

**Village of Mariemont  
Council Meeting  
February 12, 2024**

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

Mayor Brown said the past week in the Village has been a trying time. The incident at the high school certainly raised anxiety for everyone. He praised Chief Hines and the Police Department for their professionalism and ability to take charge. Chief Hines said it was a team effort and he is very proud of his department.

Chief Hines said Police Officer Dave Roberts completed his one-year probationary period and recommended that he be moved to Regular Full-Time Employee Status. Mr. York moved, seconded by Mr. Van Stone. On roll call; six ayes, no nays.

**Minutes:**

Mr. York moved, seconded by Mr. Ayer, to accept the Council Meeting minutes from January 22, 2024, as written. On roll call; six ayes, no nays.

**Communications:**

\* From Tax Administrator Barlow: January 2024 Monthly Report.

\*From Building Officer Holloway: January 2024 Monthly Report. He indicated that he was able to do 50 visual inspections from the outside. It will be part of the ARB review at the upcoming meeting.

\*From Council Member Bartlett: Email Dated February 4, 2024, re: Request Website Provider Recommendation. Mayor Brown referred the matter to the Finance Committee. Mrs. Rankin said she and Ms. Uhrig will contact the current provider regarding extending the contract temporarily.

\*Spending Request for New Tires (10) for Quint 67 \$6800. The front tires are the original tires. Mr. Ayer moved, seconded by Mr. Bartlett to approve the request. On roll call; six ayes, no nays.

\*Independent Contractor Agreement – Tennis Pro. Discussion ensued amongst Council Members. Questions and concerns were raised including: the need for liability insurance, whether this position should be an independent contractor or an employee of the Village and whether the Village should have a policy for using Village property for conducting private business.

Mr. York voiced frustration that this process is taking too long. He has updated the contract, but still, it faces roadblocks. It is not fair to the Tennis Pro or the members of the Mariemont Racquet Club.

Solicitor McTigue said his legal opinion is the Tennis Pro can make money from tennis lessons, etc. if the only people receiving lessons are members of the Mariemont Racquet Association who in fact pay a membership fee to belong. Benchmarking has been done and it was determined that this procedure was used widely.

Mr. Bartlett moved, seconded by Mr. Ayer to agree to authorize Mayor Brown to sign the contract for the Tennis Pro as drafted with the addition of: (1) paid lessons can only be given to members/paying guests of the Mariemont Racquet Association;(2) liability insurance must be provided (3) a criminal background check will be conducted (which also includes those who work at the Swim Pool). On roll call; five ayes, one nay (Dr. Lewis dissenting).

Mayor Brown referred to the Rules and Law Committee the need for a policy regarding using public property for private business purposes.

Mr. Van Stone noted that there was an open building permit for the building at the Tennis Courts and said it needs to be cleaned up. Building Official Holloway said he will look into the matter.

## **Permission to Address Council:**

Mr. Syd Sabo, 3857 Indianview Avenue, was granted permission to address Council. Village Council is permitting Crown and its associates to sell this path through the Trolley Line Park at every meeting as if it has been approved by Council and that there is nothing that we, the residents in the neighborhood, can do about it. This is why Council is experiencing little opposition. Many residents don't want to buy this plan as evidenced by the petition from 50 residents presented to Council last year. Since engineering plans are being prepared to sell the Mariemont Connector through Trolley Line Park at a future public meeting, Council is also obligated to make visual aids for a proper presentation of possible options available including:

1. Do nothing
2. Use the existing streets and sidewalks, making the connector a true shared use path
3. Build the connector that has been presented by Crown
4. Invest in a sidewalk abutting Hiawatha from the High School to Miami to accommodate walkers and runners and/or repairing and upgrading Rembold sidewalk

As elected officials, it is your duty and obligation to present these options in an unbiased manner with equal weight. He also recommends that this meeting be conducted like last February's and be announced to all residents in the area by fliers or door hangers so that we can make plans to be there to voice our opinions.

Ms. Betty Clingerman, 3914 Petoskey, was granted to address Council. She lives north of where the multi-use path will run. She is looking forward to the path coming so close to her. She was surprised to learn that some people had signed a petition against it. She decided to see if she could get the people who would be closest to the path to sign a letter in favor of it. With Chandra Moon's help they got 51 signatures without contacting every house from the people that live on the 2 streets on either side of Trolley Line Park and the tree streets that intersect with them. She provided a copy of the petition which read: We the undersigned fully support the concept of the multi-use path that will pass through Trolley Line Park. We believe that it will improve the park. It will move a little used green space to a vibrant center for moms with strollers, senior walkers and everyone in between. It will be designed in such a way that there is still adequate space for the occasional pick-up game and room for fetch with our dogs. We have seen the completed multi-use path on Murray and believe it enhances the neighborhood. We also believe it will positively affect our property values. We live on either the streets that bound it, Hiawatha and Rembold or the streets that intersect with them. We strongly encourage Council to vote to approve the Multi-use path through Trolley Line Park.

