved, seconded by Mr. York to adopt the recommendation The Safety Committee met on Wednesday May 18, 2022, at 10:00am. Present at the meeting were Safety Committee members Leah Geldbaugh (Chair), Randy York (Member), Chief Hines, Mayor Bill Brown, John Scherpenberg, and resident Terry Gaines. The purpose of the meeting was to review proposed parking ordinances on West Street. The prior council approved the ordinance to change the parking to "No Parking Anytime" due to the narrowness of the street and congestion during, before, and after school hours. Residents of Nolan and Emery Condominiums had concerns due to the mobility of some of the residents and visitors' limited access to the underground parking. The committee recommends that parking be on the south side only, no parking on school days 7:00-9:00am and 3:00-4:00pm between Thorndike and Madisonville Road, no parking 25 feet from the stop sign at the corner of West and Thorndike, and "No Parking Here to Corner" sign from Madisonville; set in approximately 30 feet from the Madisonville Road end. Chief Hines agreed to have an officer on site for the first few weeks of the new school year in the fall. Leah Geldbaugh will make the Elementary School aware of the change so the new ordinance can be relayed to the parents before the start of the school year. Proper legislation to be prepared.

The no parking area will be painted yellow. It was agreed to step up enforcement. Mr. Bartlett moved, seconded by Mrs. Rankin to amend the report to read "No Parking" 3:00- 5:00 p.m. On roll call; six ayes, no nays. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the amended report. On roll call; six ayes, no nays.

Mr. York moved, seconded by Mr. Bartlett to accept the recommendation of the Public Works & Service which met on June 2nd at 4:15 PM to discuss the 2023 Street Projects. In attendance were the Committee

Chairperson Kelly Rankin, Committee Member Rob Bartlett and Committee Member Randy York, Mayor Brown and Village Engineer Chris Ertel.

The topic of discussion was:

1. Hiawatha Paving Project Recommendation: Hiawatha Ave. has an approximate cost of \$220,000 to repair and repave the street. Village Engineer Ertel has stated Hiawatha has more surface distress than the other streets under consideration which is why it was selected for the application referenced below. The Village has the opportunity to secure funds to repair and repave Hiawatha Ave through a grant request for \$40,000 to the Municipal Road Fund. OPWC has offered the Village a 20 year no interest loan for \$99,000. The Committee recommends that the Village proceed with selecting Hiawatha Ave for the 2023 Street Repair. Legislation is required in order to authorize requesting the \$99,000 loan. The legislation has been prepared and is attached. The Committee recommends authorizing the loan. In order for Village Engineer Chris Ertel to meet the deadline for the loan application, the resolution will need to be passed as an emergency.

The Committee talked about if the bike path goes through the work will be done in conjunction with and coordinated with the bike the project. The sidewalk issue on Rembold is a separate project projected at \$400,000. Presently the Committee is looking for other options. On roll call; six ayes, no nays.

Miscellaneous:

- Village Offices will be Closed in Observation of Independence Day Monday July 4, 2022
- Village Fireworks will be held at Dusk Monday July 4, 2022
- Budget Hearing will be Monday July 25, 2022 at 5:30 p.m.

Resolutions:

“Fixing a Time for Public Hearing on the 2023 Budget” had a second reading. Fiscal Officer Borgerding said he and Richard Ford will be working together on this. Once complete they will go over it with the Finance Committee before presentation to full Council.

“Renewal of 3.5 Mill Tax Levy in Excess of 10 Mill Limitation for Permanent Improvements for the Tax Years of 2022, 2023, 2024, 2025 and 2026” had a second reading.

“Resolution Authorizing Mayor To Execute Contract with A359 Partners in Architecture” had a second reading. The Solicitor is working on legislation that transfers authorization to do this project.

“2022 Resolution Authorizing Loan from the Ohio Public Works Commission in the amount of \$99,000; 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; six ayes, no nays. The Resolution had a second and third reading. The reason for the emergency is the application deadline is this upcoming Thursday. Mrs. Rankin moved, seconded by Mr. York to adopt the Resolution. 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. Resolution No. R-25-22 was adopted.

Ordinances:

“To Amend Ordinance O-11-22 of the Mariemont Code of Ordinances to Increase Payment for Employees” had a third reading. Mr. York moved, seconded by Dr. Lewis to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-17-22 was adopted.

“To Enact New Section 151.094 of the Mariemont Code of Ordinances Pertaining to Synthetic Grass” had a first reading.

Mayor Brown referred to the Health and Recreation Committee the matter of benches Village wide. It will include both the Architectural Review Board and Mariemont Preservation Foundation.

Mayor Brown referred to Public Works and Services a pedestrian crosswalk at the library.

Mayor Brown referred to Rules and Law hot tub regulations.

The meeting adjourned at 7:50 p.m.

William A. Brown, Mayor

Richard D. Ford, Fiscal Officer