

**Village of Mariemont  
Regular Council Meeting  
November 23, 2020**

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

Mr. Bartlett moved, seconded by Ms. Palazzolo to excuse the absence of Mrs. Graves. On roll call; five ayes, no nays.

Mrs. Rankin moved, seconded by Ms. Palazzolo to accept the minutes as written for the Council meeting November 9, 2020. On roll call; five ayes, no nays.

**Communications:**

From Police Chief Hines: October 2020 Monthly Report

From Assistant Fiscal Officer Wendler: October 2020 Monthly Revenue and Expense Report

Mayor Brown said a letter was received from Sherriff Neil thanking our Police Department for participating in arrangements for the fallen Hamilton County Deputy.

Mayor Brown announced that BWC informed the Village that a check for \$210,038 will be forthcoming in mid-December.

**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. On roll call; five ayes, no nays.

**Permission To Address Council:**

Mr. Cortney Scheeser, 6950 Nolen Circle, was granted permission to address Council. He submitted the following communication:

I wanted to share an idea and an opportunity for growth I would ask Council to consider. I'm bringing it now, admittedly half baked, because if I recall, budget season is January or February.

2020 has been eye-opening for all of us. For me, it's been educational on LOTS of levels. The topic of Racial Justice in particular, has really challenged me. And I've taken a bit of a crash-course in educating myself with all that's happened. I've learned a few things. First, I learned a new term: Being "Anti-racist." Anti-Racist means action that opposes racism vs just having a pure heart or being a good person. It's above and beyond. A great example – Mariemont's Racial Justice rally and March this past summer. It was so great to see - my proudest moment in our 12 years here. This is anti-racist at its best!

Second, I learned Mariemont's history isn't all good and kind and fair - Redlining, Sundown Town etc. And turns out, I learned remnants/"whispers" of old, retired policies affect communities to this day. The result - people still feel unwelcome here. And that makes me sad that a place as great as Mariemont isn't fully available to all.

And third, I learned that white people have a role to play in helping. Actually white people like me, like us, can't be spectators. We need to show up & can be an important part of the solution – we can help.

There's lots of good news here in Mariemont – we have kind and caring Village employees. We have a great Police Department, led by one of the most caring, nicest men I know. We have a Mayor who not only showed up, but spoke at the summer rally. We don't Redline, we're no longer a Sundown Town. Mariemont is a good and decent place, but could we be more overtly welcoming? What could we do to lower residual tensions? If we did, could we attract more visitors? More

investment? Could we attract more great residents? By going out of our way to be anti-racist, I think we can welcome and attract.

I'd like to share a starter list of four 'anti-racist' things I think are worthy of study.

- 1) Council Member education. I would encourage each Council Member to study our past, yes the great Millard Rogers pretty and storied past, but also the Redlining and Sundown town past. This is uncomfortable, but better understanding our past + those whispers will lead to better, more thoughtful decision making. Maybe a Welcome-to-Council packet of key reading. Maybe we expand to all employees.
- 2) I would like to see Council fund public acknowledgment of our past. I think a marker in a park and an exhibit in our museum space and related programming, maybe in partnership with the Freedom Center should be considered. This sets an important 'anti-racist' tone. We are better than we were – let's yell it from the roof tops—Publicly documenting what happened sends a powerful signal that it was NOT ok, and we've learned from it. It is an invitation to the disenfranchised.
- 3) I would like to see Council review our Code of Ordinances & Zoning, maybe with the help of experts, in the Black community perhaps, to make sure there aren't any remnants of exclusionary practices.
- 4) Rick Hines and I had a great conversation on this idea this past summer. I'm a fan of Mariemont Police, and every single interaction over 12 years has been VERY POSITIVE. I'm not trying to fix anything - we're lucky to have the Police Department we do.

I believe strongly Body Cameras should be coast to coast in 2020. They help, they exonerate officers wrongly accused (thank you to Rick for helping me understand this important benefit), and importantly, they tell the disenfranchised you will be treated fairly here. You are welcome here.

I see cameras as the next technology innovation that helps Departments serve and protect across the Country. Think about the introduction of automobiles and Police radios 100 years ago and what they did for Communities. Think about 911 services in the 70s, think about dashcams in the 90s. Each has been a technology investment that has helped. I think a nation-wide network of body cameras is the next worthy innovation.

There's a side benefit too: Mariemont investing inspires Madeira to invest, Inspires Indian Hill to invest, etc. That's how you get to a national network. Now, full disclosure, they're pricey. Rick shared costs could be upwards of \$30K-\$40K. But I think this is an opportunity for Mariemont to lead and to...welcome. Again, I've NEVER seen bad behavior by the Mariemont Police. Ever. This is a top-down "do our part" idea.

