

**Village of Mariemont  
Regular Council Meeting  
June 8, 2020**

Mayor Brown called the meeting to order at 6:35 PM. Present were Mr. Bartlett; Mrs. Graves, Dr. Lewis, Ms. Palazzolo, Mrs. Rankin, Mr. Stelzer and Fiscal Officer Borgerding were virtually connected due to the COVID-19 pandemic.

Mayor Brown said beloved Mariemont Coach Jerry Summerville died this past week. He worked as a coach for the High School and Middle School for over 40 years. He asked everyone to remember him and his family in their thoughts and prayers.

Mayor Brown said Jeremy Swader has completed his one year probation with the Service Department and Superintendent Scherpenberg is recommending that he be moved to Regular Full-Time Employment. Jeremy is willing to work overtime on weekends to help the Village stay in compliance with Storm Water Management requirements. He is helpful working with the residents on various projects such as Old Town Square and the Annual Tree Lighting. Mrs. Rankin moved, seconded by Mr. Bartlett to make Mr. Swader a Regular Full-Time Employee. On roll call; six ayes, no nays.

Mr. Bartlett asked that the minutes for May 27, 2020 be amended to reflect that it should read 501 (C)(3) and asked for some introduction into the section to pay the bills. Mr. Bartlett moved, seconded by Ms. Palazzolo to accept the minutes as amended for May 27, 2020. On roll call; six ayes, no nays.

Mayor Brown read the following communications:

From Police Chief Hines: May 2020 Monthly Report

From Acting Assistant Fire Chief Feichtner: May 2020 Monthly Report

From Service Superintendent Scherpenberg: May 2020 Monthly Report

From Tax Administrator Darrah: May 2020 Monthly Report

From Assistant Fiscal Officer Wendler: April Monthly Expenses and Revenue Reports

From Frost Brown Todd, LLC: 5G Legislation Information. Mr. Jack Hemenway, Attorney with Frost Brown Todd, said legislation regarding this has changed in recent years. What is being presented to Council is code for cell structures that is within the line of the code and of the law and provides criteria for application if there are providers that want to install these structures in the Village. It provides some authority for the Village to regulate and minimize any impact, especially in the historic district. It would provide the Mayor with authority to create design guidelines to minimize the impact and have more control in the process. It outlines the application process. There are timelines which need to be complied with for State and Federal laws. It also includes a fee structure for the towers.

Mayor Brown referenced an email from Resident Susan Page, 6636 Elm Street. "Thank you for receiving and reading this email to ensure public participation in today's Council meeting. I am very pleased that you have quickly and decisively moved to create legislation in Mariemont regarding the placement of 5G towers. Thank you additionally for sharing the draft version with me today. While the legislation addresses many aspects of tower placement in Mariemont, I have a concern regarding Section 56.06, entitled "Design Guidelines." Within the Design Guidelines section, I do not see mention of a necessary consideration, namely, areas of high population/housing density. The Village should amend the language of 56.06 to include as an additional consideration in a tower application the population/housing density of any proposed tower site." Mayor Brown said he is going to be working with members of MPF and other residents to work on putting together the guidelines using some of the examples from other communities provided to the Village by Frost Brown Todd.

Mr. Hemenway said the Ordinance would authorize the Mayor and administration to create the design guidelines based on what the community and residents really want. Mayor Brown said the concerns range from safety to aesthetics. We want to give residents an opportunity to voice their concerns.

Mr. Bartlett asked if Council needs to have the same sense of urgency in preparing the guidelines as adopting the legislation. He reminded Council that the FCC has already laid down the law. Mr. Hemenway said the Village should get the guidelines done promptly. Upon passage of the legislation this process would be in effect but it makes sense to have them done quickly. Mayor Brown said he will be moving forward on this almost immediately.

Dr. Lewis said she has distributed information that was given to us on what other communities have done to some members of MPF and it has been a topic of discussion. She can reach out to see if a Task Force can be created.

