

**Village of Mariemont  
Regular Council Meeting  
November 14, 2022**

Mayor 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 and Mrs. Rankin.

Mrs. Rankin moved, seconded by Mrs. Brownknight to excuse the absence of Mr. York. On roll call; five ayes, no nays.

Ms. Michelle Balz, Solid Waste Manager, Hamilton County R3Source, presented the Hamilton County Solid Waste Plan Update. The Village of Mariemont has received numerous awards for their recycling efforts. Every county in Ohio has to have a Solid Waste District. They have to update their 15 year plan every five years. 60% of the communities need to approve the plan which should be available to review March-May 2023. The district offers Residential Recycling Incentives (RRI) which is a large grant with funding maintained at \$800,000. They will be adding commercial tonnage. The Village would receive credit for schools and businesses if claimed on the RRI report. They also will be increasing the minimum threshold funding to communities to at least start a drop-off program. They are increasing business assistance with their recycling needs and offering technical assistance and supplies. The other focus is on Diversity, Equity and Inclusion Goals. They hired a consultant that will help strive to ensure that R3Source delivers accessible, inclusive, and equitable services and programs. They want to invest in community partnerships that inform decision-making and foster full and equitable civic participation. The goal is to engage with residents and communities in inclusive and culturally responsive ways. They are also looking at their out of district fees – fees that other counties would pay to bring solid waste to the Rumpke landfill. The study is to determine if raising fees would decrease the amount of solid waste being brought to Hamilton County due to the concern of possibly running out of landfill capacity. She encouraged everyone to view their website for more information.

Mrs. Brownknight asked if there were any policy recommendations for incentives for business recycling. Ms. Balz said she would be happy to get back to Mrs. Brownknight with toolkits. Mayor Brown asked the percentage of recycling that is not recyclable. Ms. Balz said it was between 11-13%. Rumpke does search for buyers of items that cannot be recycled. Dr. Lewis asked for recommendations to increase recycling compliance in parks. Ms. Balz said they can provide recycling cans at no cost to be placed in parks. She also noted that the Village can earn credit for composting on their RRI. R3Source also provides backyard composting seminars.

Ms. Kirstin Van Scoy, Vice-Chairman of the Tree Advisory Board, updated Council on their many successes of 2022. When she joined the Tree Advisory Board, she thought the job was mainly going to be getting a lot of street trees planted as quickly as possible. She soon learned this was the opposite of good practice and how many hours of education, investigation, strategic thinking, and plain old hands-on hard work go into to creating and maintaining a street tree program worthy of a place like Mariemont and its beautiful urban forest.

TAB's objectives, since all our work supports them:

- Preserve and enhance Mariemont's robust tree canopy for future generations
- Create and implement a comprehensive, Master Tree Plan that employs science-based decision making to foster street tree health and limit disease spread
- Act as good stewards of Village resources
  - not planting more than we can take care of – trees pay off in maturity
  - not creating scenarios that will become resource drains or liabilities for future generations

We've dedicated over 730 volunteer hours through October, which translates to almost \$20,000 in services donated to the Village. These efforts resulted in:

- Applied for and were awarded Mariemont's first ever grant from the ODNR Division of Forestry.
- Completed a new Village-wide master planting plan
- Instituted a young tree training program for street trees
- Raised \$5,153 in 2022 for the street tree planting fund (through MPF), including a generous, anonymous \$2,500 matching grant
- Planted 19 new trees in 2022
- Continued educating our Mariemont neighbors with monthly Town Crier articles, annual young tree training workshops, and Arbor Day events
- Continued our own education with 6 of our members and one member of our Service Department learning about urban forestry through the Tree Commission Academy, presented by the ODNR Division of Forestry.
- Continued growth of our volunteer base, and through these efforts, identification and installation of new, motivated TAB members.

