

**Village of Mariemont  
Regular Council Meeting  
November 9, 2020**

Mayor Brown called the meeting to order at 6:31 PM. Present was Mr. Bartlett and Solicitor McTigue. Virtually present due to the COVID-19 pandemic were Mrs. Graves, Dr. Lewis, Ms. Palazzolo, Mrs. Rankin, Mr. Stelzer, Fiscal Officer Borgerding, Assistant Fire Chief Feichtner and Service Superintendent Scherpenberg.

Mr. Stelzer asked that the minutes from October 26, 2020 be amended to include the comments received by a resident on Indianview who had a strong opinion that cars do not need to be parked on the street and the fee for parking on the street should be \$500.00 per car. Mr. Bartlett moved, seconded by Mrs. Rankin to accept the amended minutes. On roll call; six ayes, no nays.

Mr. Bartlett moved, seconded by Ms. Palazzolo to accept the minutes as written for the Special Council meeting October 19, 2020. On roll call; six ayes, no nays.

**Mayor Brown read the following communications:**

From Assistant Fire Chief Feichtner: October 2020 Monthly Report.

From Service Superintendent Scherpenberg: October 2020 Monthly Report

From Tax Administrator Darrah: October 2020 Monthly Report.

From BWC: Dividend Check COVID-19 \$56,391.02

From Assistant Fiscal Officer Wendler: October 2020 Monthly Report.

From Solicitor McTigue: Waiver of Liability, Assumption of Risk and Indemnity Form. It was discussed that the form could be placed on the website or emailed to interested residents. Solicitor McTigue said the Village should let volunteers know that our liability insurance carrier requires the Village to have the waivers on file and suggested to keep it as simple as possible. Mr. Stelzer voiced he wanted to table the matter until he had more time to review the document and discuss further at the next meeting and suggested implementing the new policy January 1, 2021. Mr. Bartlett said it would be good to have something in place now and if Mr. Stelzer has any changes we can implement those at that time. Council voted 5-1 to go forward with the waiver. (Mr. Stelzer voted nay).

**Motion to Pay the Bills:**

Mr. Bartlett moved, seconded by Dr. Lewis to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. Ms. Palazzolo asked if the emergency water repair in the kitchen of the Fire Department would be turned over to our insurance company. Mayor Brown said we will look into making a claim but the work needed to be done on an emergency basis. Ms. Palazzolo questioned the 22 Sugar Maples and how much did MPF contribute and how much did the Village pay. Mayor Brown said he believes MPF donated \$3,000. Superintendent Scherpenberg said there is not a warranty because the Village planted them due to the complexities of the underground utilities. To have them planted by Natrop's with a warranty is approximately \$125.00 per tree. Fiscal Officer Borgerding commented he was unaware that the Village got a K-9 dog. Mayor Brown said most of the funds are coming from the Drug and Alcohol Fund plus numerous donations. On roll call; six ayes, no nays.

**Committee Reports:**

Mr. Bartlett moved, seconded by Mrs. Graves to accept the recommendation of the Rules and Law Committee which met at 2:02 PM on November 3, 2020. Present were Mayor Bill Brown, Committee Chair Maggie Palazzolo, Committee Member Marcy Lewis and Chief Hines. The Committee discussed creating a DORA District in Mariemont. This is a "Designated Outdoor Refreshment Area" and would allow people to buy an alcoholic drink at a restaurant and then walk around outside in a designated area. Detail is available in the addendum in terms of what area would be included, the hours the DORA would be in effect and which businesses would be included. The Committee unanimously

recommends moving forward with this. It would be a way to promote Mariemont businesses and an economic development tool as well. The process is a matter of deciding what we want the parameters of the DORA to be and filing paperwork with the state. The Committee would like to have this in place before spring.

It was agreed to amend the report to include that the local businesses would be contacted and that the Rules and Law Committee would continue to work on the details of the DORA. 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 at 2:02 PM on November 3, 2020. Present were Mayor Bill Brown, Committee Chair Maggie Palazzolo, Committee Member Marcy Lewis and Chief Hines. The Committee discussed the policy for placing residents' comments into the council packet and meeting minutes. The committee discussed the issues around fairly representing community members who send communications to Council and the Mayor. The Committee also discussed that this is a matter of policy, not a change to the Village code. The Committee suggests the following: Communications will be placed into the council packet if:

1. The communication is sent to the Mayor,
2. The communication is sent to all of Council (regardless if it was sent to the Mayor) and,
3. A resident sends a communication and asks that it be discussed in a Council meeting.

These items will by default be in the meeting minutes because the communications are always at least mentioned by the Mayor during the meeting and this is enough. Finally, if a resident attends a meeting and addresses council, then their comments will be placed into the minutes verbatim as has been our practice.