Mrs. Graves asked if this will be discussed in a committee. It was discussed and agreed it was listed in the Public Works & Service Committee but to list it as 5G Installation Ramifications. It was decided that the Committee of the Whole had too many “fingers in the pot” and agreed to leave it with Public Works & Service. Mrs. Rankin said conversation is still a concern to many residents and will continue going forward to be part of the conversation. Ms. Palazzolo said the committee did address the safety issue and determined that there was no conclusive research one way or another and talking about it forever is not going to change it.

Mayor Brown said we are working on the Right-of-Way Ordinance which would address fees. Mr. Stelzer suggested passing that ordinance at the next Council meeting. Mr. Hemenway said it is his understanding that there is a notice period of 30-45 days. He would be happy to submit a quote for the work.

“An Ordinance Amending Title V of the Codified Ordinances of the Village of Mariemont by Enacting Chapter 56 Relative to Installation of Small Cell Facilities and Wireless Support Structures in the Village Rights of Way; And To Declare Emergency” had a first reading. Mrs. Rankin moved, seconded by Ms. Palazzolo 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 readings. Mrs. Graves moved, seconded by Mr. Bartlett to adopt the Ordinance. On roll call; six ayes, no nays. Mr. Bartlett moved, seconded by Mrs. Rankin to invoke the emergency clause. On roll call; six ayes, no nays. Ordinance No. O-15-20 was adopted.

Acting Assistant Fire Chief Feichtner was granted permission to address Council. He wanted to discuss the looming budget issue that has been broadcasted in the past few months. It has caused morale issues across the Village, not just the Fire Department. He has worked for the Village 21 years – approximately half of his life. He has seen good times and bad times. Currently he does not believe it is as bad as it is being made out to be. This fear has been dispersed amongst all the employees and is having an effect on the operations of the Village. No disrespect to anyone with the knowledge or background that you have but Tony Borgerding is our Fiscal Officer and throughout this whole thing he has not heard one word from Mr. Borgerding whom he highly respects. He has been able to tell us when we do need to worry and when we do not need to worry. He can assure everyone that there is no wrongful spending on the part of the employees. We are using duct tape and band aids, trying to conserve electricity where we can to save on the budget. He was able to get the money spent for the Lucas device reimbursed by a grant so we can use it towards something else. But the time has come and we will soon no longer be able to work this way. He is currently doing the job that was once done by five full-time employees. We need to talk about this and see where we are at. The biggest problem is that we are working off of old money. The Village has not had a general fund levy increase since 1993. None of us could live on what we made in 1993 and provide for our families and children. There are so many spreadsheets being distributed that it is becoming disruptive. He thanked Council for their time.

Fiscal Officer Borgerding said once we look at the budget in the next month we will have a much better handle on things. We will be able to get a plan together to figure out what we need to do. Mr. Bartlett said he would be happy to volunteer to go through the numbers with Fiscal Officer Borgerding.

Mr. Bartlett moved, seconded by Mrs. Graves to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. On roll call; six ayes, no nays.

Mr. Bartlett moved, seconded by Mrs. Graves to accept the recommendation of the Rules and Law Committee which met on Friday, May 22, 2020 at 3:00 pm. Present at the meeting were Committee Chair, Maggie Palazzolo, Committee members, Rob Bartlett and Marcy Lewis and Mayor Bill Brown. The meeting began at 3:00 PM to discuss the Review of Mariemont Village Code of Ordinances and Prohibiting Mayor and Council from Sitting on the Architectural Review Board.

The first topic was the reviewing and updating the Mariemont Village Code of Ordinances. Maggie Palazzolo updated the committee stating that the list of potential changes is long. Changes have been suggested by various community members and current and prior council members. Examples, include updating the language about bicycles on sidewalks, the requirement of having a dog catcher, and other items. More will surface as we review the code. The discussion today is to agree on a methodology for the review. Some community members who have the legal skills and are familiar with the code have offered to help. Maggie suggested that we enlist their help as well as review the code ourselves and begin to put the items that need to be changed into committees. Prioritization of items, will be based on, financial impact to the village, quick fixes that are simple and glaring errors or loopholes in the existing code, such as the demolition language currently in the Economic Planning and Zoning Committee. The committee recommends beginning the review.

