

**VILLAGE OF MARIEMONT
REGULAR COUNCIL MEETING HELD IN COUNCIL CHAMBERS
APRIL 8, 2019, 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. Brown, Mrs. Graves, Ms. Palazzolo, Mrs. Rankin and Ms. Schwartz.

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

Mrs. Rankin moved, seconded by Ms. Schwartz to accept the minutes as written for the Council meeting March 25, 2019. On roll call; five ayes, no nays.

Mayor Policastro read the following communications:

From Police Chief Hines: March 2019 Monthly Report

From Assistant Fire Chief Kiefer: March 2019 Monthly Report

From Service Superintendent Scherpenberg: March 2019 Monthly Report. He said he has worked with Mr. Brown on the plan for the trees on the strip on Murray Avenue and Plainville Road by the parking spaces. There will be eight trees. Mr. Brown said Louise Schomburg has done an excellent job selecting the trees and the job is well in hand.

From Tax Administrator Busam: March 2019 Monthly Report

From Ohio Public Works for You: Letter re: Petoskey Avenue Improvements. Engineer Ertel said this is a confirmation of the \$99,000 grant award for Petoskey Avenue. It will be for improvements of the curbs and gutters in the pavement. He was going to bring it up in July during the Budget Hearing. He believes the grant is available until December 2021 but he will get clarification.

From Hamilton County Recycling & Solid Waste district: Residential Recycling Incentive 2018

From Assistant Fiscal Officer Wendler: March 2019 Monthly Report

From Ken Tankersley: Email Dated April 1, 2019 re: Letter and Photos Concerning the Ferris Cemetery Site (Dale Park #1 Site). Mayor Policastro said now that we have this information he is going to get it to the ARB to work with Dr. Tankersley and MPF as our code book says to do. He definitely wants to reintern the bones as soon as possible.

Mr. Joe Stoner, 6924 Miami Bluff, was granted permission to address Council. He is speaking as the President of the Mariemont Preservation Foundation. Due to multiple recent construction projects within the Village and surrounding communities, the Mariemont Preservation Foundation is requesting that our Village Council take proactive steps to more fully preserve our rich architectural heritage so that we can pass it on to future residents. We also believe that action is required to ensure the Village be able to maintain its historic landmark accreditation. Already we have zoning regulations which are unique to the needs of an historic landmark community. Mariemont Zoning Ordinance 151.002 purpose is:

"to maintain a high standard of community development and the principles of town planning, to protect and preserve property, to promote the stability of property values, and to protect real estate and natural features and other distinctive characteristics of the site from impairment or destruction of value for the general community welfare."

MPF is recommending additional regulations be adopted to provide more comprehensive protection of our Village. In addition to the current landmark ordinances, we are asking the Village to require that all major exterior structural renovations maintain the appearance of their surrounding neighborhood, and by so doing, maintain the architectural charm and distinctive characteristics of our Village. Renovations to be considered would include, but are not limited to, demolition, rebuilding, new construction, additions and subdivision of lots. These requirements should assure that both significant color changes and building materials conform to the neighborhood architectural character. The goal of this action is to provide broad protection of the Village in such a way as to not unduly burden homeowners. Such requirement should not be complex, onerous or expensive to the homeowner. It should be far more flexible than the current requirements for the Historic District. We also request that special attention be paid to homes built before and during 1931 (the abolishment of the Mariemont Company). A large majority of those homes either pre-existed the founding of Mariemont or were built by the Mariemont Company or other signature architects. We fully appreciate that implementation and applying such action will require a significant effort. Mariemont Preservation Foundation is volunteering to assist the Village in such efforts. Mariemont is a unique and special place. By continuing to allow architectural not in keeping with the historic nature of the Village, we are at risk of losing that. If we want to keep it and allow future generations to have what we enjoy, we must take action to preserve Mariemont's architectural charm and historical landmark status. He said the Village of Glendale is historic with a lot of architecture nearby. They have talked with their consultants who have done a lot of work in this area. We are proposing working together with their consultant and will draft legislation which will ultimately be presented to Council to vote on.

