

The Regular, Scheduled Meeting of the Council of The Village of Marble Cliff

At 1600 Fernwood Ave.

December 15, 2014

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, December 15, 2014 in the Village Hall at 1600 Fernwood Ave. at 7:00 pm. Those in attendance were: Council Members: Matthew P. Cincione, John F. Kukura III, Linda J. Siefkas, Robert W. Sterneker, Kendy A. Troiano, and Dow T. Voelker; Mayor, Kent E. Studebaker; Yazan Ashrawi, representing Village Solicitor, Mitchell Banchevsky; Village Engineer, Louis McFarland; Administrative Assistant, William Johannes, and Fiscal Officer, Cynthia McKay, Fiscal Officer. Visitors and press were present.

VARIANCES AND PERMITS

Mr. Ashrawi asked all in attendance who intended to offer testimony on Ordinances O-2446-14, O-2447-14, or O-2448-14 to stand and be sworn in. Mr. Ashrawi asked, **“Do you swear or affirm that the testimony that you will give before the Marble Cliff Council in these variance hearings will be the truth and the whole truth and nothing but the truth?”** Those standing responded **“Yes.”**

Mayor Studebaker introduced the first reading of O-2446-14, An Ordinance granting Front Yard Structure and Setback Variances to Richard Secor for 1564 Arlington Ave., in the Village of Marble Cliff and declaring an emergency.

Ms. McKay clarified that current code requires a 50 foot front yard setback although the standard on Arlington Ave. is 25 feet. The error is in the code and the ordinance language is correct citing the 50 foot setback and the almost 24 foot setback variance.

John Nicholson, of Nicholson Builders - representing Mr. Secor, explained the proposed addition of a covered porch on the property located at 1564 Arlington Ave. Mr. Nicholson explained the addition will be consistent with the style of the home.

Ms. McKay reported that no letters or phone calls were received at the Village Hall expressing support for or opposition to the requested Ordinance O-2446-14.

Mr. Kukura moved the rules be suspended. Ms. Troiano seconded. The motion passed unanimously. Ms. Troiano moved the adoption of O-2446-14. Mr. Kukura seconded. The motion passed unanimously. Ms. Troiano moved the ordinance be adopted as emergency legislation to allow construction during the current building season. Ms. Siefkas seconded. Roll call: Mr. Kukura, yes; Ms. Siefkas, yes; Mr. Sterneker, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously.

CONSENT AGENDA

- 1) Receive - Mayor's Court Report, November, 2014
- 2) Receive - Police Report, November, 2014
- 3) Receive- Fire Dept. Report, November, 2014
- 4) Receive - Building permits issued in November, 2014
- 5) Approval - Minutes of the regular, scheduled meeting of November 17, 2014
- 6) Approval - Financial Statements for November, 2014
- 7) Receive - Village Income Tax Report – \$123,525.22

Ms. Siefkas suggested the Village send a newsletter to the residents to update them on Village activities.

Mr. Sterneker moved approval of the Consent Agenda. Mr. Voelker seconded. The Consent Agenda was approved unanimously.

MAYOR'S REPORT

Mayor Studebaker thanked Mr. Sterneker for the work done to install the holiday lights. Mayor Studebaker thanked Mr. Kukura and Mr. Sterneker for their work to bring together the holiday party. Mayor Studebaker reported three big boxes of toys collected at the Village holiday party were delivered to the GH Fire Department for the “Fire Fighters for Kids” Toy Drive.

ENGINEER'S REPORT

Mr. McFarland reported the street lights are fully installed. The controller has arrived and should be installed within the week. Mr. McFarland said clean-up and reseeded will occur in the spring.

Mr. Cincione arrived at this point

Mr. McFarland reported that Ms. McKay will be representing the Village at a meeting with Upper Arlington, Metro Parks, and the City of Columbus to discuss the proposed joint project with Upper Arlington to improve W. Fifth Ave. and add bike facilities to link the Scioto Multi-purpose trail to Marble Cliff and Upper Arlington. Part of the goal of the meeting will be to identify potential funding sources.