The next topic was “Prohibiting Mayor and Council from Sitting on the Architectural Review Board” (ARB), however that is not the goal of the meeting. The goal is to clarify the rules for the ARB and how the mayor and council fit into that. Currently, there is no code setting rules for how the Mayor or council members sitting on the ARB act as the appeal board members. After discussion, the committee recommends the following changes be made to the rules for the ARB.

1. The Mayor and only one council member may sit on the ARB.
2. The Mayor and the council member sitting on the ARB must vote on any issues that come before that board. (The vote may be to abstain.)
3. The Mayor and the council member sitting on the ARB may not vote as part of the appeal board if the issue is appealed (even if s/he has abstained on the ARB vote).
4. The Mayor may not serve as the chair of the ARB.
5. In any case, the Mayor will not be the tiebreaker for any issue coming before the appeal board.

The meeting concluded at 4:09 PM.

Mr. Bartlett said this will require legislation. Dr. Lewis said the committee discussed that the ARB should be able to choose whoever they wanted as Chairman. Everyone votes the same and the Chairman does not have any more power. It was a point that was somewhat disagreed upon but she felt it was worth mentioning. Mayor Brown said he did not want to sit as Chairman and will not object at this time. On roll call; six ayes, no nays.

Solicitor McTigue will prepare the necessary legislation.

Mrs. Rankin moved, seconded by Dr. Lewis to accept the recommendation of the Safety Committee which met on May 26, 2020 at 4:00 p.m. Present were Committee Chairman Avia Graves, Committee Member Kelly Rankin, John Scherpenberg. The meeting began at 4:00 p.m. to discuss the Vapore Machine. John and his team have come up with several more cost effective methods to sanitize and wipe down needed surfaces. Recommendation is to not purchase the Vapore Machine at this time. Mrs. Graves said Superintendent Scherpenberg is in agreement with the recommendation. On roll call; six ayes, no nays.

Mrs. Rankin gave a verbal update on the creation of a CRA Housing Council. She sent members of the Committee the members that would comprise of the Housing Council. She knows of a couple people who are interested in being on it. The Mayor appoints two people, Council appoints two people, Planning Commission appoints one person and those members appoint two additional members. Matt Ayer is interested and she asked Council to let her know of anyone that might be interested. Mr. Stelzer asked what they would be asked to do as a CRA Housing Council member. Mrs. Rankin said they are supposed to make an annual inspection of the properties in the CRA to make sure they are being maintained up to the standards that are called for in the abatement. A report is provided to the Building Commissioner who reports to Hamilton County. Mr. Stelzer asked if there were certain skill sets Council is looking for the people who would be serving on the Council. Mrs. Rankin said there are no specific skill sets needed. Ms. Palazzolo said it should not be someone on Council as we are trying to undo all the overlapping of leadership. Mrs. Rankin said notice was sent out to the public but there was no response.

Mayor Brown said he understands that Mrs. Graves has received emails regarding safety on Settle Road. Mrs. Graves said she continues to get emails regarding cars travelling fast along Settle Road. There was an incident where a parked car was hit. This subject has been discussed in the past and she is not sure what else can be done. Mayor Brown asked if the speed trailer was sent to gather information on what the average speed was. Ms. Palazzolo said that was done a couple of years ago and suggested getting the data from Chief Hines. Those counts would represent true data as many

people are working from home. But she has been told that the speed is worse because there is less traffic on the roads. She is not sure how to address that. Mrs. Graves said ideally they would like the street to be closed off. She is unsure what to tell them the next steps would be. Mr. Brown said it is an issue that goes back years. Ms. Palazzolo said closing off Settle at this point is not viable for two reasons being Fairfax closed all the streets but Waterson (and one small street which she did not remember the name). She believes there would be an intense uptick on other through streets that Mariemont has, including the Historic District and the square. She said it might be worth trying to work with Fairfax to see if they would open a street to filter through.

