

**Village of Mariemont  
Regular Council Meeting  
July 27, 2020**

Mayor Brown called the meeting to order at 6:33 PM. Present virtually due to the COVID-19 pandemic were Mr. Bartlett, Mrs. Graves, Dr. Lewis, Ms. Palazzolo, Mrs. Rankin, Mr. Stelzer and Fiscal Officer Borgerding.

Mr. Bartlett moved, seconded by Mrs. Graves to accept the minutes as written for the Regular Council meeting July 13, 2020. On roll call; six ayes, no nays.

Mayor Brown read the following communications:

From Assistant Fiscal Officer Wendler: June 2020 Monthly Revenue/Expenses

Mayor Brown said if anyone wishes to address Council to please send an email and he will read it into the minutes for the record. Council will do their best to answer questions and concerns. For the foreseeable future Council will be meeting virtually.

Dr. Lewis moved, seconded by Mr. Bartlett to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. Ms. Palazzolo said there was \$1500 worth of soft drinks bought and asked if it was bought for the whole year. She was comparing it to snacks which was less than \$100. Mayor Brown said he was not sure how they were doing the purchasing for the snack bar this year but he did know they were going to be conservative at first. But, given the excessive heat he believes drinks would be selling very well at the pool. Mr. Stelzer said the menu at the pool is very limited. Last June the pool had a \$1400 bill for soft drinks so this is consistent. He has reviewed the expenses to date and it seems to be consistent with the previous year. On roll call; six ayes, no nays.

Mayor Brown referred to the Rules and Law Committee the review of the code regarding overnight parking in the Village. He would like the committee to make the code more understandable regarding the parking pass aspect of it and possibly produce an informational sheet for new residents etc. What is assigned to the Public Works and Service Committee is parking issues in the Village.

Mayor Brown referred to the Rules and Law Committee review and discovery of the DORA Legislation.

Mayor Brown referred to the Finance Committee to review the overnight parking fee structure.

Ms. Palazzolo moved, seconded by Ms. Rankin to accept the recommendation of the Finance Committee which met on Monday, July 20, 2020 at 5:45 pm to discuss renewing the Village's risk management insurance. Present at the meeting were Finance Committee Chair Rob Bartlett, Finance Committee Members Joe Stelzer and Kelly Rankin, Mayor Bill Brown, council member Marcy Lewis and Fiscal Officer Tony Borgerding.

The Finance Committee reviewed the initial proposal for risk management coverage from Hylant. If we did not change any of the coverage levels in the plan, the Village's cost would go from \$32,980 in 2019 to \$37,424 in 2020. The Finance Committee obtained the current coverage levels of Fairfax, Terrace Park, Newtown and Columbia Township and compared that to Mariemont's coverage (see attached).

After some discussion, the Finance Committee agreed to the following changes:

- Increase the Earthquake and Volcanic Eruption coverage from \$1,000,000 to \$2,000,000 at no additional cost.
- Reduce Media and Data coverage from \$37,221 to \$10,848, consistent with the other communities, saving \$32.
- Reduce Extra Expense in Computer Coverage (this is to rent equipment until any damaged equipment can be replaced) from \$35,000 to \$10,000 consistent with the other communities, saving \$29.
- Reduce all Liability Coverages from \$6,000,000 per event and \$8,000,000 aggregate to \$5,000,000 per event and \$7,000,000 aggregate, consistent with the other communities, saving \$1,122.

- Increase Cyber coverage from \$250,000 to \$1,000,000 while also increasing the deductible from \$5,000 to \$25,000, increasing the cost by \$277. While only Newtown currently has this level of coverage, Karie Novesl, our agent from Hylant, strongly recommended this increase given the risk in this area.
- Decline the Malicious Act coverage, saving \$779. This coverage was previously included in the Terrorism coverage, but now is being charged separately. It specifically covers a planned attack by an assailant at a Village sponsored event. Karie said it is not required by law, and neither Terrace Park nor Columbia Township are currently paying for this coverage.

