

**Village of Mariemont  
Regular Council Meeting  
October 12, 2020**

Mayor Brown called the meeting to order at 6:30 PM. Present was Mr. Bartlett. Present virtually due to the COVID-19 pandemic were Mrs. Graves, Dr. Lewis, Ms. Palazzolo, Mrs. Rankin, Mr. Stelzer, Fiscal Officer Borgerding, Solicitor McTigue and Superintendent Scherpenberg.

Mr. Bartlett moved, seconded by Mrs. Rankin to accept the minutes as written for the regular Council meeting September 28, 2020. On roll call; six ayes, no nays.

Mayor Brown read the following communications:

From Police Chief Hines: September 2020 Monthly Report

From Assistant Fire Chief Hines: September 2020 Monthly Report

From Tax Administrator Darrah: September 2020 Monthly Report. Mr. Bartlett commented that year-to-date is still \$160,000 less for income taxes. Fiscal Officer Borgerding said he talked with Mrs. Darrah today and to date there are 400 less returns this year versus last year. Hopefully those are received in the office shortly. Mr. Stelzer said that is 25% of the total returns.

From Pool Manager Schad: August & September 2020 Monthly Report

Mr. Stelzer said he would like to see the monthly reports indicate where the department is with year-to-date spending versus budget.

Fiscal Officer Borgerding said the 3<sup>rd</sup> Quarter Report should be ready for the next meeting.

From Anastasia Nurre: Email Dated October 1, 2020 re: Waldorf School. Mayor Brown asked that the email be made part of the permanent minutes:

“Dear Council,

Thank you for all the hard work you do to keep Mariemont the family-centered community that Mary Emery planned it to be. With Emery's goal in mind, I wanted to write in support of the good that the Waldorf School has done in keeping childhood joy literally at the center of the Old Town.

The Cincinnati Waldorf School has brought much good to the community. Aside from more laughing children--always welcome!--Waldorf has enriched the community in a number of pragmatic and fun ways.

From a fiscal standpoint, Waldorf has bought payroll taxes to the community. In addition, they have chosen to upkeep the spaces they use, which saves the Village money. Finally, they occupy a historic elementary school in Mariemont, preserving the integrity of the structure through upkeep and continuing to use it as it was historically used in Mariemont.

From a recreational standpoint, the spaces they use have become much more enjoyable for my family. We do at times play on the Waldorf playground on weekends. We enjoy the landscaping around the school. When visiting Ann Buntin Becker Park, we often stroll through the garden to see what is growing and to learn about the life cycle of plants. We enjoy the play spaces that have been significantly restored since Waldorf began bringing classes there. Of course we thank the Village for their support and financial contributions to restoring that green space as well!

From a community standpoint, Waldorf has been gracious about lending their spaces for community events like Luminaria. They open their doors to the community to participate in their events. They leave no trace in the spaces they occupy with few and usually approved exceptions. They have a strong desire to fit into the community and for the school and the Village to flourish together.

In full disclosure, my son went to preschool at Waldorf and I loved it. I was so taken with the people and the school that I worked as a substitute in their classrooms. They are peaceful people with ready smiles who really just want to peacefully beautify the green spaces so they can enjoy the outdoors, which is an integral part of Waldorf education. I believe this is a goal supported by both the school and the Village.

Waldorf is filled with individual parents and students, which means there are problems at times that are related to the school but not directly under their control. I have spoken to Waldorf leadership when there were problems with traffic in the Old Town. Just as I see Mariemont parents sometimes speeding down Settle Road, there are Waldorf parents that lose track of time and rush their kids to school forgetting that it is a neighborhood. I DO NOT condone speeding and I am fully in favor of giving as many tickets as possible to anyone who speeds through our neighborhoods regardless of their home zip code. I also do not hold the school responsible for random parents any more than I hold our amazing Mariemont Elementary staff for parents, or let's be honest, high school students, who race down my street. Even so, the school has made sure to communicate with their parents when they receive complaints from their neighbors.