Mr. Bob Van Stone, 4050 Lytle Woods, was granted to permission to address Council. He said as part of the action from MPF one of the first things that may be useful to do is to extend our ordinances a little bit quicker so we can can't build one house or one structure in front of another. He asked that the matter be referred to a Committee of Council. Mayor Policastro said that Mr. Brown put together a conducive law when he was on the Planning Commission. The Solicitor gave a lot of information and asked if Council wanted to continue on with this. Solicitor McTigue said there are always a lot of legal issues involved when action like that is taken. He believes that everyone understands what the committee and MPF wants to do and there should be some way where we can fashion a resolution that will comply with the law but at the same time promote the historic character of the Village. He suggested tweaking the demolition ordinance first. Mr. Brown said he did a lot of work on that and will check his files. Mayor Policastro referred the matter to the Planning and Zoning Committee.

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

Mrs. Graves moved, seconded by Mr. Brown to accept the recommendation of the Health and Recreation Committee which met at 3:00 p.m. on Monday, April 1, 2019 in Council Chambers to discuss cleaning of the Bell Tower restrooms. Present at the meeting were Health & Recreation Committee Chairperson Bill Brown, Vice Chair Rob Bartlett, member Mary Ann Schwartz. Jani-King of Cincinnati had done the cleaning at the Bell Tower the prior year. Mr. Brown said he had met with a representative from Jani-King to discuss details and terms. Mr. Brown proposed adding the restrooms, stairs, stair rails, and entry foyer floor at the Municipal Building to the arrangement. Jani-King said they would add this for no additional charge. The arrangement will be weekly cleaning of all described areas on a month-to-month contract for a total of \$254.66 including tax per month. Jani-King is a commercial cleaning service fully licensed, bonded and insured with an office on Red Band Road. The Committee recommends engaging Jani-King for our cleaning services. On roll call; five ayes, no nays.

Mrs. Rankin moved, seconded by Ms. Palazzolo to accept the recommendation of the Health and Recreation Committee which met at 3:00 p.m. on Monday, April 1, 2019 in Council Chambers to discuss the removal of the diving boards and stands at the Mariemont Village Pool, routine maintenance items to be finished before the pool opens this spring. Present at the meeting were Health & Recreation Committee Chairperson Bill Brown, Vice Chair Rob Bartlett, member Mary Ann Schwartz. Also present was Swimming Pool Building Facilitator Ed Beck. Mr. Beck provided information from the Hamilton County Board of Public Health regarding new safety regulations for diving boards. The diving boards at the Mariemont Pool are not in compliance with the new rules. Chris Ertel, Village

Engineer, had previously verified the new requirements and confirmed the old boards could not be brought into compliance. It is therefore necessary to remove the existing diving boards. In addition to removing the diving boards, the following maintenance items need to be completed. Estimates for all work provided by Shamrock Enterprises:

1. Replace filter enclosure:	\$97.00
2. Repair lap pool concrete, including touch-up of the areas repaired:	\$1906.00
3. Touch-up family pool paint by repainting the shallow bottom and steps:	\$3544.00
4. Rebuild two (2) pumps, including new bearings and seals:	\$2520.00
5. If it is determined the impellers need to be replaced while rebuilding the two (2) pumps, it will done for a value of:	\$4581.00
6. Remove diving boards and stands and repair concrete deck:	\$492.00
Total:	\$13,140.00

Committee recommends removal of diving boards and proposed maintenance and repair items. Payments will be made from the Permanent Improvement Fund. Mrs. Graves said at the Permanent Improvement Budget Hearing \$25,000 was appropriated for the Swim Pool. Mr. Brown said we may not have to do the impeller work but it cannot be determined until the pump is pulled apart. It is regrettable that the diving board needs to be removed but it needs to be done to be in compliance. The cost to break the cement on the bottom of the pool in order to bring the board into compliance would be astronomical. In the future discussion can be held regarding a slide – but those are approximately \$60,000. It appears to have stemmed from an incident at Coney Island. Hamilton County then did inspections on all the pools and found most to be noncompliant. On roll call; five ayes, no nays.

