

**Village of Mariemont
Regular Council Meeting
July 13, 2020**

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

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the minutes as written for the Regular Council meeting June 22, 2020. On roll call; six ayes, no nays.

Mayor Brown said that Tax Administrator DeAnna Darrah has completed her six month probationary period and it is recommended that she be made a regular full-time Employee. He said she is doing a very good job. Mrs. Rankin moved, seconded by Ms. Palazzolo to make Mrs. Darrah a regular full-time employee. On roll call; six ayes, no nays.

Mayor Brown read the following communications:

From Police Chief Hines: June 2020 Monthly Report. Mayor Brown said there were several letters sent saying Police Chief Hines did a great job during the Black Lives Matter gathering.

From Assistant Fire Chief Feichtner: June 2020 Monthly Report

From Service Superintendent Scherpenberg: June 2020 Monthly Report

From Tax Administrator Darrah: June 2020 Monthly Report

From Pool Manager Schad: June 2020 Monthly Report

From Assistant Fire Chief Feichtner: Memo Dated June 24, 2020 re: Ordinance Update Reference Grills.

From Assistant Fiscal Officer Wendler: June 2020 Monthly Report

Mayor Brown said he was hopeful that we can get back to live meetings in August but due to the increase of Covid-19 in Hamilton County he believes we should err on the side of caution. It is a fluid situation and we will be keeping residents informed. He encouraged residents to email any concerns they have and he will have them read into the minutes.

Dr. Lewis moved, seconded by Mr. Bartlett to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. Mr. Bartlett confirmed that the payments for HSA monies were for the health care plan changes. Mrs. Van Pelt confirmed. Treasurer Borgerding asked for clarification that pension payments were made for two months. Mrs. Van Pelt said she will double check and will let Council know. Mr. Stelzer said the payroll detail breakdown does not add up correctly. Mrs. Van Pelt said she will correct it and make sure it is reflected in the permanent minutes. Mayor Brown said the water bill is a bit higher due to filling the pool. They will be monitoring the situation due to the slight leak. Mrs. Rankin said she spoke with Superintendent Scherpenberg about the building down by the Tennis Courts. Duke could not get in to read the meter and estimated it at \$1,000. The bill is to be adjusted. On roll call; six ayes, no nays.

Fiscal Officer read the following report from the Rules and Law Committee:

The Rules and Law Committee met on July 1, 2020 at 2:00 PM

Present: Maggie Palazzolo, Rob Bartlett, Marcy Lewis

Items Discussed: (Please see attached for detail on each change.)

1. The committee discussed increasing the mayor's court fees from \$65.00 to \$70.00. Data from surrounding municipalities indicates this is justified. We recommend that council approves this increase.
2. We recommend the change to the Rules of Council (33.13) Rule 33 regarding voting to clarify what constitutes a tie.

3. As an administrative change, we should consider changing Rule 5 to read “his/her” rather than only “his” and consider doing this throughout the codebook
4. Remove this text (“while in the Tot Lot area of Dogwood Park as well as”) in 90.01 because it isn’t accurate.
5. Add Part C. to the 31.021 General Duties of the Mayor.
6. Add Parts 7 and 8 to 32.13 Rules of Council Rule 19.
7. Add language to 32.13 Rules of Council Rule 25.
8. Add language to ensure that our codebook specifies that all of Mariemont’s traffic control devices are consistent with the Ohio Manual for Uniform Traffic Control Devices (ORC 451.11)

The Committee recommends that the Solicitor prepare the necessary legislation.

Dr. Lewis voiced concerns about the report. She received a copy of the report this afternoon to sign. Subject to the meeting were several topics that needed follow-up that she never got. Ms. Palazzolo apologized for not sending Dr. Lewis the follow-up materials. Dr. Lewis said she had been looking all last week for the report because she had specific questions she wanted to ask. When she did not see it she assumed it would not be in the packet. Several items need clarification and some she does not agree with and will not support. She asked if Council wanted to line item the report. Mayor Brown said it is a long report and to more efficiently use Council’s time he suggested because several items do need clarification that it be tabled. However, he said most everyone should be able to agree with item #1. The report needs to explain the reason for the change and what will be the effect of the changes. The report could be amended to accept the changes to Mayor’s Court fees. Going back over the report line by line essentially is reconstructing the Committee meeting. Mrs. Rankin said #3 would be easy enough to include in the amendment. Solicitor McTigue said that issue is just a matter of preference. Mayor Brown asked if that would be taken care of once the code is re-codified. Solicitor McTigue said we would need to tell American Legal Publishing to make the change. Mrs. Rankin moved, seconded by Mr. Bartlett to table the report pending further explanation except #1 and #3. Mayor Brown encouraged members of Council to reach out to Ms. Palazzolo for clarification to any questions/concerns they may have. On roll call; six ayes, no nays.