I thank you for taking the time to read this very long letter. I do hope you will consider the contents carefully. It is wonderful to have the building fully occupied by children in fulfillment with Mary Emery's dream. I smile every time I see a group of happy children walking to make use of the parks. While they are not a perfect tenant--humans just aren't made to be perfect--their goals do align with Village goals. I hope that we can find a way to continue to grow together.”

From Assistant Fiscal Officer Wendler: September 2020 Monthly Report

From Hamilton County: HB 614 CRF local Distribution \$126,774.00. Fiscal Officer Borgerding said he needs to do a report for anything that has been encumbered through September 2020 plus any receipts which is due October 20 and another report is due the first of January. The work needs to be done by December 31, 2020 and can be paid in January 2021.

Mayor Brown said he and Council members are receiving requests from residents to be able to participate in the Council meetings. He is working with ICRC to formulate a plan whereby they will be able to do that. He was hopeful to have a trial run tonight but the technical hoops for this are a bit more than he anticipated. He is planning a method for the next Council meeting where a resident can address Council in real time for the three minute limit. We will need a monitor, perhaps Mrs. Wendler, to allow those to link into the meeting. There are 4 remaining meetings this year and perhaps by the first of the year go back to live Council meetings. Mr. Stelzer said we may need to do Zoom meeting for a while going forward as it does not appear that there is going to be a vaccine for COVID-19 anytime soon. He believes we may need to do this for the next three months if not longer.

Mrs. Rankin moved, seconded by Dr. Lewis 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 Ms. Palazzolo to accept the recommendation of the Rules and Law Committee which met on Thursday October 8, 2020 at 1:30PM via Zoom. Present at the meeting were Rob Bartlett, Marcy Lewis, Maggie Palazzolo and Assistant Fire Chief Tim Feichtner.

Ten items related to updating the code book were addressed.

Item 1: Addressed signs in residential districts. Please see the proposed changes in the addendum. The committee voted unanimously to accept them. The only exception is the time limit. Maggie will review how the City of Cincinnati manages how long residents may have signs in their yards. This could be an undue hassle for enforcement, so we want to write it well.

Item 2: Updates/corrects our code language about no parking on certain streets. The committee voted unanimously to accept this change.

Item 3: To allow the building commissioner's position to be filled by a non-resident and change the term to two years to match the Village solicitor, Fiscal Officer, etc. The committee had two votes in favor of this change and one member abstained from voting.

Item 4: Makes a correction regarding the use of Robert's Rules of Order. The committee voted unanimously to accept this change.

Item 5: Makes the language regarding dogs in the Tot Lot fenced area consistent with the other sections of the code book. The committee voted unanimously to accept this change.

Item 6: Eliminates the dog/cat warden position. The committee voted unanimously to accept this change.

Item 7: Adds clarity to the rules of council regarding assigning/moving items to committees and approving newly created committees and commissions. The committee voted unanimously to accept this change.

Item 8: Clarifies Council Rule 25. The committee voted unanimously to accept this change.

Item 9: Adds language to clarify that Mariemont is required to follow the Ohio Manual of Uniform Traffic Devices when adding traffic control devices. The committee had two votes in favor of this change and one member abstained from voting.

Item 10: The item addresses ordinance No. O-14-16 regarding the maintenance of the historic and aesthetic character of the entire Village of Mariemont. The committee voted unanimously to not take action at this time and has the following statement: We recognize that this has been in process since 2016 and the Village Solicitor has provided his opinion that it is likely unconstitutional. We choose not to strike it from the codebook until we have language to replace it with, and we support the Economic Planning and Zoning Committee in their work to update this section.

The Committee recommends the Solicitor prepare the necessary legislation. Dr. Lewis clarified that she did not sign the report. Ms. Palazzolo said she has not yet collected signatures. She added once the Economic Planning and Zoning Committee completes their work they will readdress Item #10.

Dr. Lewis said in the future the agenda should delineate exactly what is going to be referenced. She found the public notice agenda too vague. Mr. Bartlett said it had been addressed in the past at the last two meetings in the same way. Dr. Lewis said residents should see what it is Council is proposing to change. Dr. Lewis said the report does not mention that some items were accepted by Council in a previous report but not all items were accepted. She made the point because she felt it was important. Ms. Palazzolo said she pulled the old report and opted not to make any changes with the sidewalks. The other item was the removal of the cat/dog warden.