Mayor Brown said a resident should state if a communication is not to be discussed by Council. Ms. Palazzolo said this is more in reference to those who state an opinion on a topic and for whatever reason cannot make it to a Council meeting. Mr. Stelzer said he disagrees completely. We need to trust the Mayor's judgement that he will send communications when appropriate. Ms. Palazzolo said it was not necessarily equitable with the past Mayor. Mr. Bartlett suggested amending item #1 at the discretion of the Mayor. Ms. Palazzolo agreed. It was agreed that the amended report would be resubmitted by Ms. Palazzolo.

Council discussed and Solicitor McTigue agreed that the meeting minutes do not have to be verbatim and seemed to stem from Council's dissatisfaction with the prior Mayor and how he handled certain things. Mr. Bartlett said Council concerns and discussion that lead to decisions and votes should be put in the minutes. Mr. Stelzer said Council can amend the minutes should something not be captured. Ms. Palazzolo said she would like the minutes to read like the agenda – Council discussed the agenda item and what the vote was. More of a bullet style. Mr. Bartlett said he sees it differently. Residents should be able to see that Council has thoughts and concerns. Ms. Palazzolo said it is all on video.

Mrs. Rankin moved, seconded by Ms. Palazzolo to accept the recommendation of the Safety Committee which met on November 3, 2020 at 5:00 pm. Present at the meeting were Committee Chairman Avia Graves, Committee Members Maggie Palazzolo and Kelly Rankin, Village Superintendent John Scherpenberg, Village Engineer Chris Ertel, Chief Rick Hines, and Mayor Bill Brown. The meeting began at 5:00 pm to discuss handicap a ramp at Hampstead Park and speed tables on Miami Avenue.

A request was made by the Building Superintendent for Hampstead Park for a handicap ramp at the front entrance of Hampstead Park similar to that of Jordan Park. He thought that Mariemont had put in the apron/handicap access at Jordan Park. Upon discussion with John and Chris, Mariemont did not install the ramp access at Jordan Park that was part of the design of the building. Mariemont would be happy to put in a concrete ramp with the width of 4 feet when we repave the street- but please note that this street won't be scheduled for re-pavement for a while still. That is the process as to when we complete this kind of work-if not deemed a necessity. There are handicap ramps at both ends of the sidewalk on the block and parking for residents has handicap access. It is not in the scope of Mariemont to create a ramp like what Jordan Park has. Hampstead Park is able to submit for a permit to put in a ramp like they have at Jordan Park at their own expense.

A request was made by Jeff Molski 4004 Miami Road for the village to consider installing a speed table on Miami Road. There was a lot of discussion about speed on Miami and the issues with speed tables. At this time we will be trialing a new speed monitoring sign in the village and it's our hope that this will help as a speed deterrence. In addition, we will start having our police force pull over cars that are between 5 and 10 miles over the limit and issue warnings. The police

will continue to monitor speeding on the street closely and ticket those speeders above 10 miles per hour. We will not be installing a speed table.

Mrs. Graves requested that \$3500 be budgeted for next year for another device if effective. It is a mobile device. It will be up to the Police Chief's discretion how long it is left in place. On roll call; six ayes, no nays.

Mayor Brown referred to the Rules and Law Committee a request from the Building Department to review signage legislation. He will send the request to Council.

### **Miscellaneous:**

Leaf Collection will end the week of December 14, 2020. Mayor Brown reminded residents to not rake leaves into the street. They clog and back up the catch basins. It was suggested that letters be sent to lawn care companies that do not comply.

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

The Permanent Improvement Meeting will be Monday December 21, 2020 at 5:30 p.m. Fiscal Officer Borgerding asked to have their requests to him by early December along with their 5 year projections.

The Council meeting in December will be Monday December 21, 2020 at 6:30 p.m.

Village Offices will be closed Thursday and Friday December 24 and 25, 2020 in observation of Christmas.

Mayor Brown said Bob Blum's term is expiring December 31, 2020. He asked Bob Rich to serve on the Planning Commission.

Mr. Stelzer will be formulating a summary for the next Council meeting regarding the concept of a 501(c)(3) for the Village. It would be available to collect contributions for Village projects. A resident attorney has offered to do the paperwork gratis. The Village would be responsible for paying filing fees. He estimates \$2,000-\$3,000 organizational expense. The summary will include potential trustees.

### **Resolutions:**

“To Reappoint Peter Wren as a Member of the Architectural Review Board for the Calendar Years of 2021 & 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-29-20 was adopted.

“To Reappoint Eric Marsland as a Member of the Parks Advisory Board for the Calendar Year of 2021” had a third reading. Dr. Lewis moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-30-20 was adopted.

“To Reappoint Dave Wuertemberger as a Member of the Parks Advisory Board for the Calendar Year of 2021” had a third reading. Dr. Lewis moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-31-20 was adopted.

