

To: Village Council and Mayor Brown

From: Rules and Law Committee, Maggie Palazzolo, Chairman

Re: Review of Mariemont Village Code of Ordinances and Prohibiting Mayor and Council from Sitting on the ARB

Date: November 23, 2020

The Rules and Law Committee 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 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.

Respectfully Submitted,

Maggie Palazzolo, Chairman

Marcy Lewis, Vice-Chairman

Rob Bartlett, Member