Mayor Brown said item #9 which requires the Village to follow the Ohio Manual of Uniform Traffic Devices when discussing the addition of a traffic control device causes him concern that we are adding a layer of ungodly expense to do something simple such as a yield, stop sign etc. He asked if anyone looked into the cost to hire a traffic control engineer. Mr. Bartlett said that is not required. This is a preamble. It has been discussed with Solicitor McTigue many times. This says that Council has to follow the Ohio Manual of Uniform Traffic Devices – it does not say the Village has to hire anyone. Solicitor McTigue said it is correct that the Village must follow the manual for traffic devices.

Council discussed and agreed to vote on the report as a whole. Dr. Lewis said she wanted the report amended to reflect that she asked to have the agenda reflect items to be discussed. Solicitor McTigue said the report does not need to be amended to reflect that but it should be done going forward. Ms. Palazzolo said she will reflect Dr. Lewis's concern and request in the committee meeting minutes. Ms. Palazzolo said before the next codification they will address the time limit in item number one. Solicitor McTigue said the Village has to be ultra-careful on the changes they make due to potential litigation. On roll call; six ayes, no nays.

Mrs. Rankin moved, seconded by Ms. Palazzolo to accept the recommendation of the Rules and Law Committee which met on Thursday October 8, 2020 at 1:30PM via Zoom. Present at the meeting were Rob Bartlett, Marcy Lewis, Maggie Palazzolo and Assistant Fire Chief Tim Feichtner. (The meeting ended at 2:30, but this portion only lasted about 20 minutes.) The first topic discussed was the use of grills on balconies. Our current code prohibits this, but some of the owners of condos paid to have a natural gas line run to their balconies and had sprinklers installed. The state fire code allows for grills on patios and balconies as long as those two conditions are met (permanent gas line and sprinkler). Assist. Fire Chief Feichtner stated that he thinks it is appropriate to change our code to match the state code, but he would like to add the requirement that each resident with a grill on their balcony also have a mounted fire extinguisher. The committee unanimously supports this recommendation. In addition, to clarify our code, the committee recommends that Section 91.36,c,5 be changed to read "no fire pits of any sort are permitted in multi-family dwellings" rather than "wood burning fire pits", remove the word "patios", and add a requirement that fire pits on patios need to be 10 feet away from the dwelling.

It is recommended that the Solicitor prepare the necessary legislation.

## Our current Code:

### § 91.36 VIOLATIONS OF STATE FIRE CODE PROHIBITED.

(A) No person shall knowingly violate any provision of the State Fire Code or any order made pursuant to it.  
(R.C. § 3737.51(A))

(B) Except as a violation of R.C. § 2923.17, regarding the felonies of unlawful possession of a dangerous ordnance and illegal manufacture or processing of explosives, involves subject matter covered by the State Fire Code, whoever violates division (A) above is guilty of a misdemeanor of the first degree.

(R.C. § 3737.99(B))

(C) (1) Nothing contained in this section shall in any way modify the provisions of the State Fire Code, except as expressly set forth herein.

(2) (a) The storage and use of electric **grills** is permitted on balconies of multi-family units, provided, the **grills** are inspected and approved by the Fire Department for the village. For purposes of this section, a **MULTI-FAMILY UNIT** shall be defined as when multiple separate units for dwellings are located within one or several buildings within a complex.

(b) A few examples of multi-family housing are duplexes, townhomes, condominiums, and apartments.

(3) The use of open flame **grills** of any size, whether gas or charcoal, is not permitted on the balconies, porches, or patios of multi-unit structures, except if the **grill** is located ten feet or more from the structure, whether owner occupied or a rental tenant.

(4) The storage of gas or charcoal **grills** and their related fuels is not permitted in multi-dwelling structures, either on balconies or in the building itself.

(5) No outdoor wood-burning fire pits are permitted on the balconies, porches, or patios of multi-unit structures.

(6) This division (C) shall go into effect at the earliest date allowed by law.