So these are four ideas we could consider. There are, of course, many others. But my ask is this - let's parlay the amazing Mariemont Racial Justice rally into action of some kind. I would ask Council to study and consider and ultimately fund ways we can be more 'anti-racist'. For my part, I'm ready to help in any way – please call on me. Thank you for your time.

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Mr. Bartlett moved, seconded by Ms. Palazzolo to pay the bills as approved by the Mayor, Fiscal Officer and Chairman of the Finance Committee. Mr. Bartlett asked if the grant money for the SCBA has been received. Assistant Fire Chief Feichtner said the Village must pay the bill and then submit a copy of the cancelled check with the paperwork in order to be reimbursed. The Village should receive \$113,066 from FEMA. On roll call; five ayes, no nays.

### **Committee Reports:**

Mrs. Rankin moved, seconded by Mr. Stelzer to accept the recommendation of the Rules and Law Committee which met November 3, 2020 at 2:09 p.m. Attendees: Maggie Palazzolo, Rob Bartlett, Marcy Lewis, Bill Brown, Chief Rick Hines. The Committee discussed the details of the DORA for the purpose of making final recommendations to council. Per Ohio Law, an application must be submitted to council with these recommendations as the first step to creating a DORA. Next steps are, giving public notice of Mariemont's intent to create the DORA, drawing up and enacting an ordinance

creating the DORA, and finally, sending notice that Mariemont approved the DORA to the Ohio State Board of Liquor Control and the Investigative Unit in the Department of Public Safety.

The application to council is attached to this report for approval.

The Committee discussed the following items related to the application:

1. Street boundaries: The DORA will begin at the east and then continue down the Strand and include the Old Town Square at its west end. We will ask Chris Ertel, the Village engineer to measure this area to ensure that we meet Ohio's rules for the size of the DORA. (Post Meeting note: The size does meet Ohio's guidelines, per Chris.)
2. Health and Safety: Chief Hines confirmed that we will not need additional police shifts and that there are always at least two officers on a shift. The committee also discussed that the current number of trash receptacles will be adequate. Finally, the committee discussed including public restrooms. For the time being, the DORA will not include the Dogwood Park and the bell tower restrooms will not be part of it, however council can expand the DORA if we decide to at some point. People patronizing the restaurants in the DORA will have access to those restrooms.
3. Signage: Signs will be the standard brown and white signs Mariemont generally uses and they will be as small as possible to still be effective. There will be some signs in the historic district and those will go through the ARB. Finally, the committee agreed to rely on the Village Engineer to advice on sign placement. Chief Hines agreed to obtain pictures of the signs in Milford as examples for us to study for wording.
4. Liquor Licenses- Ohio keeps a searchable database of liquor licenses and types. The Emery Mariemont has a pending license and will be part of the DORA when it is approved.
5. Hours of Operation- The committee recommends the hours of:
  - a. Monday –Thursday 5:00pm to 10:00PM
  - b. Friday- Sunday- 12:00pm-12:00am

As a note- As of the Committee meeting four of the six restaurant owners have been contacted in person and all are very supportive of the DORA.

The Committee recommends council approve the application for the creation of the DORA.

The meeting concluded at approximately 3:00 pm.

It was discussed and agreed that the hours on Friday would be changed to 5:00 p.m. to 12:00 a.m. due to the proximity of the Elementary School and Waldorf School. There was concern that the size to start was a bit extravagant but Council agreed that it could be amended if needed. There is one designated cup that is plastic. Liquid may turn the cup a different color which indicates if someone is getting into a car that it is an open container. Mr. Bartlett moved, seconded by Ms. Palazzolo to amend the report to accept the time change on Fridays. On roll call; five ayes, no nays. Mr. Bartlett moved, seconded by Mrs. Rankin to accept the amended report. On roll call; five ayes, no nays. Ms. Palazzolo will provide the office with the wording for the legal advertisement to be placed. Solicitor McTigue said he will reach out to the Solicitor of Milford to review their legislation. He will prepare for the next Council meeting. Some of the signage will be in the Historic District and will need ARB approval.

Ms. Palazzolo moved, seconded by Mr. Bartlett to accept the recommendation of the Rules and Law Committee which met on Friday, May 22, 2020 at 3:00 pm. Present at the meeting were Committee Chair, Maggie Palazzolo, Committee members, Rob Bartlett and Marcy Lewis and Mayor Bill Brown. The meeting began at 3:00 PM to discuss the Review of Mariemont Village Code of Ordinances and Prohibiting Mayor and Council from Sitting on the Architectural Review Board.