Mr. Brown moved, seconded by Mrs. Graves to accept the recommendation of the Health and Recreation Committee which met at 3:00 p.m. on Monday, April 1, 2019 in Council Chambers to discuss a plaque for Louise Schomburg. Present at the meeting were Health & Recreation Committee Chairperson Bill Brown, Vice Chair Rob Bartlett, member Mary Ann Schwartz. The Committee met to discuss a recommendation by resident Jerry Vianello to place a bronze plaque in the southwest quadrant of the Old Town Square. The purpose of the plaque is to honor Louise Schomburg's dedication and tireless service to the Village of Mariemont over countless years. She is truly a one-of-a-kind asset to our Village. Her work in maintaining the flowerbeds, parks and trees enhances the aesthetic beauty of Mariemont. The proposed 10" x 12" plaque will have an ivy vine border and will read:

"Louise Schomburg Garden

In recognition of the countless volunteer hours

devoted to improving and maintaining our gardens,

parks, and trees.

May 2019"

The cost of the plaque is \$394.00 and a metal mounting stake is \$60.00. The Committee recommends the plaque honoring Louise Schomburg. Mr. Brown said he wished the plaque could be bigger for all that Ms. Schomburg has done for the Village over countless years. On roll call; five ayes, no nays.

Mrs. Rankin moved, seconded by Ms. Schwartz to adopt the recommendation of the Finance Committee which met on Wednesday, April 3, 2019 at 1:45 pm in Council Chambers to discuss what fee the Village should charge for checks that are issued to the Village but have insufficient funds available when deposited. Present at the meeting were Finance Committee Chair Rob Bartlett, Finance Committee Members Bill Brown and Kelly Rankin,

Tax Officer Patty Busam and Joanee Van Pelt. Currently, the Village charges \$20 for each insufficient funds check. However, PNC charges the Village \$25. Patty checked with twenty-two other communities that charged anywhere from \$13.80 to \$37.50 for insufficient funds checks. The overall average was \$27.33. Given that PNC charges the Village \$25 and there are additional costs for postage and supplies, the Finance Committee is authorizing each department to charge up to \$30 per occurrence for any insufficient funds checks they may receive. On roll call; five ayes, no nays.

Mrs. Rankin moved, seconded by Mrs. Graves to accept the recommendation of the Public Works and Service Committee which met on March 28, 2019 at 2:00 PM to discuss the revised plans for the development of the former Steam Plant location by developer Michael Heines. In attendance were the Committee Chairperson Kelly Rankin, Committee Member Bill Brown, Village Engineer Chris Ertel, and Michael Heines. The Village had expressed concern with the project compromising the integrity of the hillside. Mr. Heines presented revised plans that the development no longer will involve any impact to the hillside. Jeffrey Dunlap, P.E., of Terracon, a noted Geotechnical firm, also reviewed the revised plans and commented, "There is no longer any cut proposed along the toe of the existing slope along the north side of the project site." These plans were reviewed by Chris Ertel, the Village Engineer. Mr. Ertel agreed that the plans addressed the issue of concern. After thorough discussion, the Committee recommends to allow the project to move forward with the conceptual plan. This will allow the developer to proceed with engineering drawings and secure the proper permits from Hamilton County, MSD and GCWW. Mr. Heines will provide the Village with copies of above referenced permits. Mr. Brown said they saw the plans and Mr. Heines made a good presentation. He believes the ultimate plan of not cutting into the toe of the hillside and disturbing it along with staying away from original retention detention basin that was going to be shared with the condominium project next door is a good plan. There will be a water detention retention underneath one of the entry roadways and will slowly drain towards the river. On roll call; five ayes, no nays.

Mayor Policastro read the following miscellaneous announcements:

Village Offices will be closed Friday April 19, 2019 in Observation of Good Friday

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

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

Resolutions:

"To Confirm the Reappointment of Christopher M. Ertel as Village Engineer for Calendar Years 2019 and 2020; And To Set Compensation" had a third reading. Mrs. Rankin moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; five ayes, no nays. Resolution No. R-4-19 was adopted.

"To Authorize Mayor for the Village of Mariemont to Enter Into an Agreement for Use of Public Library Property Without Triggering Reversionary Clause and To Declare Emergency" had a second reading. Solicitor McTigue said the Prosecutor's Office is still trying to tweak the agreement so he does not believe the emergency clause is needed.