Passed: January 14, 2012

(2000 Code, § 91.36) (Ord. O-2-13, passed 1-14-2012)

#### **Statutory reference:**

*Fire Code violations, see R.C. §§ 3737.41 et seq.*

*State Fire Code, see O.A.C. Ch. 1301:7-7*

## Proposed Changes:

### § 91.36 VIOLATIONS OF STATE FIRE CODE PROHIBITED.

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(b) A few examples of multi-family housing are duplexes, townhomes, condominiums, and apartments.

(3) The use of open flame **grills** of any size, whether gas or charcoal, is not permitted on the balconies, porches, or patios of multi-unit structures, except if the **grill** is located ten feet or more from the structure, whether owner occupied or a rental tenant **or the grill is permanently installed with a natural gas line and the unit is equipped with a sprinkler system.**  
**(We will use the language in the state code, but this is approximately what it will say.)**

(4) The storage of gas or charcoal **grills** and their related fuels is not permitted in multi-dwelling structures, either on balconies or in the building itself.

(5) No outdoor **wood-burning** fire pits **of any kind** are permitted on the balconies, porches, or **patios** of multi-unit structures.

(6) This division (C) shall go into effect at the earliest date allowed by law.

Passed: January 14, 2012

(2000 Code, § 91.36) (Ord. O-2-13, passed 1-14-2012)

#### **Statutory reference:**

*Fire Code violations, see R.C. §§ 3737.41 et seq.*

Dr. Lewis asked if they have to be on a patio. Ms. Palazzolo no it was not addressed should it be in the grass. Dr. Lewis said she believes the whole 10' rule should apply even if it is in the grass On roll call; six ayes, no nays.

Miscellaneous:

Mayor Brown said he has spoken with surrounding communities and all are staying with traditional Trick-or-Treating October 31, 2020 from 6:00-8:00. He is of the belief the Village should stick with this and suggest that everyone follow protocols from the Board of Health. Those will be put on the website and on NextDoor Mariemont. For those who do not wish to participate he encourages those residents to turn their lights off. Obviously, if something drastic happens with the numbers in the county we will need to re-evaluate the situation. Mr. Stelzer said should the schools lockdown then we should take a hard look at Halloween.

Mr. Stelzer said he sent an email to Council regarding questions he has regarding the Tree Committee such as what are they set up to do? Is it a comprehensive committee or limited to a certain area of the Village and what is the plan for trees for the entire Village?

Superintendent Scherpenberg said the Village is a Tree City USA which includes certain criteria that the Village has to follow. The Village no longer has an arborist. The Parks Advisory Board was put in the position to also act as the Tree Commission. It crosses a very thin line with Tree City USA. In order to keep Tree City USA commission the Village needs a Tree Commission. The Mayor is in charge of street trees per Village Ordinance. Over the years, residents have moved in and removed trees they did not like thus resulting in a loss of tree canopy. The Village established the Tree Ordinance that requires a permit should someone wish to take down a heritage tree. An arborist needs to sign off on why the tree needs to be removed. To keep our Tree City status he has been working with ODNR and MPF has offered \$10,000 as reimbursements to the Village for trees. Due to some areas having a small workable easement due to utility lines, MPF may give money directly to a homeowner to plant a tree on the other side of the walk where they would take ownership of it. The Village cannot maintain private trees. He has been working in the Historic areas with Mary Beth York, Marcy Lewis and Brad Lockhart. The last couple years the budget for trees has been \$50,000 per year. Tree City USA application requires the number of trees removed, trees that were planted and the cost factor. The Village averages \$80,000-\$100,000 throughout the Village every year on tree work.

Mayor Brown said it was his understanding that Wendy Van Buren, Arborist for ODNR, was going to inventory the types of trees the Village has and then determine a plan for the types and sizes of trees to be planted throughout the Village. Superintendent Scherpenberg said they are still working off the plan put in place by Karen Sullivan when she was with MPF, but yes – Mrs. Van Buren is still working on a plan for the Village. We do not want to be in the same position as we were with the Emerald Ash Borer. Dr. Lewis added that the Commission is looking at what is historically consistent with what John Nolen recommended if possible.