After making the above changes, the new quote for our risk insurance is \$35,739, still an increase of \$2,759 versus what we were paying in 2019, but less than the \$4,444 increase we were originally quoted. The Finance Committee recommends going forward with the new updated coverage and quote. Because this needs to be passed as legislation and it needs to be effective by August 26, 2020, if council accepts this report, then the legislation will need to be passed as an emergency measure at the first council meeting in August. On roll call; six ayes, no nays.

Fiscal Officer Borgerding read the following report from the Planning and Zoning Committee. The Planning and Zoning Committee met on May 21, 2020 via Zoom at 4:00 pm for one hour to discuss the MPF's Proposed Mariemont Zoning Code changes that were presented to Council January 27, 2020. In attendance were Committee members Marcy Lewis, Joe Stelzer and Maggie Palazzolo, Mayor Bill Brown, Council Member Kelly Rankin and residents and MPF members Aileen Beatty, Rex Bevis, Don Keyes, Doug Manzler, Joe Stoner, Bob Van Stone and Mary Beth York. While MPF's proposed document made recommendations concerning six subjects, due to time constraints the discussion was limited to the subjects of demolition and the expansion of duties of the ARB that would ensue once that ordinance passes. Mariemont currently has no ordinance restricting demolition outside of the Historic District. Marcy Lewis led the meeting and stated that there are over 75 municipalities in Ohio that have local preservation ordinances that are certified by the National Park Service. Local examples include Glendale, Montgomery, Loveland and the City of Cincinnati. Furthermore, Mariemont Ordinance 151.025 states that the ARB "shall be the Historic Preservation Commission of the Municipality" and shall work in conjunction MPF to "conduct a continuing survey of cultural resources in the community". Council Member Maggie Palazzolo was in support of a demolition ordinance. However, she questioned whether an appeal should go to Council or to the Planning Commission. Don Keyes clarified by stating that Ohio State law requires such an appeal to go to the Planning Commission. Ms. Palazzolo also asked for clarification about whether a list of contributing/noncontributing (C/NC) properties would be appropriate. Council Member Joe Stelzer expressed concerns about property rights and economic impact. He suggested soliciting input from developers, real estate agents and citizens. Based on the exchange as summarized above, the committee recommends clarifying the issue of C/NC properties and soliciting input from other sources as listed, Dr. Lewis will follow-up with MPF, and the committee will reconvene at a later date to resume the discussion.

Mayor Brown suggested since the committee will reconvene for further discussion to table the report. Council agreed to wait until there were further clarifications.

#### Miscellaneous:

Mayor Brown said he and Mr. Stelzer had discussion with the Waldorf School. Mr. Stelzer said Waldorf's theory is that they can run the school outdoors as much as possible before it starts to get cold. They are going to try to create outdoor classrooms. They want to utilize approximately 10-12 10' x 10' pop up tents in Dale Park next to the ball park with a tarp lining underneath. The tents are to be put up and taken down daily – the impact on the ground should not be that much. The goal is to have the teachers and the children in the building as little as possible. The school would also like to utilize Ann Buntin Becker Park for outdoor classroom space with pop up tents put up and taken down daily. They are also looking at putting in a portable toilet in the fenced in garden area. The final request was utilizing part of the South 80 with tents, tarps and a possible portable toilet if not able to utilize the facilities at the pool. We do not know if this is a definitive ask but they are running out of time. We wanted Council to be aware of the request and do a vote when the finalize request is submitted.

Ms. Palazzolo said that is what her children's school is doing and there is precedent from the 1918-1919 pandemic with documented success. However, she is unsure how she feels about the portable restrooms. Her concern would be that there would not be a way to control who is in them during non-school hours.

Mayor Brown said he talked with Ms. Schomburg with the Parks Advisory Board and she feels any impact to the surrounding grounds would be minimal.

Mrs. Graves said Dale Park and Ann Buntin Becker Park may be doable but considers South 80 a bit of a stretch. Mr. Stelzer said the school indicated that the children would be hiked down to the South 80.