#### 1: Tree Grant

- We are thrilled to bring monies from the Division of Forestry into Mariemont for the first time ever, as the award represents the culmination of two years of classroom learning as well as countless hours of strategic work we prioritized.
- Grant request was for \$12,000. Still waiting on official packet from ODNR, for confirmation of grant amount. Grant funds will be matched by the \$8,000 authorized by Council in September, plus in-kind (i.e., labor for watering by Service Department, TAB volunteer hours).
- Grant's purpose is to drive urban canopy restoration by increasing planting of large-at-maturity trees.
- Additionally, we built our proposal around the mitigation of stormwater effects in the northeast portion of the Village – base of steep Miami Rd. hillside.
- Plan includes approximately 46 trees planted on 6 streets: Rowan Hill, Grace, Lytle Woods, Haines, Bramble Hill, and the segment of Murray between Lytle Woods and Rowan Hill.
- The specific trees selected for the project will intercept an estimated 3.75 million gallons of rainwater over the next 60 years and prevent over 600,000 gallons of stormwater runoff in the same timeframe.
- Work must be started and completed in 2023 and will require best-in-class practices in tree selection, planting and care.
- The foundation of our success with the grant proposal will serve as a blueprint for Mariemont's street tree program into the next century.

#2: Master Plan – Completed a draft of Village-wide master plan, which we plan to submit to the Village in early 2023.

- A Master planting plan is a Village-wide guide in which specific tree varieties are assigned to each street based on the unique conditions of that street.
- Master planning is important because:
  - it ensures the Village is using its right-of-way resources most efficiently. “Right tree in the right place”
  - it protects the Village’s entire urban forest from threats due to pests and disease by requiring diversity and placing trees in a way that they do not become potentially destructive “super-highways” through the Village.
  - It provides a guide to our Service Department of what gets planted where and enables the Village to create a multi-year planting plan and work with vendors to ensure healthy trees are available when needed.
  - It provides the framework for an orderly planting structure and is a useful tool to install new trees throughout the Village equitably.
  - Master tree plans are a part of Mariemont’s heritage, beginning with the 1923 Nolen Plan.
- So how do we make a Master Plan? Science? Artistry? A bit of both.
  - It begins with Urban Site Indexing, a street-by-street evaluation of environmental factors such as tree lawn width, soil quality and structure, street traffic, and presence of utilities, from which we derive a “score” for that street.
  - We use those scores to identify which tree varieties are best suited for the conditions of that specific street.
  - Check the historic Nolen Plan to see if a tree was assigned to that street and, if so, whether the recommendation is still viable and/or available. – adhere to plan where possible or make nods (i.e., Chinquapin Oaks on Chestnut – “chestnut” oaks vs. Nolen plan Chestnut trees)
  - All done with guidance from ODNR Division of Forestry and Service Department
  - Next steps: internal vetting, determine planting priorities/resident-focused plan, present to Council, deploy to Village (timing, first half 2023)

#3: Young tree pruning – One of our goals is to ensure we make the best use of the Village’s resources, and this is one example we are most proud of.

- Young tree pruning is an important part of the establishment of our street trees.
- Purpose – create a growth habit that is less prone to structural failures and breakage
- Trees that are young tree pruned are proven to live many years longer on average and are less likely to be damaged in storms than those that are not trained.
- Important financially to the Village
  - Less tree turnover – taking down/replanting
  - Less storm damage cleanup (most expensive time for tree companies)
  - More years each mature tree is generating financial benefits to the community
- It takes time: ideally 5 times over the first 15 years of being planted

- Unfortunately, the Service Department just doesn't have capacity for this job, as most their work is time-sensitive
- TAB is taking on this work, closely aligned with the Service Department and with ongoing training of TAB members and volunteers by ODNR urban foresters
- Partnered with ODNR Division of Forestry to offer a Young Tree Structure Training workshop here in the Village 2021 and 2022, open to anyone who wants to learn, taught by ODNR urban forester. We anticipate this will be an ongoing program.
- Not only a great/necessary training tool but also has been effective bringing in new volunteers and allowing us to vet them as potential board members.