Mr. Stelzer said there is some concern with Council just hearing about this but understands the need to comply with Tree City USA. He wonders if the Village is spending enough money in the Village overall. From the data given to him the Village spends a lot more money taking trees out than planting trees. Superintendent Scherpenberg said that is correct – by the time trees that need to be removed are, it leaves very little room in the budget for planting new trees. Mr. Stelzer said that is when Council needs to be informed so they can discuss whether more money needs to be allocated. Right now Council does not know what the plan is. Superintendent Scherpenberg said for the last five years he has been given \$50,000 plus \$25,000 in the beautification fund. Prior to that there was no budget given for trees. We are not like other communities such as Terrace Park that has a tree levy to help fund monies for the tree program. Hurricane Ike devastated the Village. Former Councilmember, Cortney Scheeser said the Village needed to budget more money for tree plantings. Mr. Stelzer interjected that Council needed to know the magnitude of the problems we are facing. It ip us to Council to allocate the monies to fix the problems.

Mr. Bartlett said that Tree City USA is important and agrees for the need for a Tree Committee. He wants to be clear on what the scope of responsibility would be.

Mayor Brown referred to the Health and Recreation Committee the Tree Committee Plan and Recommendations in conjunction with working with Wendy Van Buren and members of MPF. Council agreed that Health and Recreation was the proper Committee for review. Dr. Lewis said she would reach out to Mrs. Van Buren for a summary of where she is with her plan to date.

Mayor Brown said several people have expressed concern with a tree that is in the Tot Lot. He would like to take action prior to Mr. Stelzer getting the Tree Committee up to speed. He wants to remove the tree and replant now since fall is the best time for planting. He will work with Mandy Rohal and MPPG. Superintendent Scherpenberg said he believes that has changed. Mr. Stelzer moved, seconded by Mrs. Rankin to have the Mayor be the point person for the Tot Lot improvements. On roll call; six ayes, no nays.

Mayor Brown said the issue of what is the principle for when letters are added to the Council agenda was raised by Mr. Bartlett. Ms. Palazzolo said if there are no guidelines then it should be put into committee for discussion. After discussion, Mayor Brown referred the matter to the Rules and Law Committee.

Council Members gave verbal updates on committee assignments:

Mrs. Graves said regarding traffic speeding concerns, some work has been done in this area, but she has been waiting until it could be a meeting with public input and participation. She has had conversations with the Mayor, Police Chief and many residents and it needs to be brought together and outline the data in an open meeting to determine future process and procedures. Regarding the handicap parking spot in front of Hampstead Condominiums she does have the contact information from the gentleman that sent the letter. She is reaching out to him to gather information on what he wants to do and then she will set a meeting. Regarding the speed table/Miami Hill she has been gathering information and talking with the Police Chief, Superintendent Scherpenberg and Engineer Ertel. She plans to move forward with a meeting in the near future. She said the Mayor and Police Chief were able to secure a speeding device that will be utilized on Homewood Road. It has the ability to be moved as needed. She believes it will help with the speeding issue and her hope is the Village will budget for an additional device.

Mr. Bartlett said the Incentive Program for creation of parking spots on private property is linked to the conversation of overnight parking fees. The Mayor is working with MPF on a test on it in the Historic District. The trash sticker program will be discussed once the contract for waste collection is decided. We are in the informational gathering stage for direct deposit and then will evolve to the Finance/Payroll software which will heavily involve Mrs. Van Pelt and Mrs. Wendler.

Dr. Lewis said building tear down aesthetics is in process with members of MPF who drafted the recommendations. Members of MPF reached out to several realtors and Mr. Spinnenweber for their input. That process is still ongoing. The matter of working with MPF Task Force to take proactive steps to preserve Village Architectural heritage was also submitted as part of the recommendation from MPF in January. She chose to separate the two issues as aesthetics is going to take a bit more time. Business economic development in the Village is ongoing. She is working with Kim Beach to put an incentive program together for businesses to offer discounted gift cards. It would encourage residents to shop locally and would be advertised in the Town Crier. The creation of a CRA Council was moved into her committee. She has met with the Mayor and Mrs. Rankin to get up to speed. She was given some names of potential members whom she will be meeting with and is hoping to have a meeting towards the end of the month. Mr. Bartlett asked if she was looking into TIF and other financial incentives for redeveloping in the industrial area. Dr. Lewis said they have not addressed that but it is certainly worth discussing.