Mr. Bartlett said if we have the historical data we should pull that out. It is not just one street. We have to create principles and basis for thresholds we are going to set. We need to have more data than one street. We are collecting data on Petoskey right now. We should understand what a busy street is so there is a broader set of criteria and understanding of the data. Dr. Lewis asked about enforcing the speed limit. Ms. Palazzolo said if a police officer was there intermittently giving tickets it would deter some of the speeding. Mayor Brown said he will talk with Chief Hines.

Mayor Brown said he received an email from resident Cortney Scheeser regarding the cut through path from the high school to the Hiawatha/Rembold median. It is in horrible disrepair and he asked if the Village could partner with the school to clean it up. He believes this is work our service department could handle. He referred the matter to the Public Works and Service Committee.

Mayor Brown said we got some information from the Ohio Municipal League regarding the CARES Act grant. There may be more monies available to municipalities, especially with smaller populations. Mr. Bartlett said this is a grant but it has to be used on specific expenses and it must be COVID-19 related. It also should not be something that was in our base budget. It is incremental work. The Village needs to pass a Resolution, obtain a DUNS number and register on their website portal. The monies need to be encumbered by October and by the end of December we need to return any unused funds. This is not law yet but he strongly recommends that the Village start the steps of applying now. The Village could receive up to \$61,940.00. Those funds could be used to purchase the vaporizer equipment for the Service Department. We cannot double dip and ask for reimbursement on items reimbursed by the FEMA grant. Mr. Stelzer said we need to have our employees track any time spending on COVID-19 response. It also includes supplies. Fiscal Officer Borgerding said he does not believe it is something that will be audited – it will be done more on an honor system.

#### Miscellaneous:

Village Offices will be closed Friday July 3, 2020 in Observation of Independence Day

The Budget Hearing will be Monday July 13, 2020 at 5:30 p.m.

#### Resolutions:

“Resolution Regarding Cares Act Loan” had a first reading. Council agreed to add the emergency clause for the next meeting and position the Village to move quickly should we need to. It was also agreed to change the word “Loan” to “Grant”.

“To Authorize Ohio Department of Transportation to Proceed with Various Traffic Signal, Signing and Pavement Marking Upgrades on US 50 (Wooster Pike) Located on the Eastern Corridor Section II/III PID Mo. 112171 County/Route/Section: Ham Eastern Corridor VAR TSG; and Enter into Contract” had a first reading. Mr. Stelzer asked for a quick synopsis of what is being approved. Mayor Brown said it has to do with the upgrade to the traffic signals in the square. He will ask Engineer Ertel to provide Council a narrative.

Mr. Bartlett said his belief was the Village was going to get bids to do the cross sections in the Village along with this work. Mayor Brown said he and Mrs. Rankin said the ODOT contractor doing the work gave an estimate of \$30,000 and an independent contractor was \$20,000. After discussing with Engineer Ertel the consensus was to wait until the next paving project and incorporate it in that project. Mrs. Graves suggested reaching out to the ODOT contractor to see if they would match the \$20,000 bid. It just seems a shame to not do the work while it is being torn up. Mayor Brown will have Engineer Ertel check with ODOT.

Ordinances:

“To Amend Ordinance O-11-20 of the Mariemont Code of Ordinances to Increase Payment for Employees; And To Effect Changes to Full-Time Employee Health Care Plans” had a third reading. Mrs. Rankin moved, seconded by Mrs. Graves to adopt the Ordinance. On roll call; six ayes, no nays. Ordinance No. O-16-20 was adopted.

“Ordinance Amending Section 32.1 of the Mariemont Code of Ordinances, Rules of Council, Section (A) Rule 1” (Council meeting time) had a first reading.

Ms. Palazzolo asked to have her agenda item remain for Rules and Law regarding MCO Code Review and mark the target date July 2020.

The meeting adjourned at 7:45 p.m.

---

William A. Brown, Mayor

---

Anthony J. Borgerding, Fiscal Officer