Dr. Lewis suggested pending the start of school perhaps they could use the pool parking lot and pavilion instead of the South 80. Mr. Bartlett thought that was a great idea. Mr. Stelzer said the first day of school is August 25, 2020. The pool would still be open. Currently, there are many people who are driving down to the South 80. They are going to start enforcing the rule that you cannot drive down to the South 80.

Mr. Brown said the Land Purchase Agreement for the Street Vacation was included in the Council Packet. The only documentation that was missing from the packet was the Resolution. The Resolution was emailed to Council this morning. Mr. Stelzer said he did share the survey and the legal description. The survey is of the land that is going to be vacated. We are still waiting on a second survey and legal description that splits the plot in two in order to close the transaction. The lot is owned by Mr. Turner, Trust, not by him directly, so that will have to be changed in the contract. We also got the written consent to the street vacation by Mr. Turner which means the Village does not need to go out to the public with any additional notices because the owners on both sides of the vacated street agree to the vacation.

Mrs. Graves said the primary concern she has heard from residents is the loss of green space and she asked if perhaps the funds from the sale could be earmarked for utilization of green spaces such as trails or the area by the pool as examples. Mrs. Rankin and Ms. Palazzolo agreed that it was worth more conversation. Mr. Stelzer said the impact to the green space will be minimal – all this will do will allow a house to be built closer to the street. Any trees that would be removed would have been removed whether the Village did the street vacation or not. His thought on earmarking funds is Council controls the spending and can decide how to allocate dollars in the future. He does not want to create a special fund because we have too many funds already. We do spend a fair amount on trees already and he does not want to constrict the use of the funds should we have a spending need. Mrs. Graves said it does not need a special fund but it's a lot of money that could go to something special in the Village. Mayor Brown reminded Council that MPF does have a fund for Village trees.

Mayor Brown thanked Mr. Stelzer who did a tremendous job on the street vacation work. He encouraged members of Council to thank him for all the time, work and effort he put into this project.

Mayor Brown said he is hopeful that Engineer Ertel will have updates on the Petoskey Avenue contract for the next Council meeting.

Mr. Bartlett thanked Administrative Assistant Mrs. Van Pelt, Staff Assistant Ms. Uhrig and Assistant Fiscal Officer Mrs. Wendler for all the effort they put into getting the website up and going – which was all happening during the pandemic. It took a lot of effort and he has only heard positive comments regarding the new website. He also thanked Assistant Fire Chief Tim Feichtner for all the work he put forth to secure the FEMA grant reimbursement of \$20,000 plus dollars. In addition, he wanted to thank Administrative Assistant Mrs. Van Pelt, Assistant Fiscal Officer Wendler and Fiscal Officer Borgerding for CARES Act Funding of \$62,000. They helped to secure the funding and are overseeing the reporting and usage of the funding. The Village can only keep it if there are actual expenses that are involved with COVID-19 issues.

#### Resolutions:

“Adopting the Budget for 2021; And To Declare Emergency” had a first reading. Mrs. Rankin moved, seconded by Mr. Bartlett to suspend the rules to allow for the second and third readings. On roll call; six ayes, no nays. The Resolution had a second and third reading. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the Resolution. 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. Resolution No. R-15-20 was adopted.

“To Authorize the Sale of Village’s Portion of Vacated Streets; And To Declare Emergency” had a first reading. Mrs. Rankin moved, seconded by Ms. Lewis to suspend the rules to have the second and third readings. On roll call; six ayes, no nays. The Resolution had a second and third reading. Ms. Palazzolo moved, seconded by Mrs. Rankin to adopt the Resolution. 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. Resolution No. R-16-20 was adopted.

Ordinances:

“To Renew current Contract for the Following Kinds of Insurance: Real and Personal Property, Comprehensive General Liability, Business Automobile and Other Coverages; To Pay Premiums; and To Declare Emergency” had a first reading. Mrs. Rankin moved, seconded by Mr. Bartlett to suspend the rules to allow for the second and third readings. The Ordinance had a second and third reading. Mr. Bartlett moved, seconded by Mrs. Rankin 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-19-20 was adopted.

The meeting adjourned at 7:20 p.m.

---

William A. Brown, Mayor

---

Anthony J. Borgerding, Fiscal Officer