Ms. Palazzolo said she tabled the matter of installation of solar panels as she does not feel it is the most pressing issue right now. She will be contacting those who showed interest in it and would like to leave it tabled. It may be something to turn over to an interested party of residents to do the fact gathering. Reviewing the Ordinance regarding overnight parking was tabled. It was unclear if it was to be tackled as a whole or was it to be tackled as it pertains to overnight passes. Because we may or may not make changes to the approach to the passes as a whole. It can be picked back up once it goes through the Finance Committee. The review and discovery of DORA (Designated Outdoor Recreational Area) Legislation allows people to patronize businesses with open container beverages purchased at local establishments. It crosses over with Economic Development but with Dr. Lewis on the Rules and Law Committee it works well. It could be successful in the square and Old Town Square. We are still in Phase one of reviewing the Mariemont Code of Ordinances for changes or deletions of outdated legislation. She asked that the recodification of the code book be added back into committee. She

wants to get a quote and list of options so the committee can review and discuss. The Mayor referred the matter to the Rules and Law Committee.

Mr. Stelzer said the construction drawings for the multi-use drawings path is going to be discussed later in the meeting. Not much has been done with the Whiskey Creek Walking Path due to COVID-19 and organizing work groups. He will work on formalizing a plan but currently it is being used. The same holds for the Dale Park Hillside Conservation. He is hoping to get back to work on it in the spring. He has not yet done work on the review process for naming and use of Village properties. He has had some questions from people regarding naming rights with the Murray Trail. We also need to discuss what we charge for those types of things. Ms. Palazzolo said Lorne Hlad did quite a bit of work on naming rights with the building addition and suggested he reach out to him for his research.

Mrs. Rankin said regarding raising the building department fees she believes we need to address the future structure of the building department. We have talked in preliminary discussions how the department will move forward. Until we know more of how that will go and the possibility of putting the permit fees out to a third party. She is targeting spring 2021. It was agreed by Council that it was premature to discuss the Building Department personnel at this time. It was agreed to table the matter of Governmental Aggregation. She had a conversation with Melissa Taylor with Columbia Township regarding Murray Avenue repairs. Ms. Taylor said Columbia Township is focused on the empty fire department building on Murray Avenue. There is a huge drainage project they need to work on with that. Until the scope is known we will not know if it will be repaved. Their engineer is to do a top five street assessment for immediate attention. Our timeline is contingent on their timeline. She said there are parking issues in Finance, Rules and Law. Mrs. Graves said a decision needs to be made as a whole with regards to overnight parking before changing fees etc. Ms. Palazzolo said she strongly feels the overall assessment should be completed, not recommendations from an overall assessment, but what is current state, what is the desired state and which places are or are not at desired states. It was decided that Public Works would look at what the comprehensive Village parking assessment would look like and what the scope of the work would be. Mr. Stelzer said Columbia Township did a parking assessment of Madison Place and paid a firm and suggested seeing a copy of report to see if it would be helpful. The Committee will target the beginning of November to hold a meeting. The trash contract bids will be opened Wednesday with a meeting to follow to discuss the bids.

Mayor Brown said there was a spreadsheet on potential spending of the CARES Act funding. The IT work is one of the larger projects being taken on. Mrs. Wendler has been an excellent point person on this project. Mr. Bartlett said there is still \$113,000 left and the criteria is the funds have to be encumbered by November 20, 2020 with the project complete by December 31, 2020. We need a process to make sure the project (s) qualify. Fiscal Officer Borgerding is arbitrator for making sure our projects meet qualifications. We believe that code codification qualifies (what work has been completed could be billed and paid with funding), police/fire payroll, maintenance, pool cleaning and sanitizing. He said the Tennis Association has raised money and got bids to make another patio area to allow for more social distancing when multiple teams are playing. Creating a recreational area for expanding or improving does fall within the spending qualifications. The quote is \$55,000 and the work can be done prior to the end of the year. Enhancements to the hut area could be used from private funds and money from the school. Mrs. Rankin said the administrative office/building department has no social distancing at all. It is not even doable. Consideration should be given to restructuring the offices. It was agreed by Council to hold a Special Meeting of Council next week to discuss the list. Fiscal Officer Borgerding will put together a spreadsheet with the various projects and cost estimates.