Mr. McFarland reported he and Ms. McKay invited all the major utility companies to meet with the Village to discuss upcoming Village projects and to identify future utility projects that might impact Village right of way. Columbia Gas was the only utility which attended the meeting. Mr. McFarland shared the Village's five year major capital improvement plan with Columbia Gas.

The Columbia Gas project to replace gas lines and service lines on Arlington Ave. north of Third Ave. as well as on Roxbury Rd. was discussed. Columbia Gas will be holding a public meeting for impacted properties which will include properties in Upper Arlington and Grandview Heights as well as Marble Cliff. Mr. McFarland reported to Columbia Gas that there are restoration projects remaining to be completed within the Village from the first phase of the gas line replacement project and valve replacement which was completed at the Village Hall.

Mr. Voelker left at this point.

VARIANCES AND PERMITS – Cont.

Mayor Stuebaker introduced the first reading of O-2447-14, An Ordinance granting a Fence Variance and a Side Yard Structure Variance to Patrick Youssef for the property at 1261 Cambridge Blvd., in the Village of Marble Cliff.

Dr. Youssef explained the proposed fence is not as long on the south property line as the one previously proposed. The fence, if approved, would end at the back corner of the south side of the property and eliminates the need for the side yard variance on the south side while maintaining the need for a side yard variance on the north side of the property. Dr. Youssef explained the design remains as previously proposed – a solid five foot fence with a one foot open lattice design on the top resulting in a six foot fence.

Ms. McKay stated that there were no comments received at Village Hall prior to the distribution of Council packets. However, comments were received after the Council packets were distributed and those emails were copied and placed at the Council members' desks prior to the meeting. Email letters were received from Mrs. Basting, Mr. Taylor and Mrs. Taylor. No other comments in favor of or opposition to the ordinance have been received at Village Hall.

Mr. Basting stated that, in his opinion, nothing has changed in the proposed design and they will be subjected to the negative impact of a long, solid wall along the north side of their property.

Mr. Kukura expressed his preference that the neighbors work out their differences. Dr. Youssef stated his opinion that there is not a point for compromise.

Mr. Basting stated they have offered several alternative options, but Dr. Youssef has not been willing to consider other possible designs. Mayor Stuebaker reminded Council that the height and design of the proposed fence are not unique within the Village.

Mr. Cincione stated his understanding that the Village has previously recognized that within the back yard and property owner's right to privacy is not superseded by a neighbor's right to unbroken sight lines. He stated that he remains in favor of the proposed fence, but, because it is not significantly different from the proposal disapproved at the November meeting, he is unwilling to move acceptance of the ordinance.

Mr. Sterneker stated that the shortening of the length of the fence is a compromise and, given Dr. Youssef's interest in installing a pool in the future and containing his dogs, he would be willing to support the fence variance request.

Council discussed various redesign options.

VISITORS

Mr. Cincione welcomed members of the Grandview Heights High School Soccer Team which was ranked number two in the state in their division. Mr. Cincione expressed the community's gratitude for the hard work of the team and the exciting fall season which culminated in the team's participation in the State Championship tournament.

Mr. Cincione presented the team with a proclamation recognizing the team's accomplishments and he read the final portion of the proclamation into the record:

“Resolved, that December 15, 2014, be Proclaimed in Marble Cliff, “Championship Day” in honor of the team, its coaches and players that made the year 2014 in our community a year to remember.”

Mayor Studebaker offered his congratulations to the team. The entire Council echoed Mayor Studebaker's congratulations.

Mr. Voelker returned at this point

VARIANCES AND PERMITS – Cont.

Mayor Studebaker summarized the discussion of Ordinance O-2447-14 to this point.

Mr. Voelker stated his preference that the parties come to an agreement. Because they have not reached an agreement he recognized Council's role to make a decision. He stated the shorter fence length addresses the concerns he expressed at the November meeting. Mr. Sterneker agreed that the shorter fence length contained in the back yard on the south side of the property addresses his concerns as well. Ms. Troiano concurred as well.

Ms. Troiano moved the rules be suspended. Mr. Voelker seconded. The motion passed 5 in favor and 1 opposed. Mrs. Troiano moved the adoption of O-2447-14. Mr. Cincione seconded. The motion passed 4 in favor and 2 opposed.