The first topic was the reviewing and updating the Mariemont Village Code of Ordinances. Maggie Palazzolo updated the committee stating that the list of potential changes is long. Changes have been suggested by various community members and current and prior council members. Examples, include updating the language about bicycles on sidewalks, the requirement of having a dog catcher, and other items. More will surface as we review the code. The discussion today is to agree on a methodology for the review. Some community members who have the legal skills and are familiar with the code have offered to help. Maggie suggested that we enlist their help as well as review the code ourselves and begin to put the items that need to be changed into committees. Prioritization of items, will be based on, financial impact to the village,

quick fixes that are simple and glaring errors or loopholes in the existing code, such as the demolition language currently in the Economic Planning and Zoning Committee. The committee recommends beginning the review.

The next topic was “Prohibiting Mayor and Council from Sitting on the Architectural Review Board” (ARB), however that is not the goal of the meeting. The goal is to clarify the rules for the ARB and how the mayor and council fit into that. Currently, there is no code setting rules for how the Mayor or council members sitting on the ARB act as the appeal board members. After discussion, the committee recommends the following changes be made to the rules for the ARB.

1. The Mayor and only one council member may sit on the ARB.
2. The Mayor and the council member sitting on the ARB must vote on any issues that come before that board. (The vote may be to abstain.)
3. The Mayor and the council member sitting on the ARB may not vote as part of the appeal board if the issue is appealed (even if s/he has abstained on the ARB vote).
4. The Mayor may not serve as the chair of the ARB.
5. In any case, the Mayor will not be the tiebreaker for any issue coming before the appeal board.

The meeting concluded at 4:09 PM.

The report had been tabled pending modifications and changes. Ms. Palazzolo said she was unclear whether to make the changes on the report since the Committee did not meet again. Item number 4 should be amended to read that the Mayor may sit as the Chair of the ARB, subject to the review and consent of the majority Council. The question was raised should the member of Council appointed to ARB have a vote should it be the Mayor was nominated Chairman of the ARB. It was agreed the Committee Report should read ‘The Mayor may serve as Chairperson of the ARB if nominated subject to review and approval by the majority of Village Council’. Item number 5 will allow the applicant requesting an appeal to determine if they want to wait until there is a full Council should there be an absence of a Council member at said appeal hearing. Mr. Bartlett moved, seconded by Ms. Palazzolo to accept the amended report. On roll call; five ayes, no nays.

Ms. Palazzolo said at the last Council meeting there was some confusion regarding the Committee report regarding policy for resident communications and Council minutes. For clarity, it should read any communication will be included in the Council packet based on the judgement of the Mayor or Council person/people who received the communication. It will be included in the next Council packet.

Mrs. Rankin moved, seconded by Mr. Bartlett to accept the recommendation of the Health and Recreation Committee which met October 27, 2020 and November 12, 2020 to discuss the structure of the Tree Advisory Board. October 27, 2020 attendees were Council Members Stelzer, Graves and Lewis, Mayor Brown, Maintenance Superintendent Scherpenberg, Village Residents Barb Whitaker, Karen Berkich, Mary Beth York and Rex Bevis. The November 12, 2020 attendees were: Council members Stelzer, Graves, Lewis, Mayor Brown, Maintenance Superintendent Scherpenberg, Village Residents Barb Whitaker, Karen Berkich and Mary Beth York. During the two meetings, the following items were reviewed:

Prior “Tree Commission” activities of the Parks Advisory Board

The Long-term history of tree planning

The recent history of tree spending

The recent history of tree planting and maintenance

Requirements to Maintain the Tree City Designation

Grants and Fundraising for Tree Activities

Discussion Regarding Tree Sections of the Mariemont Code of Ordinances

The proposed structure of the Tree Advisory Board was discussed and agreed upon by the Committee members. The potential Tree Advisory Board Members was developed and several additional names have been added since the meeting.

Mr. Stelzer gave a brief history of the tree plans in the Village. We have spent in the past five years \$30,000-\$117,000 annually on trees. The bulk was removing trees, stumps and pruning. Very little was spent on putting new trees in the ground. He believes there are grant and fundraising opportunities in addition, to increasing public awareness. The interested Tree Board members are talented, knowledgeable and motivated.