Service Superintendent Scherpenberg gave an update on the pool repairs and pool leaks. The belief is the upper part is okay. The pit to the downstairs area has a leak somewhere in the 57' from the pit. The baby pool has a leak in the seating area. They are still in the process to determine where all the leaks are. The proposal is to reseal the lap pool, main pool and talk with Shamrock and/or Ed Beck about the configuration with the baby pool. Mr. Stelzer said the Service Department and Ben James have been fantastic on working at the pool and especially all the help they gave throughout the summer.

Mr. Stelzer said Council received copies of the Swim Commission By-Laws. There were two changes made being they will not be indemnified for gross negligence or intentional misconduct. It was reviewed by Solicitor McTigue. Ms. Palazzolo said for consistency the term Village government is used but it is very vague. Mr. Stelzer said it is Council's responsibility to tell them who they need to report to. Village Code will define who they report to. Council voted unanimously to approve the by-laws.

Mayor Brown said he and Mr. Stelzer have been talking with representatives of the Waldorf School regarding the creation of a Waldorf Neighborhood Advisory Group. Resident Matt Ayer has said he was willing to be the point person on this. The details still need to be formulated. We need to notify residents in the immediate area of the group to get participants. Mayor Brown referred the matter to the Health and Recreation Committee. Mr. Stelzer said we need to get an email out to garner interest and then will hold a committee meeting.

Solicitor McTigue said the plot for the street vacation sale was dropped off at the Village Offices today. It was signed by Fiscal Officer Borgerding. Once filed and recorded it will be official. Hopefully we should have the funds by the end of the month.

Village Offices will be closed Thursday and Friday November 26 and 27, 2020 in Observation of Thanksgiving.

The Council meeting in December will be Monday December 21, 2020 at 6:30 p.m. Fiscal Officer Borgerding said the Supplemental Appropriation Ordinance will be passed that meeting and it gives him more time to accurately measure December expenses and revenues. Mr. Bartlett said Council discussed the Permanent Improvement meeting occurring in December to allow more time to get the best pricing. It was agreed to hold the Permanent Improvement meeting at 5:30 p.m.

Superintendent Scherpenberg said leaf pick-up will begin October 26, 2020. Due to the fact that Hamilton County is a red alert county we will not be bringing in the part-time workers from Minute Men so we do not risk the health of the employees of the Service Department. We will have a two man crew with two trucks. We have instructed residents not to have their landscape companies rake to the street but to bag the leaves prior to the 26<sup>th</sup>. The process will take longer and in between the department will be busy with the Tree Lighting preparations. He anticipates a lot of complaints. The department will work the best they can to get them removed as quickly as possible. Bagged leaves will be hauled free of charge by Rumpke. Residents may also put leaves in marked cans for Rumpke to take free of charge. Many communities are now charging for leaf pickup or getting away from it all together due to the cost factor. The information has been posted to the Village website and put on NextDoor Mariemont. Dr. Lewis asked if Hamilton County goes to orange status would part-time workers be an option. Superintendent Scherpenberg said he is taking precautions for his department. It only takes one case to knock the whole department out and feels for the best safety of the Village that outside workers are not brought in. Mayor Brown reminded residents to please not rake the leaves into the street. It creates problems with catch basins and storm water runoff and they are dangerous when slick.

#### Resolutions:

“To Reappoint Rick Gibson as Mayor’s Court Magistrate for Calendar Years 2021 and 2022; To Set Compensation” had a third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-20-20 was adopted. Mr. Stelzer asked to see a copy of the contract before they are signed.

