

**Village of Mariemont  
Regular Council Meeting  
September 14, 2020**

Mayor Brown called the meeting to order at 6:36 PM. Present was Mr. Bartlett and Solicitor McTigue. Present virtually due to the COVID-19 pandemic were Mrs. Graves, Dr. Lewis, Ms. Palazzolo, Mrs. Rankin, Mr. Stelzer and Fiscal Officer Borgerding.

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the minutes as written for the regular Council meeting August 24, 2020. On roll call; four ayes, no nays (Mrs. Graves and Ms. Palazzolo abstained due to their absence)

Mayor Brown read the following communications:

From Police Chief Hines: August 2020 Monthly Report. Mayor Brown noted that there was an incident that exemplifies how lucky we are in the Village to have the police force that we do. He referenced a letter from a 16 year-old lady who ran away from home. Her parents called and spoke with Officer Kurtz. He was able, through different means, to ascertain where she was and brought her back home. In the letter she thanks Officer Kurtz for finding her and bringing her back home.

From Assistant Fire Chief Feichtner: August 2020 Monthly Report

From Service Superintendent Scherpenberg: August 2020 Monthly Report

From Tax Administrator Darrah: August 2020 Monthly Report

From Hamilton County Auditor: HB 481 2<sup>nd</sup> CARES Act Distribution. Mr. Bartlett said Ohio Municipal League said there is still another 650 million that has not been distributed that is being worked on by the state. It may be passed to be distributed on a per capita basis. The senate is trying to push back the encumbrance date to early November. Mr. Stelzer asked if the Fiscal Officer is on top of spending the CARES Act funding. Fiscal Officer Borgerding said he has been working with Assistant Fiscal Officer Wendler on using this for needed upgrades for IT work. Mr. Stelzer asked if a report could be generated for the next meeting as the deadline is fast approaching to encumber the money. Mayor Brown referred the matter to the Finance Committee.

From Duke Energy: Letter Dated August 31, 2020 re: Inside Gas Meter and Piping Inspection Program. Please see following letter for more information. Residents can contact Southern Cross (888) 694-7284 for more information.

From Assistant Fiscal Officer Wendler: August 2020 Monthly Report/Revenue & Expense Reports

Mr. Stelzer said when reading the various reports it does not give an update on year-to-date expenditures versus appropriations and whether we are on or not on budget. Fiscal Officer Borgerding said he has in the past done a quarterly report that shows budget versus actual. He did one first quarter but not second quarter. He will plan to do one for third quarter and second quarter if needed.

Mr. Stelzer asked if anyone talked with Tax Administrator Darrah to see where we stand with tax returns. Fiscal Officer Borgerding said he did speak with her and we are still behind but it does appear that many have asked for extensions. He anticipates an upswing in October.

Mr. Stelzer said when doing the revenue sheet he noticed that the Village has not received real estate taxes to date. Usually those show in August. Fiscal Officer Borgerding said he will call and ask when we should expect it. If needed, we can ask for an advancement.

Mr. Stelzer asked when the Village would receive revenues from the trash fees from Cincinnati Water Works. Mrs. Rankin said according to Assistant Fiscal Officer Wendler we should see the monies by the end of September.

Mayor Brown referenced the following emails during permission to address Council:

From Julie Lockhart 3875 Oak Street – email dated September 13, 2020:

I have concerns over the privileges that are being granted to the Waldorf School and the condition of the grounds of the facility.

- The green port-o-let placed in Ann Buntin Becker Park is unsightly, a health risk, and takes away from the beauty of the park. It is not secured and appears as though it could easily tip over. I can't imagine how the residents living in the area feel having a port-o-let in their backyard, regardless of if it is temporary or not. Council's approval of the port-o-let shows little regard for these citizens and others living in Old Town Square.
- The tents that are being used to support Waldorf student outdoor learning take away from our beautiful village green space. Why is it that Mariemont students stay in their school buildings during the school day while Waldorf students have access to our community and are crowding our parks and green spaces?
- The grounds at the Waldorf School were unkept during the summer months with overgrown shrubs and weeds. It wasn't until the beginning of the school year that the landscape was cleaned up.
- I ask that the Mayor and Council reconsider their decision to allow the port-o-let in Ann Buntin Becker Park and immediately have this structure removed and stop Waldorf School from using tents for outdoor learning. I further request that Waldorf School be required to immediately remove outdoor classrooms from our park areas, which are to be available to all residents as a park, and restrict those outside classrooms to the area they purchased at the building site and the flat easement area directly behind the school where the hut and picnic tables are located. The Waldorf School should be required to maintain their property the entire calendar year.