Miscellaneous:

The Budget Hearing will be Monday July 27, 2020 at 5:30 p.m.

Mayor Brown said he and Mrs. Graves had a meeting with Chief Hines regarding traffic speed concerns on Settle Road, Petoskey Avenue, Miami Road Hill and South Miami Road. He referred the matter to the Safety Committee.

Mayor Brown referred to Rules and Law Committee the ordinance pertaining to grills on balconies in multifamily dwellings per the request of Assistant Fire Chief Feichtner. There was a change in the state code and recommends getting with Solicitor McTigue as well. Solicitor McTigue will forward the code to Ms. Palazzolo. Ms. Palazzolo said if Solicitor McTigue is going to compare the Village code to State code she requested an opinion letter be sent to her.

Mayor Brown said there has been a lot of work to bring the 5G guidelines together into a comprehensive document. They are now available on the website. He gave Aileen Beatty the bulk of the credit for pulling this together along with Dr. Lewis and Mrs. Rankin with the help of Jack Hemenway of Frost Brown Todd. Ms. Beatty thanked Liz Fuller, Mary Beth York, Brad Lockhart, Susan Brabenc-Page, Lynn Long and Jennifer Manzler for helping to research and gather information.

Mayor Brown said the guidelines are a supplement as referenced in the Ordinance passed by Council. Ms. Beatty said Council does have the ability to amend and supplement the guidelines in the future.

Mr. Bartlett said in Section 1-C-5 it references existing pedestrian decorative scale street and pole fixtures are classified as historic landmarks. He questioned does that indicate every street light? Ms. Beatty said there are decorative historic poles that are listed in our code of ordinances on the historic district as landmarks. We do not want those to be touched because they are not big enough to support the small cell antennas and equipment. We do not want those taken out or replaced. The fixtures are throughout the Village such as those located on Miami Bluff. Mr. Bartlett said it would be helpful to have it referenced where in the code it is.

Mr. Stelzer asked what the next steps are for 5G. Mayor Brown said we will meet with Peaknet to find out what their proposal is such as what they want to do, where they want to do it and how they want to do it. The other aspect we want to

be working on is the right-of-way document. It is a document that runs parallel to the 5G document that was passed a few weeks ago. It will be handled in a manner similar to the guidelines – we will probably come up with another task force. Frost Brown Todd has sent us examples of what other municipalities have done. We can use those and make the particulars fit the Village. He would like to say it will be done by the next Council meeting. Mr. Bartlett said the right-of-way legislation has to be submitted to Public Utilities Commission of Ohio (PUCO) which requires a 45 day wait period. We cannot pass the legislation until then.

Ms. Beatty said the design guidelines needs more specifics on how the Village wants to camouflage things. It is a level of detail that needs to be addressed. In addition, the noise ordinance on the books is not very strong. It would be helpful if it could be updated as quickly as possible. Mayor Brown said the noise is a tricky thing. Ms. Palazzolo said it was in her committee and when the issue of the noise at the Barn was raised former Mayor Policastro was nervous to put a decibel level on it due to the difficulty of measuring. She believes we can now look at the issue differently. Mr. Brown suggested looking at what some other communities have done. 5G installation may result in a humming or buzzing noise. He will work on determining what that noise is and how loud it is. Ms. Palazzolo said she will do research on other communities. She asked if anyone had a list of communities that worked on 5G she would reach out to them to see what specifically they have in place regarding their noise ordinance. Ms. Beatty said she will send the information she has to Ms. Palazzolo.

Resolutions:

“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 No. 112171 County/Route/Section: Ham Eastern Corridor VAR TSG; and Enter into Contract” had a third reading. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the resolution. On roll call; six ayes, no nays. Resolution No. R-14-20 was adopted.

Ordinances:

“Ordinance Amending Section 32.1 of the Mariemont Code of Ordinances, Rules of Council, Section (A) Rule 1” (Council meeting time) had a third reading. Dr. Lewis moved, seconded by Mrs. Rankin. On roll call; six ayes, no nays. Ordinance No. O-18-20 was adopted.

Mr. Stelzer said regarding the street vacation. We heard back from the buyer’s attorney today. Hopefully, we will get the final version of the draft/contract on Thursday and thus will be before Council at the next meeting for approval. Closing would take place shortly thereafter.

The meeting adjourned at 7:15 p.m.

William A. Brown, Mayor

Anthony J. Borgerding, Fiscal Officer