“To Reappoint Edward J. McTigue as Solicitor for the Village of Mariemont for the Calendar Years 2021 and 2022” had a third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-21-20 was adopted.

“To Confirm the Reappointment of Christopher M. Ertel as Village Engineer for Calendar Years 2021 and 2022; and To Set Compensation” had a third reading. Mrs. Rankin moved, seconded by Dr. Lewis to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-22-20 was adopted.

“To Confirm the Reappointment of Jordan Schad as Swim Pool Manager for Calendar Years 2021 and 2022” had a third reading. Mrs. Rankin moved, seconded by Dr. Lewis to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-23-20 was adopted.

“To Reappoint Ted Beach as a Member of the Pool Commission for the Calendar Year 2021” had a third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-24-20 was adopted.



“To Reappoint Terry Donovan as a Member of the Pool Commission for the Calendar Year 2021” had a third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-25-20 was adopted.

“To Reappoint Leesa Blanding as a Member of the Pool Commission for the Calendar Year 2021” had a third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-26-20 was adopted.

“To Reappoint Mandy Rohal as a Member of the Pool Commission for the Calendar Year 2021” had a third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-27-20 was adopted.

“Resolution Authorizing the Mayor to Enter Into a State Local Project Sponsor Contract Agreement Pursuant to Provisions of the Clean Ohio Trails Fund (COTF) and/or Recreational Trails Program (RTP) Including the Contracting for all Work Necessary Relative to Preliminary Design and Construction Drawings 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 reading. Mr. Stelzer said we need to get an item from Columbia Township regarding the easement before we can we can sign the contract. He is not sure we need an emergency to sign the contract. Solicitor McTigue said his opinion is to pass the Resolution on an emergency as Engineer Ertel was not sure if we needed the easement and was going to check with Columbia Township. We should at least authorize the Mayor to sign. Mr. Stelzer said we are discussing \$267,000 and the wording has been reviewed by the Solicitor, Mayor and himself and is found to be acceptable. We can start recovery of 75% of costs once the contract is signed. We have raised \$36,000 in private fundraising and have a \$75,000 commitment from Columbia Township. There will be a fundraiser on October 21 at Fifty West from 4-9. They will be sharing the profits from sales that day. We need to get moving on the construction drawings which will take 6-8 weeks to complete. There will be no cost to the Village. The cost will be covered by the ODNr grant or private funds. The plan is to build in spring 2021. There is a preliminary landscaping plan can be found on the Murray Path.com website. It will definitely be modified and any comments can be left on the website. They plan to do it virtually to start with before bringing it into a Health and Recreation Committee meeting. There is another grant program from Hamilton County Development that has large sums of money floating around for potential recreational projects. We are in the process of gathering more information. The Resolution had a third reading. Mrs. Rankin moved, seconded by Ms. Palazzolo 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-28-20 was adopted.

“To Reappoint Peter Wren as a Member of the Architectural Review Board for the Calendar Years of 2021 & 2022” had a first reading.

“To Reappoint Eric Marsland as a Member of the Parks Advisory Board for the Calendar Year of 2021” had a first reading.

“To Reappoint Dave Wuertemberger as a Member of the Parks Advisory Board for the Calendar Year of 2021” had a first reading.

“To Reappoint Ruth Varner as a Member of the Parks Advisory Board for the Calendar Year of 2021” had a first reading.

“To Reappoint Carrie Gray as a Member of the Parks Advisory Board for the Calendar Year of 2021” had a first reading.

“To Reappoint Mary Tensing as a Member of the Parks Advisory Board for the Calendar Years of 2021 and 2022” 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 the third reading. Mr. Bartlett said in order to allow residents to directly provide input he moved, seconded by Ms. Palazzolo to table the Ordinance. On roll call; six ayes, no nays. *The Ordinance was tabled.*

“An Ordinance Enacting Chapter 56 of the Codified Ordinances of the Village of Mariemont, Entitled Comprehensive Right of Way Administration” had a second reading.

The meeting adjourned at 8:47 p.m.

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William A. Brown, Mayor

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Anthony J. Borgerding, Fiscal Officer