Mr. John Lowell, 3815 Pocahontas, was granted permission to address Council. He is in support of the trail coming through Trolley Line Park, as well as his surrounding neighbors. He is an avid runner and cyclist and this would be an excellent way to connect with the city.

Mr. Matt Tripepi, 3865 Settle, was granted permission to address Council. He thanked Council for supporting Mariemont tennis. He is also in favor of what Crown is suggesting for the Trolley Line Park. It would be a great addition for the Village and those passing through.

Ms. Dina Wilder, 6716 Hammerstone was granted permission to address Council. She said 12 years ago tennis was a non-entity and no one was using the courts. She and Linda Bartlett took over and hired Dave Russell as the Tennis Pro. It is a multi-generational facility that is utilized by more people in the community than it ever has before. It has helped immensely to have someone on staff to provide lessons whenever possible.

Ms. Linda Bartlett, 3611 Mound Way, was granted permission to address Council. Once again this season we are running into some resistance from some members of the Village Administration to signing the contract for the pro. Last year there was sudden concern about "ethics violations" permitting the pro to be paid by the Village while using Village property for lessons, etc. and not compensating the Village for this use. After much communication between all of the parties, the Ohio Ethics Committee found no violations in our arrangement with our Director of Tennis, but the timing meant we were not able to utilize his services at our own courts until mid-June, a month and a half later than normal. This year a new problem with the pro's contract has been raised recently – where does the Village draw the line when permitting individuals to use Village property for private income producing endeavors? It's a valid concern, but it should have been brought up and addressed way before this. She has been researching how other clubs compensate their pros and have found almost all community and private clubs handle it the way we do (the pro is paid for overseeing the courts and programs and collects 100% of the fees for instruction). She does not believe it is fair to hamstring our tennis program again by

blocking the pro contract again and when we and most other clubs have been doing it this way for years with this issue never being raised. It feels like every year these members are looking for ways to derail the MRC program and she is concerned that they may someday be successful in shutting it down completely. She is also concerned that additional requirements in the contract, if they are a surprise to the pro, may result in further delays. She is here as a player, team captain, and MRC Board Member to express to Council the importance of our tennis program to her family and friends. The courts and pros are valuable amenities that improve lives here in the Village and beyond, as evidenced by the 359 individual members we served last year, close to half of whom were 18 and under, not to mention the school teams and all the visitors who came to compete.

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

Mr. Bartlett moved, seconded by Mr. Ayer to pay the bills. On roll call: six ayes, no nays.

### **Committee Reports:**

Mr. York moved, seconded by Mr. Van Stone to accept the recommendations of the Rules & Law Committee which met on February 6, 2024, in Council Chambers. Present at the meeting were Rules and Law Committee members Susan Brownknight, Matt Ayer, Marcy Lewis. Also in attendance were Mayor Bill Brown, Councilman Bob Van Stone, Zoning Officer Rod Holloway, Police Chief Rick Hines and Senior Administrative Assistant, Joanee Van Pelt. The Committee met and discussed a meeting schedule to address the breadth of topics needing committee input. It was determined that the Committee will meet the first Monday of every month as needed, with the exception of March. Meeting announcements are forthcoming.

Sick Time donations among Mariemont employees was discussed. The following was unanimously resolved:

R&L recommends to Council to amend the compensation ordinance to reflect the attached “sell back” language on an emergency basis due to an immediate need.

The Geothermal ordinance and Solar Panel installation standards were discussed and the following was unanimously resolved: R&L concurs with the ordinance change proposed by the Zoning Officer. The change will allow 3 ft set back (e.g., for HVAC units, generators) for homes with small side yards. Another change will decrease the minimum distance from solar panels to a roof’s edge, from the current 24 inches to 18 inches.

Sandwich signs were discussed. No changes are currently recommended to the ordinance. The ordinance is recommended for passage. New sign locations that meet the standards laid out by the ordinance must go through committee for recommendation and signage requests that are an exception to the ordinance must be approved via a variance by the Planning Commission.