The suggested Tree Board structure summary was discussed. They will come up with their own bylaws. Council will be given a copy of the final bylaws for approval. The Board will comprise of both voting and non-voting members. The amount of voting members most likely will be five. It will include two year staggered terms with at least six meetings per year which will be open to the public. He would suggest that Council approve the voting members. His thought is five voting members and nine non-voting members. This Board will only oversee the street trees. They will make spending recommendations, assist in obtaining grants and contributions for trees. In addition, they will help coordinate Arbor Day activities, review contractual agreements, legislation, assist with public awareness and publication etc. In addition, they will work with Wendy Van Buren, ODNR, who has been very valuable with Tree City USA. It is also recommended that all those who serve on the Board receive some sort of formal education on urban forestry. The classes are offered free of charge by the ODNR. On roll call; five ayes, no nays.

### **Miscellaneous:**

Leaf Collection will end the week of December 14, 2020.

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.

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.

Village Offices will be closed Friday January 1, 2021 in Observation of New Year's Day.

Mr. Stelzer said he sent information regarding support for the Multipurpose Path Design Work on Wooster Pike Hill by Ohio Department of Transportation. The area would be between the Library and Kroger. The Eastern Corridor from years ago has funds left to do design work. They do want support from Columbia Township and Mariemont. This is not a request for money just support of the study request and grant applications.

Mr. Stelzer said ODOT may also have extra design funds available to extend the Multipurpose Path from Plainville Road to the Library. It is not a certainty but the Village would not have to pay to study potential options between those two points. It would require a letter be sent by the Mayor indicating Council's support.

Mr. Stelzer distributed to Council the recommendation from the Pool Commission regarding the 2021 pool dues and Permanent Improvement Requests. Mayor Brown referred the matter of increase of pool membership to the Health and Recreation Committee. Mr. Stelzer did not believe it needed to go through a Committee process due to the comprehensive work done by the Pool Commission. Discussion ensued regarding the process and role of the Pool Commission. Mr. Stelzer moved, seconded by Mr. Bartlett to refer the matter to the Health and Recreation Committee. On roll call; four ayes, one nay (Mr. Stelzer dissenting). The permanent improvement requests would be discussed at the Permanent Improvement Meeting.

Mr. Stelzer distributed to members of Council a structure outline of the Village Foundation. It will be a 501(3)(c) to provide financial resources for projects involving Village properties. It will operate outside of the Village. There will be a request to help with the organizational expenses not to exceed \$3,000. An attorney has agreed to do the paperwork gratis. Council agreed unanimously to go forward to utilize funds to put this in place.

**Resolutions:**

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

“To Accept Bid of Rumpke Waste; To Authorize Contract; To Pay for Services” had a second reading.

**Ordinances:**

“Ordinance Amending Chapter 31.077 of the Mariemont Code of Ordinance Regarding Building Commissioner” had a third reading. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-21-20 was adopted.

“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 third reading. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; five ayes, no nays. O-22-20 was adopted.

“Ordinance Amending Chapter 32.13(S) Rule 19 of the Mariemont Code of Ordinances” had a third reading. Mr. Bartlett moved, seconded by Mrs. Rankin to adopt the Ordinance. On roll call; five ayes, no nays. O-23-20 was adopted.

“Ordinance Amending Section 32.13 Rules of Council (Z) Rule 25 of the Mariemont Code of Ordinances” had a third reading. Mr. Bartlett moved, seconded by Ms. Palazzolo to adopt the Ordinance. On roll call; five ayes, no nays. O-24-20 was adopted.

“Ordinance Removing Chapter 31.078 from the Mariemont Code of Ordinances Regarding Dog and Cat Wardens” had a third reading. Ms. Palazzolo moved, seconded by Mr. Bartlett to adopt the Ordinance. On roll call; five ayes, no nays. O-25-20 was adopted.

“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 third reading. Mr. Bartlett moved, seconded by Ms. Palazzolo to adopt the Ordinance. On roll call; five ayes, no nays. O-26-20 was adopted.

“Ordinance Amending Section 32.13 Rules of Council (GG) of the Mariemont Code of Ordinances had a third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Ordinance. On roll call; five ayes, no nays. O-27-20 was adopted.

“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 third reading. Mrs. Rankin moved, seconded by Mr. Bartlett to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-28-20 was adopted.

“To Amend Section 70.30 of the Mariemont Code of Ordinances Regarding Obeying Traffic-Control Devices” had a third reading. Mr. Bartlett moved, seconded by Ms. Palazzolo to adopt the Ordinance. On roll call; five ayes, no nays. Ordinance No. O-29-20 was adopted.

The meeting adjourned at 8:14 p.m.

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William A. Brown, Mayor

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Anthony J. Borgerding, Fiscal Officer