In the future, I would kindly ask that council not vote on anything regarding the Waldorf School without giving people or designees in Old Town Square an opportunity to provide input on any effects that could be incurred in our historic district. I appreciate you addressing this matter in the council meeting Monday, September 14, 2020.

From Susan Brabenec-Page, Email dated September 14, 2020:

Dear Council Members,

I write to voice my opposition to Council's granting of Waldorf School's request to install a "port-o-let" in Ann Buntin Becker Park. According to the minutes of Council's 8-10-2020 meeting, Council agreed to allow the portable toilet to be installed. The portable toilet was then installed and has been in use.

The installation of a portable toilet within Ann Buntin Becker Park violated the Village of Mariemont Ohio Code of Ordinances, Sections 93.035, 93.0004, and 151.076.

It is my understanding that recent developments are to result in the removal of the installed portable toilet in Ann Buntin Becker Park. I certainly hope this is the case.

However, the portable-toilet installation only underscores an issue that remains unresolved in the Village that being the public's lack of meaningful access to participation in public meetings of Council.

Mariemont residents must be allowed to address Council during live meetings, either in-person (while maintaining adherence to state mandates limiting gatherings), or virtually (using videoconferencing technology). Only by facilitating opportunities for the public to comment at "live" meetings, correct misinformation, ask questions, and reply to Council, can the Council hold any semblance of a public meeting.

I once again request that the Council implement a video- or teleconferencing means by which residents can meaningfully participate in Village government during this ongoing time of restrictions on physical gatherings.

From Val Garber, Email Dated September 14, 2020:

To Mayor and Mariemont Council,

I am requesting that the Mayor and Council require the Waldorf School, a private company, to remove their tents, classrooms, banners and port-o-let from the Mariemont public parks and to use the property that they purchased for their classrooms for their own private business purposes.

The Waldorf School bought the Dale Park Building and property on both sides of the building where the area is fenced on the east side and the parking spaces against the building on the west side. They have exclusive easement rights to use a 42 foot by 206 foot piece of property directly behind the school building for playground equipment, including swings, jungle gyms, sandboxes and fences. If they want to put up a temporary or permanent structure in this area ONLY they may do so with the approval of the Village of Mariemont.

They ONLY have the right to use the other areas of Dale Park for a playground and park with other Mariemont residents. There is no provision in the non-exclusive easement for the rest of Dale Park area that they can erect a permanent or temporary structure even with Village of Mariemont approval.

Mariemont is a National Historic Landmark Community, one of less than 2,600 in the entire United States. The banners, tents, carts left by sidewalks, backpacks as shown in the photos below are unsightly and detract from our village. The pictures below, that I took this morning around ten am on my daily walk, illustrate that they do not even use the tents as no one is under it and the students are shoulder to shoulder. Our maintenance department is there to cut the grass with classrooms on it. And now they have also moved students across Wooster Pike and have taken over the Boathouse area as a classroom as well. As you can see a young Mom and her toddler are at the family statues.

I respectfully request that Council immediately require this private company to use the property that they have purchased for their own private business purposes and remove their tents, classrooms, banners and port-o-let from our beautiful Mariemont public parks and green spaces.

Mayor Brown said he and Mr. Stelzer had a meeting today with Karen Crick with Waldorf School. They discussed some of the issues. It was agreed that the school will remove the port-a-potty at the end of September. He allowed it to give the school time to make other arrangements. It was also agreed to hold the canopy tents to a tighter footprint to be primarily behind the building.

Mr. Stelzer said there has been bad behavior on both sides of this issue. We have people who have been trying to take this matter into their own hands and in the process trying to intimidate the school and the teachers. It just is not acceptable and should not happen. A lot could probably be cut off at the pass if people talk to each other. He suggests forming an advisory group with some of the residents in the Historic District that can meet with representatives from Waldorf. He believes the more they talk the more they will be able to figure out how to coexist successfully. The idea was acceptable to the Waldorf School but he does not know if it would be acceptable to the residents. There is a fear that Waldorf has pushed residents off the recreational facilities. At the meeting today with the Mayor and Waldorf the school has no problem being secondary for use of these facilities.

Mayor Brown said he plans on contacting residents in the area who have had issues. It seems like a good common sense solution and a better line of communication.

Mr. Bartlett thought it was a good idea. He has found the Waldorf School to be very willing to listen and talk and modify plans if needed. He said we need to make sure we have the right people on the Mariemont side who are going to be open to discussion and not already have their mind made up.