Mayor Brown thanked Ms. Van Scoy and the TAB for all the work they have done which has added tremendous value to the community. He asked what the process is for a resident that wants their tree in the Village right-of-way replaced due to storm damage etc. Ms. Van Scoy said once a new tree is planted it needs attention to watering for the next 2 years. Their plan is to replace trees by district to avoid zig zagging throughout the Village. They also are discussing ways residents could purchase their own street tree as long as it meets the parameters they have defined. Mayor Brown said many residents have voiced they are willing to buy and care for the tree. Dr. Lewis suggested telling residents that the TAB was formed to put a plan in place which has been vetted by Council. They are trying to be fair but there are financial constraints. The goal is to have a process in place for residents in the next six months to purchase their own trees. The master plan draft is complete, and the hope is to have it in place by spring.

Ms. Van Scoy said they will not be knocking on doors to inform residents that they will be pruning. They have communicated through the Town Crier that they will be out doing the work.

Mrs. Rankin moved, seconded by Ms. Geldbaugh to accept the minutes as written for the Council Meeting October 24, 2022, and the Special Meeting of Council October 24, 2022. On roll call; five ayes, no nays.

### **Communications:**

\*From Police Chief Hines: October 2022 Monthly Report. He announced that the Mariemont Police Department has been chosen for the month of November to be the featured police department at the Cincinnati Historical Police Museum. It is located at 308 Reading Road.

\*From Assistant Fire Chief Copeland: October 2022 Monthly Report. He thanked Ms. Geldbaugh for all her assistance with the Fire Department Meet and Greet. It was very successful with more than 145 children attend. Mr. Bartlett asked about the two industrial fires. Assistant Fire Chief Copeland said there has been some change in equipment at that location. The department has been told it is under control. At this time, they are in contact with the State Department Fire Marshal to make sure the process is done correctly. The department has added a Safety Officer's position to check building for fire safety and compliance.

\*From Service Superintendent Scherpenberg: October 2022 Monthly Report. He reported that one truck was out of service and put the department behind for leaf pick-up. Next week will be a short week with the holiday and the following week they will be busy decorating for the tree lighting. The school art program wants to paint some of the fire hydrants. Resident Dave Middleton has worked with Assistant Fire Chief Copeland to make sure the correct paint is applied. They are going to paint the one in front of LaRosa's to begin. The thought was to have them paint along the multi-purpose trail with images of dogs etc.

\*From Tax Administrator Barlow: October 2022 Monthly Report. He reported that the month of October was down but overall, we are still ahead year to date.

\*From Building Official Holloway: October 2022 Monthly Report. He updated Council on the rental inspections with 11 being performed this past month. The first solar panel project will start construction this week under the new solar panel ordinance. 50% of the permits issued for the month were compliance permits.

\*Email from Solicitor McTigue Dated November 2, 2022, re: MPF request to table the ARB appeal. Mrs. Rankin moved, seconded by Ms. Geldbaugh to table the appeal. On roll call; four ayes, no ayes (Dr. Lewis abstained).

### **Permission to Address Council:**

Mr. Bob Van Stone, 4050 Lytle Woods Place, was granted permission to address Council. He attended the meeting about the multi-use path alignment study. He questioned who was paying for the study and what legislation was passed to authorize the payment. Mayor Brown said he too was confused and looked into the matter. Council passed Resolution R-26-22 authorizing the Village to contract with Kleingers Group. It states that the Mayor is authorized and directed to enter into a contract with the Kleingers Group to conduct the Mariemont Crown Urban Loop Trail Master Plan Study, which includes engineering costs and estimates. All costs associated with the study will be reimbursed by the Crown Group. It was made clear to the engineering firm that they are responsible to Council not the Crown Group.

### **Motion to Pay the Bills:**

Mr. Bartlett moved, seconded by Mrs. Rankin to pay the bills as submitted. On roll call; five ayes, no nays.