Mayor Studebaker introduced the first reading of O-2448-14, An Ordinance granting a Side Yard Structure Variance and a Side Yard Setback Variance to Patrick Youssef, for the property at 1261 Cambridge Blvd., in the Village of Marble Cliff and declaring an emergency.

Dr. Youssef explained that the existing sunroom on the south side of his house is in disrepair with a leaky roof which is causing damage to the foundation of the house as well as the chimney. Dr. Youssef explained his desire to replace the sunroom with a four season room. Dr. Youssef also stated he has discussed the proposed change with Mr. Basting.

Mr. Cincione stated he will need to have drawings of the proposed room prior to taking any action. Ms. Siefkas concurred that the Council needs to have drawings prior to taking action on the variance request. Dr. Youssef stated he would provide drawings for the next Council meeting.

Mr. Basting stated his concern that the proposed addition would have windows right up to his property line.

Mr. Kukura suggested that he would be more comfortable if the building addition were reduced in size to limit the encroachment into the side yard.

Mr. Granger, owner of 1248 Cambridge Blvd., expressed his concern that the proposed addition with the increased incursion into the side yard setback would alter the balance of building and green space on Cambridge Blvd. He stated his opposition to Ordinance O-2448-14 as presented.

No action was taken.

Mr. McFarland left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi had no report for Council.

ADMINISTRATIVE ASSISTANT'S REPORT

Mr. Johannes had no report for Council.

APPROVAL OF BILLS

**Mr. Kukura moved approval of the December 2014 bills totaling \$94,027.74.
Mr. Sterneker seconded. The motion passed unanimously.**

Ms. Siefkas moved approval of the amended November 2014 bills totaling \$210,899.10. Mr. Kukura seconded. The motion passed unanimously.

FISCAL OFFICER'S REPORT

**Mr. Kukura moved approval of the following supplemental appropriations:
\$4,000 from 1000-110-640-0000 to 1000-730-346-0000 for engineering expenses.
\$285 from 1000-390-399-0000 to 1000-710-391-0000 for annual OML dues.
\$159.84 from 1000-110-640-0000 to 1000-710-211-0000 for OPERS employee match.
Ms. Siefkas seconded. The motion was passed unanimously.**

Mr. Sterneker moved approval of the proposed 2015 Village Council Meeting Schedule as follows:

Monday, January 19, 2015	Monday, July 20, 2015
Monday, February 16, 2015	Monday, August 17, 2015
Monday, March 16, 2015	Monday, September 21, 2015
Monday, April 20, 2015	Monday, October 19, 2015
Monday, May 18, 2015	Monday, November 16, 2015
Monday, June 15, 2015	Monday, December 21, 2015

Mr. Voelker seconded. The motion was passed unanimously.

Ms. Troiano moved the Fiscal Officer be instructed to process and pay all routine bills received prior to year end. Mr. Voelker seconded. The motion passed unanimously.

Ms. McKay explained that Franklin County has introduced a new loan program for infrastructure and economic development. She stated she met with a county representative of the program to discuss the possibility of utilizing a Franklin County loan to stack with the OPWC application for the Dublin Rd. and Cardigan Ave. water line replacement project.

COUNCIL MEMBER REPORTS

Ms. Troiano reported the GH Parks and Recreation Board met to discuss the budget for renovation of the Grandview pool. The proposed pool would remain an outside pool with expansion and modernization. The earliest the pool renovation would occur is 2016. Ms. Troiano reported the board is continuing to collect input from the community as well from other communities which have modified or expanded their public pools in recent years.

Ms. Troiano reported Start Talking Grandview is reviewing the results of the survey made available to Grandview and Marble Cliff residents. 150 responses have been received to date. Start Talking Grandview has asked that the group be allowed to continue to meet at the Village Hall on the 4th Monday of each month. Council agreed to the request.

Mr. Kukura thanked everyone who helped with the holiday party. He said that the feedback from the community was positive. Ms. McKay stated that she would have a financial summary from the holiday party at the January Council meeting. Council discussed the level of attendance and the value of continuing the event. Mayor Stuebaker said he enjoyed introducing new residents to long time residents.

