

**Village of Mariemont
Special Council Meeting
June 4, 2020**

Mayor Brown called the meeting to order at 6:38 PM. Present was Mr. Bartlett, Mrs. Graves, Dr. Lewis, Ms. Palazzolo, Mrs. Rankin and Mr. Stelzer were virtually connected due to the COVID-19 pandemic.

Mayor Brown thanked Mr. Stelzer for all the work he contributed to getting the pool to open.

Mr. Stelzer updated Council on the status of the pool. He admitted he was skeptical at first if residents would be interested in memberships due to restrictions to comply with the COVID-19 guidelines. As of today, we are at \$81,000 which far exceeded the \$65,000 goal set by Council. A lot of hard work and generosity went into making this happen and he thanked members of Council, Pool Manager, Jordan Schad, the Pool Board members and volunteers who distributed flyers in the community and donated their time at the pool in various ways. He was impressed with the response from the community and encouraged going forward with other challenges the Village may be facing. He also thanked MPF who donated \$5,000 and several residents who made donations as well. Family memberships exceeded the number sold in 2019. Generous residents donated items to open the pool such as the Plexiglas shield for the front desk, personal protection equipment (masks and face shields) sanitizer and cleaning chemicals. He can assure everyone that the Village is doing everything to operate the pool in the safest means possible. We will have the benefit of other area pools that are already opened. We are in the process of putting together the operating safety protocols. He is hopeful to have the pool open by June 15, 2020. The pool repairs are complete and the pool is being filled with water. He talked with the Solicitor about additional waiver language for participants and employees. They will sign those waivers when they arrive at the pool for the first time and prior to employment. Mrs. Rankin said perhaps the forms could be emailed to members. We have to figure how many people we can let in the pool and on the pool deck at a time.

Mr. Bartlett said the pool will be inspected by the Hamilton County Health Commissioner prior to opening. Mr. Stelzer said they will also inspect the operating guidelines and procedures.

Council voted unanimously to open the swim pool.

Ms. Palazzolo moved, seconded by Mrs. Rankin to accept the recommendation of the Safety Committee which met on May 21, 2020 at 5:00 p.m. Present at the meeting were Committee Chairman Avia Graves, Committee Members Maggie Palazzolo and Kelly Rankin, Councilwoman Marcy Lewis and Don Keyes. The meeting began at 5:00 p.m. to discuss safety of 5G. A resident of Mariemont had expressed concern of potential safety hazards to 5G coming to Mariemont as such it was referred to the Safety Committee for discussion. Upon further review with Ed McTigue our Village Solicitor we are unable to prevent companies from coming into Mariemont to install 5G. We also have limited say as to the placement of these devices; however the company is willing to work with us on that placement as long as said placement still results in the proper 5G coverage of the area. The Committee also reviewed data regarding the safety of 5G and there is no definitive scientific data to say that 5G is not safe. However, with that being said it would still be our preference to try and work with this company on placement of these devices to locations that would be distanced from residential homes as much as possible for aesthetics as well as for any potential health concerns. It is the recommendation of the Committee and Don Keyes is also in support to move this matter to Public Works so that work can start to engage with this company to try and influence the placement of these devices to be best served by Mariemont residents. Mayor Brown said he believes we are going to have to continue to address this issue. Mrs. Graves said that is why the Committee believes it should be moved to Public Works to continue the discussion. On roll call; six ayes, no nays.

Mr. Bartlett moved, seconded by Mrs. Rankin to accept the recommendation of the Rules & Law Committee which met on May 29, 2020. Present were Committee Chair Maggie Palazzolo, Rob Bartlett and Marcy Lewis. The Committee discussed changing the time of the regular Council meetings from 7:00 p.m. to 6:30 p.m. The Committee recommends that the meeting be changed to 6:30 p.m. going forward. In addition, Rule I of the Rules of Council state that there will be one meeting in the months of June, July and August. The Committee recommends that be changed and we maintain the regular two meeting per month schedule. We can always change it to one if we decide to, but it should remain consistent throughout the year. Mrs. Van Pelt said she believes Council did make the legislative change on the number of meetings per month but it has yet to be codified. On roll call; six ayes, no nays.

Mayor Brown said he received an email from Ms. Susan Page who is very concerned about the 5G installation in the Village. She asked what company will be coming into the Village to install the poles. He said the company will be Peaknet. At this time we do not know if they are coming in the Village acting independently or whether they are the agent for Cincinnati Bell, AT&T etc. There is an important distinction between the two. Ms. Page asked how much money the Village will receive. Mayor Brown said it is true that the Village will be able to obtain a certain degree of revenue but it will be part of the negotiations and some is set by legislation. Ms. Page asked the particular model that will be used. Mayor Brown said the Village does not yet know that. She asked if the Building Commissioner will have input on the placement of the towers. Mayor Brown said that is what Council will be discussing. The Village will endeavor to have some say as to where the poles will go and what they will look like. Mayor Brown and Mr. Bartlett had a conversation with Frost Brown Todd and there is a two pronged strategy that the Village needs to pursue. He stresses that time was of the essence. There is a way to have some say in management over the public right-of-way in terms of legislation that needs to be drafted. The Village would also need to enact specific legislation regarding to the particulars of 5G. They were able to give the Village several examples of legislation that other communities have incorporated. We would want to tailor it to the Village's own specifics. He is considering asking some members of MPF and other residents to help with the drafting of the specifics and details. Time is of the essence. If the Village does not have the legislation on the books prior to Peaknet making a formal application there is a shot clock that starts the negotiating. At this time the Village is not negotiating from a power of strength. He is hopeful that Frost Brown Todd will be able to get something to us for the next Council meeting – if not we may need to schedule another Special Meeting of Council.

Mr. Bartlett said the Ordinance should incorporate ongoing annual right-of-way fees. Mayor Brown said that certainly should be part of the negotiating.

Council agreed unanimously to have Frost Brown Todd draft the initial legislation. It is estimated to take 5 hours of legal work.

Mayor Brown said the Village did get a bid on the paper street. He opened the bid which was from Charles Turner in the amount of \$50,001.

Mr. Stelzer said there is active bidding on the house. He assumes that the Village is still proceeding as we anticipated originally that the lot would be subdivided and a house built on it. The next step will be to get to a purchase and sale agreement.

Mayor Brown said he and Mr. Stelzer had a conference with Frost Brown Todd who have some experience with this type of work. What is being proposed is a sharing of legal work with Solicitor McTigue reviewing. Mr. Stelzer said he would like the draft for the Purchase and Sale Agreement to be done within 7-10 days. The buyer will be doing the survey which will allow the Village to have a legal description which is an integral part of the Purchase and Sale Agreement.

Mayor Brown said we will have to draft an Ordinance to authorize the Purchase and Sale Agreement and then another Ordinance to actually vacate the paper street.

Council agreed unanimously that Frost Brown Todd would be doing some of the legal work for the sales transaction.

The meeting adjourned at 7:15 p.m.

William A. Brown, Mayor

Anthony J. Borgerding, Fiscal Officer