Mrs. Rankin moved, seconded by Mr. Bartlett 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. Rankin to accept the recommendation of the Public Works & Service Committee which met on September 8th at 4:00 PM to discuss the 2021 trash contract renewal. In attendance were the

Committee Chairperson Kelly Rankin, Committee Member Rob Bartlett, Councilperson Marcy Lewis and Mayor Bill Brown. Committee member Avia Graves joined the meeting at 4:30. The topic of discussion was the renewal options for the 2021 trash contract. We currently are under contract with Rumpke, as they are the only provider offering rear of the house pickup. We discussed the solicitation of bids from other trash collection providers and also bid options with the Center for Local Government. Currently Rumpke is the provider of rear of the premises collection of solid waste and curbside collection of recycling. We have the option of renewing with Rumpke with a 3% increase. We also need to determine if the use of trash stickers has any impact on the cost, e.g. if there is significant cost reduction of labor for not having a sticker to remove. In order to provide the Committee and Council with sufficient information to make recommendation for the 2021 contract, the Committee recommends requesting bids for both the option of rear of the house pickup and curbside only pickup of solid waste. The recycling will remain curbside only. This will provide us with up to date numbers to determine actual potential cost savings. The Committee recommends that legal notice be posted to obtain sealed bids for the furnishing of equipment and services for the collection disposal of waste material and recycling. The Committee also recommends working with CLG to determine if opportunities exist with CLG to manage our trash/recycling service to the residents.

Mayor Brown said there is opportunity for the Village to explore options and save money. He said the committee would need to hold another meeting once the bids were received for resident input.

Mr. Stelzer asked what the timeline is for the trash contract. Mr. Bartlett said the contract goes through the end of the year. The committee does not want to pass this on an emergency so the last reading would need to be the last meeting in November. The legal ads need to run for two weeks. We need to have a report and legislation ready by the second meeting in October.

Ms. Palazzolo said many residents are stressed that Council was not having real time input at our meetings from residents. She believes this is a big change that residents will be vocal about and strongly believes it should be something we meet in person on this. Council needs to hear from residents and residents want to be heard especially on such a big change. We may need to be creative and do an outdoor meeting for something that may have a lot of resident input. Mayor Brown said he would love to get back to in person meetings as soon as possible even if it means restricting the number of people in Council Chambers. Mr. Stelzer asked for the timeline to be prepared and distributed to Council. We are at the 11<sup>th</sup> hour for public input and pressed that we need to have the meeting soon. Mr. Bartlett said the meeting would happen during the first two weeks in October when we have the bids back. Mr. Stelzer said we need to get the message out that Council will be discussing options on trash pick-up. Mayor Brown said we have the email contact list on the website and believes that this issue will carry by word of mouth. Mr. Bartlett said most residents do not know that the Village carries a large portion of the trash contract. Ms. Palazzolo suggested putting together a flyer with pertinent data for distribution to residents prior to the meeting or even an insert for the November Town Crier. On roll call; six ayes, no nays.

#### Miscellaneous:

Mayor Brown referred to the Finance Committee the Trash Sticker Program, assessment of direct deposit and software for payroll and finance.

#### Resolutions:

“To Establish Court Costs as Authorized by Section 33.05 of the Code of Ordinances of the Village of Mariemont” had a second reading.

“To Reappoint Rick Gibson as Mayor’s Court Magistrate for Calendar Years 2021 and 2022; To Set Compensation” had a first reading.

“To Reappoint Edward J. McTigue as Solicitor for the Village of Mariemont for the Calendar Years 2021 and 2022” had a first reading. Mr. Bartlett asked if Council needed to do anything for Frost Brown Todd. Solicitor McTigue said he did not believe legislation was needed. Mr. Bartlett asked for the engagement letter for Frost Brown Todd. Mrs. Van Pelt said she would provide a copy.

“To Confirm the Reappointment of Christopher M. Ertel as Village Engineer for Calendar Years 2021 and 2022; and To Set Compensation” had a first reading.

“To Confirm the Reappointment of Jordan Schad as Swim Pool Manager for Calendar Years 2021 and 2022” had a first reading.

“To Reappoint Ted Beach as a Member of the Pool Commission for the Calendar Year 2021” had a first reading.

“To Reappoint Terry Donovan as a Member of the Pool Commission for the Calendar Year 2021” had a first reading.

“To Reappoint Leesa Blanding as a Member of the Pool Commission for the Calendar Year 2021” had a first reading.

To Reappoint Mandy Rohal as a Member of the Pool Commission for the Calendar Year 2021” had a first reading.

Ordinances:

“To Amend Chapter 79 of the Mariemont Code of Ordinances for a Charge of \$100 for Annual Stickers Issued for Overnight Parking” had a first reading.

Mr. Bartlett asked if Frost Brown Todd submitted legislation for the right-of-way for PUCO. Mrs. Rankin said they sent a form that we need to sign. At that point the clock will start ticking.

The meeting adjourned at 7:18 p.m.

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William A. Brown, Mayor

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Anthony J. Borgerding, Fiscal Officer