### **Committee Reports:**

Mr. Bartlett moved, seconded by Mrs. Rankin to accept the recommendations of the Safety Committee which met on Wednesday October 19, 2022, at 11:30 am to discuss the appointment of Michael Lockhart as Swim Pool Manager for the 2023 season, to review Ordinance 37.05 Swim Pool Commission and to discuss issues that need to be resolved in order to winterize the pool. Present were Ms. Geldbaugh, Mr. Bartlett, Mayor Bill Brown and Mr. York. The Safety Committee was unanimous in recommending that Mayor Brown appoint Michael Lockhart as the Swim Pool Manager for the 2023 season. The Committee further recommends that the necessary legislation be prepared. The Safety Committee reviewed the Swim Pool Commission Ordinance. Ms. Geldbaugh suggested that the Swim Pool should be put back into the Health and Recreation Committee as there is no longer a safety concern with the pool and it is better suited to be included in Health and Recreation Committee. She is a member of the Health and Recreation Committee and would like to continue to act as the liaison for the pool. Mr. York and Mr. Bartlett agreed. Ordinance 37.05 was reviewed. Mr. Bartlett recommended to remove the last sentence from (H): Any recommendations or proposals by the Swim Pool Commission shall be presented by the Swim Pool Manager to the Mayor and Chairperson of the Health Recreation Committee. The Health and Recreation Committee will evaluate the recommendation and present its report to the full Council. It was agreed this sentence should be removed. The Committee recommends that the necessary legislation be prepared. The Safety Committee discussed what was left to be done to close the pool for the season. The main issue is cleaning and sealing the pump room. Cincinnati Pool Management left the pump room in very poor condition. Open windows also need to be sealed. Ms. Geldbaugh will schedule a time to meet with Service Superintendent John Scherpenberg and Tax Administrator Chuck Barlow at the pool to assess what needs to be done.

Ms. Geldbaugh said she and Service Superintendent Scherpenberg, and Tax Administrator Barlow went and checked the pump room. They are going to seal the windows and then get the pump room cleaned up. She

introduced Mike Lockhart who will be the Swim Pool Manager for the 2023 season. On roll call; five ayes, no nays.

**Miscellaneous:**

\*The last week of pick-up will be December 19, 2022. Mayor Brown said flyers were made and distributed to remind residents not to rake leaves into the street, but most are complying. Resident Steve Pipkin has been volunteering and helping the crews with the leaf pick-up.

\*Village Offices will be closed Thursday November 24, 2022, and Friday November 25, 2022, in observation of Thanksgiving. Council packet materials must be submitted to Mrs. Van Pelt by noon on Wednesday November 23, 2022.

\*The December Council meeting will be held December 19, 2022, at 6:30 p.m.

**Resolutions:**

“To Reappoint Eric Marsland as a Member of the Parks Advisory Board for Calendar Year 2023” had a second reading.

“To Reappoint Brad Lockhart as a Non-voting Member of the Tree Advisory Board for Calendar Years 2023 and 2024” had a third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-61-22 was adopted.

“To Adopt Robert Van Stone as a Member of the Records Commission Board” had a first reading. Mrs. Van Pelt said this Board meets twice a year to approve of any records to be destroyed according to our records retention policy. The board consist of the Mayor, Fiscal Officer, Solicitor and a resident of the Village. Mayor Brown noted that Mr. Van Stone has done a great job these past years helping the Village scanning documents.

“To Reappoint Ted Beach as a Member of the Pool Commission for the Calendar Years 2023 and 2024” had a first reading.

“To Reappoint Terry Donovan as a Member of the Pool Commission for the Calendar Years 2023 and 2024” had a first reading.

“To Reappoint Mandy Rohal as a Member of the Pool Commission for the Calendar Years 2023 and 2024” had a first reading.

“To Confirm the Appointment of Michael Lockhart as Swim Pool Manager for Calendar Year 2023; and to Set Compensation” had a first reading.