The following were not discussed and are expected go on the agenda for a future meeting:

1. Parking pads in residential zones
2. Temporary signage in residential districts
3. Outdoor dining permits in business districts
4. Garage heights
5. Street to street lot obstructions in yard
6. Tree Houses
7. Above Ground Swimming pools

Solicitor McTigue will review the legislation for submittal for the next Council meeting. On roll call; six ayes, no nays.

The Finance Committee met on Tuesday, February 6, 2024, at 9:30 am in Council Chambers to discuss potential changes to the fees charged by the Building Department. Present at the meeting were Finance Committee members Rob Bartlett, Bob Van Stone, Marcy Lewis, and Zoning Officer Rod Holloway.

Rod shared with the Committee revenue and expense data for the Building Department for 2022 and 2023 (see below).

	2022	2023
Revenue	\$37,901	\$49,764
Expense	\$55,325	\$61,864
Difference	(\$17,424)	(\$12,168)

While there has been a reduction in the difference between the revenue and expenses, the Committee recognizes there are some activities that Rod is responsible for where we cannot recover the cost, specifically compliance and special projects, and as such there will always be a deficit. However, Rod has identified three areas within the permitting process where the fees do not cover the costs associated with these specific activities. Those areas are;

1. Permitting fees for larger accessory structures, such as detached garages.
2. Permitting fees for the use of large tents.
3. Fees to appeal to the ARB and Planning Commission for variances.

Attached is a table which shows the current fees for these three areas, as well as the new proposed fees. These changes should result in increased revenue of ~\$2,000, reducing the difference to ~\$10,000 which the Finance Committee believes is acceptable given Rod's other responsibilities which the Village cannot be re-imbursed for. After some discussion, the Committee voted unanimously to support these increases. If Council agrees, then the necessary resolution to increase these fees will be drawn up for Council to vote on at the next meeting.

Mr. Ayer said he would prefer not to increase the fee for an ARB application as he feels it may dissuade property owners from applying for a Certificate of Appropriateness. Mr. Van Stone said it takes the Mr. Holloway a great deal of time to prepare for these meetings. The increase will still not cover the costs administratively. Mayor Brown said he did not want to create more harm than good. Mr. York feels this is the Committee's recommendation, he agrees to it. Dr. Lewis said she stands by the Committee's recommendation as well. After discussion, Mr. Ayer moved, seconded by Mrs. Brownknight to accept the report with the amendment not to change the fee for Certification of Appropriateness for ARB. On roll call; Two ayes, four nays (Mr. Bartlett, Dr. Lewis, Mr. Van Stone and Mr. York). Dr. Lewis moved, seconded by Mr. York to accept the report as written: On roll call; six ayes, no nays.

**Miscellaneous:**

- Village Offices will be closed in Observation of Presidents' Day Monday February 19, 2024
- Annual Outstanding Citizen Award will be due to Mrs. Van Pelt by March 7, 2024

**Resolutions:**

- "To Confirm the Reappointment of Michael Lockhart as Swim Pool Manager for Calendar Years 2024 and 2025; and To Set Compensation" had a third reading. Mr. Bartlett moved, seconded by Mr. Ayer to adopt the resolution. On roll call; six ayes, no nays. Resolution No. R-9-24 was adopted.
- "To Confirm the Reappointment of Christopher M. Ertel as Village Engineer for Calendar Year 2024; and To Set Compensation" had a third reading. Mr. Ayer moved, seconded by Mr. York to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-10-24 was adopted.
- "To Reappoint Rod Holloway as Village Zoning Officer for Calendar Year 2024; and To Set Compensation" had a third reading. Mr. Ayer moved, seconded by Mr. York to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-11-24 was adopted.
- "To Increase the Tennis Fees for the 2024 Season and To Declare Emergency" had a first reading. Mr. Ayer moved, seconded by Mr. Bartlett to suspend the rules to allow for the second and third readings. On roll call; six ayes, no nays. Mr. York said he submitted the wrong spreadsheet in the Health and Recreation Committee report passed at the last meeting. Dr. Lewis moved, seconded by Mr. Bartlett to amend the previous report with the correct rates.

On roll call; six ayes, no nays. Dr. Lewis moved, seconded by Mr. Ayer to accept the amended report. On roll call; six ayes, no nays. Mrs. Van Pelt will note the previous report was amended with today's Council date. The Resolution had a third reading. Mr. Bartlett moved, seconded by Mr. York to adopt the Resolution. On roll call; six ayes, no nays. Mr. Bartlett moved, seconded by Mr. York to invoke the emergency clause. On roll call; six ayes, no nays. Resolution No. R-12-24 was adopted.