"Fixing a Time for Public Hearing on the 2020 Budget" had a first reading.

"To Authorize Payment for the Removal of diving Boards and Stands, Repair and Routine Maintenance of the Mariemont Village Swimming Pool and To Declare Emergency" had a first reading. Ms. Schwartz moved, seconded by Mrs. Rankin 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. Mr. Brown moved, seconded by Mrs. Rankin to adopt the Resolution. On roll call; five ayes, no nays. Mrs. Rankin moved, seconded by Ms. Schwartz to invoke the emergency clause. On roll call; five ayes, no nays. Resolution No. R-5-19 was adopted.

Ordinances:

“To Create the Position of Part-Time IT Administrator; To Confirm the Appointment of Elissa Wendler for Calendar Years 2018 and 2019” had a third reading. Mr. Brown moved, seconded by Mrs. Graves to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-10-19 was adopted.

“To Reappoint Elissa Wendler as Village Fiscal Administrative Assistant for the Calendar Years 2018 and 2019; To Set Compensation” had a third reading. Ms. Schwartz moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-11-19 was adopted.

“To Reappoint Anthony Borgerding as Village Fiscal Officer for the Calendar Years 2018 and 2019” had a third reading. Mrs. Rankin moved, seconded by Mr. Brown to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-12-19 was adopted.

“Ordinance Amending Chapter 31.075(D) of the Mariemont Code of Ordinances Regarding Legal Counsel” had a second reading.

“To Amend Section 51.17 of the Mariemont Code of Ordinance, Fees for Garbage and Refuse Pick Up” had a second reading.

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

Ms. Palazzolo asked if we have shared with the Waldorf School the information given by Dr. Tankersley. Mayor Policastro said not yet. It is going to go to the ARB and they will invite them. It will involve MPF and Dr. Tankersley as well. They will figure out what to do with the area. He believes Dr. Tankersley has already written a letter to the State of Ohio telling them what was discovered. Then Council will be brought into it along with Waldorf School. We have to do something about the human bones. Ms. Palazzolo said what might throw a monkey wrench into this is addressing the issue of when they dug down into the parking lot which is well below grade and churned up a lot of dirt. The archeologist working with Waldorf School said the sites are generally not subject to being added to these lists once the earth has been moved. Mayor Policastro said we had the same problem with the Madisonville Site. We dug a pool and 15 years ago when the sewers started leaking into the creek. MSD came into the Village and said they were going to dig up the whole area. Gray and Pape charged the Village a lot of money to go there and dig along the pipes to make sure we were being respectful to the Native Americans. He got MSD to pay for it. There was dirt thrown all over the place when they built the pool. Sixteen bags of human bones were found. We reinterred them and he believes this is the same scenario. Ms. Palazzolo asked if we are going forward with what is currently assigned to the Health and Recreation Committee. Mayor Policastro said yes we will bring all entities together including the Park Board. Mr. Brown asked if the hillside will have new historical designation. Mayor Policastro said we are asking the State to do that. Ms. Palazzolo said the map given by Dr. Tankersley shows where the carbon-dated item came from a certain spot and also the hill where the Waldorf kids play. Mayor Policastro said that is another problem. He has people calling him saying he needs to do something and see that the laws are followed. He can't remember the code number. Ms. Palazzolo said the hillside is eroding a little but if it is their property and not the Village Park then she feels like we can talk with them. Mayor Policastro said it is not their property. Solicitor McTigue said it is Village property but Waldorf School has a possessory interest in it so they have to be included in all matters. If Dr. Tankersley is filing for additional special designation we have to at least give notice to Waldorf School. Mayor Policastro said we are going to bring it all together. Mayor Policastro said we need to be respectful to the ARB which the land usage section of the code states they should be a part of in addition to MPF. Now that we have facts we can bring everyone together. The bones are 350-400 years old and at that time there were no white people here. He has asked Dr. Tankersley to find tribal authority. That is what he had to do when the bones were reinterred at the swim pool.

The meeting adjourned at 7:48 p.m.

Dan Policastro, Mayor

Anthony Borgerding, Fiscal Officer

