

**VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
APRIL 22, 2019**

Mayor Policastro called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the flag. The following Council members answered present to roll call: Mr. Bartlett, Mr. Brown, Mrs. Graves, Mrs. Rankin and Ms. Schwartz.

Mrs. Graves moved, seconded by Mr. Bartlett to excuse the absence of Ms. Palazzolo. On roll call; five ayes, no nays.

Mrs. Rankin asked to have the minutes amended to read 'Mrs. Rankin' page four. Mrs. Graves moved, seconded by Mrs. Rankin to accept the minutes as amended for the Council meeting April 8, 2019. On roll call; four ayes, no nays (Mr. Bartlett abstained due to his absence)

Mayor Policastro read the following communications:

From Administration Office: First Quarter MTD/YTD Expense Report

From Solicitor McTigue: Email Dated April 10, 2019 re: Removal of Legislation Regarding Reverter Clause at Library. Solicitor McTigue said he got a call from the Prosecutor's Office saying they got a call from the contractor and he reached an agreement on another site to be used as a staging area. Therefore we do not need to go forward with any legislation.

From Building Administrator Keyes: February 2019 and March 2019 Monthly Report

From Police Clerk Maupin: Mayor's Court Statement for March 2019

From Assistant Fiscal Officer Wendler: March 2019 Monthly Report/Expense Receipt Reports

Ms. Joyce Monger, 3921 East Street, was granted permission to address Council. She said she would like to comment on the MPF proposal that was discussed at the last Council meeting. She believes that we should all be concerned about the architectural heritage and charm of the Village and that every homeowner should maintain their home accordingly. Mariemont is special and its charming houses are definitely part of its appeal. More important that what she thinks however, is the law and the property rights that come with the purchase of real estate. She is requesting that any new property regulations proposed to this Council be reviewed by the Village Solicitor to make sure a new law does not take away or restrict rights previously granted. She believes our elected officials should hold the law in highest regard to protect everyone's rights.

Mr. Jerry Vianello, 6570 Wooster Pike, was granted permission to address Council. He said there has been some talk in the Village about a meeting that was conducted with the Waldorf School. There was an issue brought about the children running over the mound by the Ferris Cemetery. He has heard that there is not respect being paid to those in the cemetery or buried on the outside of the cemetery. He asked the Mayor exactly what happened.

Mayor Policastro said he and Louise Schomburg met with 8 members of the Waldorf School. We told them that all we want is respect shown to the deceased. There are probably some burials outside of the wall. The wall was put up in 1923 or 1925. The Native Americans were here in the 15th-17th century. The bones that were found were human remains and are from the 15th century. We always show respect to one's race, creed or color here in Mariemont which is the Mariemont way. We just asked them to keep the children off the area. He has pictures of where the grass and vegetation is now gone and the hillside is now starting to roll. The meeting went pretty well until one lady from Waldorf School said she would not care if kids played on her grave. That was disappointing to hear and it upset Ms. Schomburg. Otherwise it was a good talk and we are starting to understand each other. He is going to have the ARB meet and work with the school which he did when they first came here. He helped get them Ann Buntin Becker Park

and Ms. Schwartz did a great job getting play equipment in the park including a sandbox. We had a good rapport and believes that we still do.

Mr. Bartlett said he does believe that the Village has a good rapport with Waldorf School and meeting face to face has been helpful. When he and Mr. Brown met with them it too was a productive meeting. Waldorf wants to preserve the hillside and want to put in some plantings to help anchor the hillside. They also have some ideas on ways to channel the water. They want to work with the Village which is why it is now in the Health and Recreation Committee. They indicated that they have instructed the kids not to play in the area of the cemetery or the statuary.

Mr. Brown said they seemed very cooperative and expressed a desire to work with the Village to do something about the erosion problems and keeping the water damage to a minimum.

Discussion ensued regarding the dismissal process and how the children are called to the waiting cars of the parents so the children are not waiting by the street. Mr. Brown said part of the discussion was putting a bench for the children to wait and also create a barrier for the children as well. It would be sort of a staging area. Mayor Policastro said he gets calls from kids that want to be Eagle Scouts and suggested that it could be a project.

Mr. Bartlett said he believed the matter should be heard in the Public Works & Service Committee of Council. It was put in Health & Recreation because it is a park but we had erosion in a park before (Mariemont Avenue) and it was in Public Works. If one looks at the list of what is already in Health and Recreation and what is in Public Works – precedent would say it belongs in Public Works.

Mayor Policastro said he is going to move two items to the Public Works Committee and if you look at the Zoning Code under Powers and Duties of the Architectural Review Board it states “in conjunction with the Village Preservation Foundation to advise Village Council regarding the protection of the Village’s cultural resources”. With that in mind the first thing he wants to do is to get the ARB, MPF and Dr. Tankersely to sit down and figure out what would be the best thing to do there and report back to Council.

Mr. Bartlett said because of the possessory easement agreement the Waldorf School has it would be in the best interest to include them as well. Mayor Policastro said of course they have to be involved. Mr. Bartlett said Mayor Policastro did not include them in the bodies that were to meet to discuss the matter.

Solicitor McTigue said he believes that is why things are going better with the school because we have met with them and we are not combative. Early on he remembers there were some people who were very angry. Mayor Policastro said we have always had a good relationship with Waldorf School. He has pulled 10 emails from Ms. Masur, Director at Waldorf, from helping them get in Ann Buntin Becker Park to helping them when the Recreation Association was fighting with them because of the ball fields. He believes there may have been upset with the decision over the high school but we did what we had to do. We should not have had a high school in that little area. He said he was reading from the code and it doesn’t list Waldorf School which is why he didn’t name them.

Mr. Bartlett said because of the easement agreements basically they have rights of ownership. Solicitor McTigue said he has said all along when the Village gave Waldorf the easement it is a valid easement to use the property in any manner that they see fit as long as it is not contrary to uses that the Village is allowed. The Village cannot allow to them a greater right to use the property than we ourselves possess. If the Village is limited by any historic designation on the property then Waldorf would be as well. The Village needs to include them on all discussions regarding the property. Mayor Policastro said anyone can attend an ARB meeting.

Ms. Schwartz asked if Waldorf will meet with ARB first and then MPF will weigh in? Mayor Policastro said no that ARB and MPF will meet in conjunction. We will invite the Waldorf School to be part of the discussion to come up with something that all parties can live with.

Council discussed moving the matter to the Public Works Committee. Solicitor McTigue said the committee it is assigned to is not all that significant. Mayor Policastro said the Committee should not have a lot to do if Waldorf agrees to plant grass seed. He told them he does not want them to spend a lot of money but to make the hillside green again. He has to see that the laws are followed. He wanted friendly persuasion. If they want to put a tree in that is fine. It does say in the Land Usage that it would go before Council. He does not see where it will be that big of a deal.

He would also like the Park Board to be involved as well. Mr. Bartlett said it is more than just planting. One of the things discussed was putting in a buffer so the water does not roll down the hill but rather to channel the water away from the hillside. It would also help in terms of reducing erosion. It is more complex than just putting grass seed down. Mayor Policastro suggested moving the matter to the Committee of the Whole but Council did not agree. It was agreed to leave it in the Health and Recreation Committee.

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

Mayor Policastro read the following miscellaneous announcements:

State Auditors will conduct on-site audit work May 16, 2019 and May 17, 2019

Memorial Day Parade will be held on Monday May 27, 2019 with line-up beginning at 8:00 a.m.

Council will meet on Tuesday May 28, 2019 at 7:00 p.m. due to the Memorial Day Holiday

The Public Hearing on the 2020 Budget will be July 22, 2019 at 6:00 p.m.

Resolutions:

“Fixing a Time for Public Hearing on the 2020 Budget” had a second reading.

Ordinances:

“Ordinance Amending Chapter 31.075(D) of the Mariemont Code of Ordinances Regarding Legal Counsel” had a third reading. Mr. Brown moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-10-19 was adopted.

“To Amend Section 51.17 of the Mariemont Code of Ordinance, Fees for Garbage and Refuse Pick Up” had a third reading. Mayor Policastro suggested Mr. Bartlett write something to include for the next Mayor’s Bulletin. Mrs. Rankin said Mrs. Busam was going to send notices to the residents. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-11-19 was adopted.

“Ordinance Amending Section 32.13 of the Mariemont Code of Ordinances, Rules of Council, Section W” had a second reading.

Mr. Bartlett said Assistant Fiscal Wendler has created a new quarterly report that seems to be a duplicate of what the Administration creates. He suggested eliminating the one from Administration to reduce duplicate work and cut down the size of the Council packet.

Mr. Bartlett asked to add assessing the curbing on the north side of Madisonville Road to the Public Works & Service Committee. Mayor Policastro referred the matter to the Public Works and Service Committee.

Mr. Bartlett thanked Solicitor McTigue for putting together his summary regarding the matter heard by the Planning Commission (3921 East Street) and asked if the Solicitor should look at the decision of the Planning Commission to have any changes made by Ms. Monger to her plans to be reviewed by the Architectural Review Board. When he looked through the duties of the ARB they are limited to historic things. Solicitor McTigue said there was some discussion at the Planning Commission meeting that the owner may voluntarily present it to the ARB for their input. It is not reflected in the minutes anywhere that the discussion took place. He has a letter drafted saying there is no requirement that Ms. Monger go before ARB. He sometimes shoots from the hip but he is confident in his opinion.

Mr. Bartlett said Council got an email from Eagle Energy. Mrs. Rankin said there was a representative last week who stopped by with information on doing a cooperative energy aggregation agreement. It seems to him that we should talk with Terrace Park, Fairfax and Columbia Township before we meet or respond with the representative.

Aggregation only pays out if it is on a larger scale. Mayor Policastro said years ago Council determined that we do not have the right to tell the residents who to use. Mr. Bartlett said he would talk with the other communities to see if there is any interest at all.

Mr. Brown said with the display cases in place we need to be more cautious about securing the doors after meeting etc. We are looking at putting additional security measures in place. We will need to lock the doors and the elevator and run it on a key. We need to exercise extra mindfulness until the security measures are in place.

The meeting adjourned at 7:34 p.m.

Dan Policastro, Mayor

Anthony Borgerding, Fiscal Officer