- “A Resolution Authorizing the Village to Apply for 2024 Community Projects Funding (CDF) for the Mariemont Centennial Parks Project; and To Declare an Emergency” had a first reading. Mrs. Brownknight moved, seconded by Mr. York to suspend the rules to allow for the second and third reading. Mr. Ayer asked for clarification on the need for an emergency. Mr. York said once it is posted we have to be in a position to react. On roll call; six ayes, no nays. The Resolution had a second reading. Mayor Brown said we do not have a clearly defined process for applying for a grant. He believes Council should work on establishing a procedure. This Resolution has Mr. York reviewing and submitting the application. He believes this should go before a Committee of Council, though his intention is not to stop this from going forward. Dr. Lewis said sometimes things come up that require flexibility and fast-moving action. Mr. Ayer moved, seconded by Dr. Lewis to amend the Resolution allowing the Mayor to sign the application. On roll call; six ayes, no nays. The Resolution had a third reading. Mrs. Brownknight moved, seconded by Mr. Bartlett to adopt the amended Resolution. On roll call; six ayes, no nays. Mr. Bartlett moved, seconded by Mr. York to invoke the Emergency Clause. On roll call; six ayes, no nays. Resolution No. R-13-24 was adopted.

Mayor Brown referred to the Rules and Law Committee the process/procedures for applying for grants.

- “A Resolution Authorizing the Village to Apply for 2024 One Time Strategic Community Investment Fund (OTSCIF) for the Mariemont Centennial Parks Projects; and To Declare Emergency” had a first reading. Mr. Ayer 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 reading. Mr. York moved, seconded by Dr. Lewis to amend the Resolution allowing the Mayor to sign the application. On roll call; six ayes, no nays. The Resolution had a third reading. Mr. Bartlett moved, seconded by Mr. Ayer to adopt the amended Resolution. On roll call; six ayes, no nays. Mr. Ayer moved, seconded by Mr. Bartlett to invoke the Emergency Clause. On roll call; six ayes, no nays. Resolution No. R-14-24 was adopted.
- “Resolution Authorizing Sale of John Deere 3033R Tractor with Loader, Pallet, Forks, Sickle Bar Mower and Post Hole Digger; and Lesco Bar Mower; and To Declare Emergency” had a first reading. Mr. Ayer moved, seconded by Mr. York 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. Mr. Bartlett moved, seconded by Mrs. Brownknight to adopt the Resolution. On roll call; six ayes, no nays. Mr. York moved, seconded by Mr. Ayer to invoke the Emergency Clause. On roll call; six ayes, no nays. Resolution No. R-15-24 was adopted.

### **Ordinances:**

- “To Amend Ordinance O-8-23 of the Mariemont Code of Ordinances to Increase Payment for Employees had a third reading. Mr. Bartlett moved, seconded by Mr. Ayer. On roll call; six ayes, no nays. Ordinance No. O-2-24 was adopted.
- To Repeal Ordinance No. O-12-23 Pertaining to Maximum Pay Rates for all Grades of Recreation Employees and to Enact New Legislation Pertaining to Maximum Pay Rates for all Grades of Recreation 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-3-24 was adopted.
- “Creating Mariemont Racquet Club Board” had a second reading. Mr. Van Stone said this did not go through a Committee of Council and feels Council needs to pay more attention to the process and submit a recommendation to Council.
- “To Amend Ordinance O-8-23 of the Mariemont Code of Ordinances to Allow for Donation of Sick Leave; and To Declare an Emergency” had a first reading. Dr. Lewis moved, seconded by Mrs. Brownknight to suspend the

rules to allow for the second and third readings. On roll call; six ayes, no nays. The Ordinance had a second and third reading. Mr. Ayer moved, seconded by Mr. Bartlett to adopt the Ordinance. On roll call; six ayes, no nays. Mr. York moved, seconded by Mr. Van Stone to invoke the Emergency Clause. On roll call; six ayes, no nays. Ordinance No. O-3-24 was adopted.

Mr. Ayer moved, seconded by Mr. Bartlett untable the Ordinance “To Amend Sections 151.125 and 151.127 Relating to Signage”. On roll call; six ayes, no nays.

Mr. Ayer moved, seconded by Mr. Bartlett to remove from the Agenda “To Amend Section 151.087 Permitted Obstructions in Required Yards and Add New Section 151.XXX”. On roll call; six ayes, no nays.

Mr. Ayer announced that the Village was awarded the grant for the water bottle filler for the pool and other amenities for a small cost.

The meeting was adjourned at 8:10 p.m.

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William A. Brown, Mayor

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Kelly I. Rankin, Fiscal Officer