“To Authorize Contracting with Columbia Township to Share Expense to Rehabilitate Berwick Street; 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 reading. On roll call; five ayes, no nays. The Resolution had a second and third reading. Mr. Rankin moved, seconded by Ms. Geldbaugh to adopt the Resolution. On roll call; five ayes, no nays. Mr. Bartlett moved, seconded by Mrs. Rankin to invoke the emergency clause. On roll call; five ayes, no nays. Resolution No. R-62-22 was adopted.

“Resolution Creating a New Position for an Assistant in the Village of Mariemont Tax Office; and To Declare Emergency” had a first reading. Mrs. Rankin moved, seconded by Ms. Geldbaugh to suspend the rules to allow for the second and third reading. On roll call; five ayes, no nays. The Resolution had a second and third

reading. Mrs. Rankin moved, seconded by Ms. Geldbaugh 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 No. R-63-22 was adopted.

### **Ordinances:**

“To Amend Section 151.021 of the Mariemont Code of Ordinances Pertaining to Permits, Certificates and Fees” had a third reading. Mr. Bartlett moved, seconded by Dr. Lewis to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-23-22 was adopted.

“To Amend Section 151.085 of the Mariemont Code of Ordinances Pertaining to Building Height, Yard and Court Regulations” had a third reading. Mrs. Rankin moved, seconded by Dr. Lewis to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-24-22 was adopted.

“To Amend Section 151.026 of the Mariemont Code of Ordinances Pertaining to Basic Data Package” had a third reading. Dr. Lewis moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-25-22 was adopted.

“To Amend Section 151.025 of the Mariemont Code of Ordinances Pertaining to Powers and Duties of the Architectural Review Board” had a third reading. Dr. Lewis moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-26-22 was adopted.

“To Amend Section 151.087 of the Mariemont Code of Ordinances Pertaining to Permitted Obstructions in Required Yards and Related Definitions, Section 151.005 Regarding Hot Tub and SPA” had a third reading. Mayor Brown said it strikes him odd that any sports area be 30’ from the property line and yet allow a basketball pole to be a minimum set-back on the side yard. In certain situations, a basketball pole/hoop can damage cars, shrubs etc. After discussion, Dr. Lewis moved, seconded by Mr. Bartlett to leave the language as is. On roll call; five ayes, no nays. Dr. Lewis moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-27-22 was adopted.

“To Amend Section 37.05 Swim Pool Commission of the Mariemont Code of Ordinances” had a first reading.

### **Task List:**

Mayor Brown said some tiles were saved from the church to use on the Boathouse roof but not enough to do the whole roof.

It was agreed that Ms. Geldbaugh would undertake the Village benches while Mr. York will undertake the hydrants and curbs, etc. Ms. Geldbaugh said she is going to work with Service Superintendent Scherpenberg and walk the Village to see which benches are damaged.

Mayor Brown said he is currently working on estimates for replacing the front doors on the Municipal Building. It is going to be expensive, but he is working on different options.

The batting cage is in place. Council removed it from the Task List.

Mr. Barlow will be taking on the matter of the Duke Energy wood poles.

Mrs. Brownknight will follow-up on a conversation she had with Hamilton County but does not have anything to report.

Mr. Bartlett said code section 150.18 is now inconsistent with other code changes that have been made. In a past email Solicitor McTigue's opinion was ordinances such as this are often times considered vague and overbroad and therefore may not survive a constitutional challenge. In 2020 the Rules and Law Committee said once the ordinance was fixed, which they did, that section 150.18 should be removed. Council agreed and Mayor Brown referred the matter to the Rules and Law Committee.

Mr. Bartlett said code sections 151.075 and section 150 in its entirety needs to be cleaned up. Mayor Brown referred both matters to the Planning, Zoning and Economic Development Committee.

Mr. Bartlett suggested with all the code changes/updates that Council look at recodification of the Code of Ordinances. Mayor Brown referred the matter to the Rules and Law Committee.

The meeting adjourned at 8:04 p.m.

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William A. Brown Mayor

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Richard D. Ford, Fiscal Officer