“To Reappoint Ruth Varner as a Member of the Parks Advisory Board for the Calendar Year of 2021” had a second reading. Dr. Lewis moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-32-20 was adopted.

“To Reappoint Carrie Gray as a Member of the Parks Advisory Board for the Calendar Year of 2021” had a third reading. Dr. Lewis moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-33-20 was adopted.

“To Reappoint Mary Tensing as a Member of the Parks Advisory Board for the Calendar Years of 2021 and 2022” had a third reading. Dr. Lewis moved, seconded by Ms. Palazzolo to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-34-20 was adopted.

“To Reappoint Steve Spooner as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2021” had a third reading. Mr. Bartlett moved, seconded by Dr. Lewis to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-35-20 was adopted.

“To Reappoint Andrew Seeger as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2021” had a third reading. Mr. Bartlett moved, seconded by Dr. Lewis to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-36-20 was adopted.

“To Reappoint Jason Brownknight as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2021” had a third reading. Mr. Bartlett moved, seconded by Dr. Lewis to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-37-20 was adopted.

“To Reappoint Mark Glassmeyer as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2021” had a third reading. Mr. Bartlett moved, seconded by Dr. Lewis to adopt the Resolution. On roll call; six ayes, no nays. Resolution No. R-38-20 was adopted.

“To Appoint John Fakes as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2021” had a first reading.

“To Appoint Jon Morgan as a Member of the South 80 Trails, Gardens and Park Advisory Board for the Calendar Year 2021” had a first reading.

“To Accept Bid of Rumpke Waste; To Authorize Contract; To Pay for Services” had a first reading. Mr. Stelzer said the flyer that was placed in the Town Crier was not comprehensive and asked if information was placed on the website or sent to the email distribution list. Mr. Bartlett suggested putting information on the pop up page on the website and deleting temporary signage and yearly waste fees.

### **Ordinances:**

“Ordinance Amending Chapter 31.077 of the Mariemont Code of Ordinance Regarding Building Commissioner” had a second reading.

“To Amend Section 151.025(A)(1)(a) of the Mariemont Code of Ordinances, Powers and Duties of the Architectural Review Board and to Declare Emergency” had a second reading. Mayor Brown said the proposed change says a majority of Council members to concur to overturn an appeal. In addition, the Council member who sits on the ARB cannot participate leaving, 5 members to vote. A simple majority would be 3 Council members. He asked should there only be 4 Council members present and it is a 2-2 tie – the proposed legislation states the Mayor cannot be a tiebreaker. Mr. Bartlett said if there is a tie it does not get overturned. The applicant could delay the appeal until there is a full Council. Mayor Brown believes the 7 members of the ARB would be competent to select their Chairperson. The question was asked if any of the ARB members were asked their opinion on this change. Ms. Palazzolo said no ARB members were contacted but over the years she has seen many members of the ARB and Planning Commission resign because they had become politicalized organizations. This is not personal but an organizational change. Discussion ensued regarding the prior administration and Council’s desire for power to not be abused. The Mayor should not sit as Chairperson of both ARB and Planning Commission. It was proposed that the Mayor could be Chairperson of the ARB with Council approval. In conclusion, Mr. Stelzer moved, seconded by Dr. Lewis to table the ordinance. On roll call; six ayes, no nays.

“To Amend Mariemont Code Chapter 79, Schedule I (B)(1), No Parking of the Mariemont Code of Ordinances to Update Current Requirements for Parking on Wooster Pike” had a second reading.

“Ordinance Amending Chapter 32.13(S) Rule 19 of the Mariemont Code of Ordinances” had a second reading.

“Ordinance Amending Section 32.13 Rules of Council (Z) Rule 25 of the Mariemont Code of Ordinances” had a second reading.

“Ordinance Removing Chapter 31.078 from the Mariemont Code of Ordinances Regarding Dog and Cat Wardens” had a second reading.

“Ordinance Amending Chapter 90.01(A)(1)(b) of the Mariemont Code of Ordinances Regarding Dogs or Other Animals Running at Large; Dangerous or Vicious Dogs” had a second reading.

“Ordinance Amending Section 32.13 Rules of Council (GG) of the Mariemont Code of Ordinances had a second reading.

“Ordinance Amending Section 91.36 of the Mariemont Code of Ordinances” had a second reading.

“To Amend Section 151.26(A)(6) of the Mariemont Code of Ordinances, Signs within Residential District” had a second reading.

“To Amend Section 70.30 of the Mariemont Code of Ordinances Regarding Obeying Traffic-Control Devices” had a second reading.

The meeting adjourned at 8:30 p.m.

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William A. Brown, Mayor

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Anthony J. Borgerding, Fiscal Officer