**Ms. Siefkas moved to adjourn into executive session to consider the compensation of a public employee or official pursuant to Ohio Revised Code 121.22(G)(1).
Mr. Sterneker seconded. The motion passed unanimously.**

EXECUTIVE SESSION

Ms. Siefkas moved Council adjourn from executive session and return to regular session. Mr. Sterneker seconded. The motion passed unanimously.

NEW BUSINESS

Ms. Troiano moved Council reconvene in open session. Ms. Siefkas seconded. The motion passed unanimously.

Ms. Troiano moved the salaries for the Fiscal Officer and the Administrative Assistant be increased by 4% effective January 1, 2015. Mr. Voelker seconded. The motion passed unanimously.

OLD BUSINESS

Mayor Studebaker introduced the first reading of O-2449-14, An Ordinance authorizing the Mayor to execute an agreement by and among the Village of Marble Cliff, Ohio and Planning Next and declaring an emergency.

Mayor Studebaker confirmed that Jamie Green will be fully involved in the process with the Village.

Mr. Cincione moved the rules be suspended. Mr. Sterneker seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2449-14. Ms. Troiano seconded. The motion passed unanimously. Mr. Cincione moved the ordinance be adopted as emergency legislation to move the long range planning process forward in 2015. Mr. Voelker seconded. Roll call: Mr. Cincione, yes; Mr. Kukura, yes; Ms. Siefkas, yes; Mr. Sterneker, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously.

Mayor Studebaker introduced the third reading of O-2442-14, An Ordinance authorizing an agreement with Charles Kelsey to provide Mayor's Court Magistrate Services for a one-year period from January 1, 2015 Through December 31, 2015.

Mr. Voelker moved the adoption of O-2442-14. Mr. Sterneker seconded. The motion passed unanimously.

Mayor Studebaker introduced the third reading of O-2443-14, An Ordinance authorizing the mayor and Fiscal Officer to enter into an agreement with Robert E. Curtin, Jr. for the audit and review of income tax policies and accounts of the Village of Marble Cliff.

Mr. Voelker moved the adoption of O-2443-14. Ms. Troiano seconded. The motion passed unanimously.

Mayor Studebaker introduced the third reading of O-2441-14, An Ordinance to make appropriations for Current Expenses and other Expenditures of the Village of Marble Cliff, State of Ohio, during the fiscal year ending December 31, 2015.

Mr. Voelker moved to amend the ordinance by increasing the General Fund appropriation by \$10,000 to \$1,574,176. Ms. Siefkas seconded. The motion passed unanimously. Mr. Sterneker moved the adoption of O-2441-14 as amended. Ms. Troiano seconded. The motion passed unanimously.

Mayor Studebaker introduced the second reading of O-2445-14, An Ordinance authorizing the Mayor and Fiscal Officer to enter into a contract for professional legal services with Frost Brown Todd, LLC for a one-year period from February 1, 2015 through January 31, 2016.

No action was taken.

Ms. Siefkas reminded staff of her request to have AEP provide an updated report on power outages in the Village.

NEW BUSINESS - Continued

Mayor Studebaker introduced R-2450-14, A Resolution authorizing the mayor to execute the 2015 Plumbing Inspection Contract between the Village of Marble Cliff and the Franklin County Board of Health.

Mr. Cincione moved the adoption of R-2450-14. Ms. Troiano seconded. The motion passed unanimously.

Mayor Studebaker introduced the first reading of O-2451-14, An Ordinance adding Section 90.10 (Health Risk Animals), Section 90.11 (Animals Prohibited in the Village) and Section 90.12 (Bees) to the Code of Ordinances of the Village of Marble Cliff, Ohio.

Council discussed the provisions and requirements of the proposed ordinance. No action was taken.

Mayor Studebaker thanked Council for their service during 2014 and congratulated them for the manner in which they conducted the Village's business.

ADJOURN

Mr. Sterneker moved the meeting be adjourned. Mr. Kukura seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 9:25 PM.

Approved by:

Submitted by:

Matthew P. Cincione
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer