

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

At 1600 Fernwood Ave.

August 17, 2015

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, August 17, 2015 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; Village Solicitor, Mitchel Banchefsky; Village Engineer, Joshua Ford; Administrative Assistant, William Johannes; Fiscal Officer, Cynthia A. McKay. Visitors were present.

## VARIANCES AND PERMITS

Mr. Banchefsky reviewed the Council's revised administrative procedure for reviewing and acting on variance requests.

Mr. Banchefsky asked all in attendance who intended to offer testimony on the variance request from Helen and Adam Miller for 1600 Roxbury Rd. to stand and be sworn in. Mr. Banchefsky asked, "**Do you swear or affirm that the testimony that you will give before the Marble Cliff Council in this variance hearing will be the truth and the whole truth and nothing but the truth?**" Those standing responded "**Yes.**"

Helen Miller, owner of 1600 Roxbury Rd. explained their variance request to install a five foot, wrought iron fence across their back yard and add a five foot gate between the house and the garage. She stated that the purpose of the fence is to enclose the back yard for their dogs. She stated that their dog has mastered getting over a four foot fence and that is the reason for the five foot design. Ms. Miller said the fence will not be noticeable from the street however the gate will be noticeable from the street.

Ms. McKay reported that the only neighbor who has contacted the Village is F&W Properties which owns the property across the street. The owner supports the variance request.

Council asked questions about the design of the gate between the garage and the house. Ms. Miller said the gate may be in two sections or in one section based on the builder's recommendation.

**Mr. Kukura moved approval of the variance request submitted by Helen and Adam Miller to allow a five foot fence in the back yard and a five foot gate in the side yard between the northwest corner of the house and the southwest corner of the garage at 1600 Roxbury Rd. in the Village of Marble Cliff. Mr. Sterneker seconded. The motion was approved unanimously.**

## VISITORS

Mayor Studebaker introduced Katherine Gardner, owner of 2015 W. Fifth Ave., and Dan Schmidt, development consultant to Dr. Gardner. Mr. Schmidt introduced Brian Wilmers from his office and architect Jonathan Barnes.

Mr. Schmidt summarized the history of Dr. Garner's ownership of the property. Dr. Garner bought the building in 1999. The building has been for sale for 6 or 7 years. Mr. Schmidt explained that the building has "negative" value. It was built as a single family residence; it was rezoned and used as a commercial property. It was recently rezoned to allow for "live/work." The building does not adequately support residences or businesses. Mr. Schmidt shared pictures of the building's current condition.

Mr. Schmidt stated that Dr. Garner purchased the building for \$1.3 million and spends approximately \$100,000 per year to maintain the building. Mr. Schmidt stated that her best option may well be to board up the building, pay the taxes and let it sit. He commented on how difficult it is to maintain a building that is over 100 years old.

Over the years there have been developers interested in the property, but no viable offers have been made. Mr. Schmidt stated that the existing building cannot be repurposed or reconfigured and restored at a price that makes sense for anyone to take on. Mr. Schmidt showed Council that the concrete patio is constructed of rebar on a hollow cavity which is collapsing. Repairs would be very difficult and costly.

Dr. Gardner said that the economic conditions have deteriorated as large companies have left the building and small "mom and pop" businesses have taken their place. She said they don't pay enough rent and she is not willing to go "bankrupt" over this building. Mr. Schmidt said the location is difficult to rent or sell compared to the competition because of the tax abatements and incentives that other communities are able to offer. He said that most developers have come to the same conclusion; the building is too expensive to rehab or repurpose. He stated that he has looked at the building extensively and determined there is no way to save the building. Mr. Schmidt

stated that an individual looked at the building as a residence, but would end up with several million dollars invested in a private home on a major street surrounded by apartments.

Mr. Schmidt asked Mr. Barnes to present some of his thoughts on redeveloping the property after demolition of the house. Mr. Barnes presented a site plan with building footprints that could be located on the property. He explained that his company has done many apartments in Columbus and the suburban area. He stated the market for apartments continues to be very good. Mr. Barnes stated they consider fitting a development into a community within in the parameters set by the community.

Mr. Barnes showed a plan with two buildings; a lower scale building facing on W. Fifth Ave. and an "L" shaped building behind the front building. He noted that the property is an odd shape. The design would include parking for all units. The rear building would be taller than the front building. Mr. Barnes showed pictures of other projects that could incorporate materials similar to the existing building.

Mr. Schmidt stated that the market for apartments is good, but there are few or no condo projects in the city at this time. Mr. Wilmers stated that banks are not lending for condos at this time. He also stated that apartment construction is not keeping up with current need. He said that people are looking for apartments in communities like Marble Cliff.

Mr. Schmidt stated that their purpose for coming to Council was to show the condition of the building and explain the options they have identified. He stated that Dr. Gardner has agreed to be a participant in any redevelopment of the property. Mr. Schmidt said their goal for the evening is to get a sense from Council whether it is worthwhile for his company and Dr. Gardner to put any work into preliminary plans for redevelopment. He stated that the property will require a level of density to make it a reasonable investment.

Mr. Wilmers reviewed what he believes would be the target market for luxury apartments in Marble Cliff. He said most of their tenants are young professionals who work in all areas of the greater Columbus area. He said Marble Cliff is more likely to attract an older tenant that requires a higher end of finishes in the property. Mr. Wilmers stated he would expect to see a higher percentage of empty nesters along with young professionals. Mr. Wilmers stated that more empty nesters are moving toward renting rather than owning.

Mr. Voelker asked what density they were considering. Mr. Schmidt stated they have not given a great deal of study to the density, but he suggested that 75 is a likely number. He did say that the number would be driven by the size of the units and the amount of parking available. Mr. Barnes said that parking is the largest component of density. Ms. McKay asked how high the building would have to be. Mr. Barnes said four or five stories. Mr. Barnes stated W. Fifth Ave. would be one story and the second building which would be setback on the property would be between three to four or five stories.

Mr. Johannes asked about making the surrounding apartment properties part of the project. Mr. Schmidt said they have looked into purchasing the other properties but don't consider that a viable option at this time. Mr. Cincione asked if they were considering mixed use. Mr. Schmidt stated that limited parking on W. Fifth Ave. along with failed retail attempts in the area have convinced them that mixed use would not make sense for the property. Mr. Johannes asked if there would be luxury amenities. Mr. Schmidt said, "no." He said there would be housing only.

Mr. Barnes stated the rear building would be four levels of housing over parking. Mr. Kukura stated that five story buildings would be noticeable from the front and even more so from the side streets. Mr. Schmidt stated that the structure along the east side of the property would be parking. He said their goal is to have the view go over parking and W. Fifth Ave. into the ravine behind the property.

Ms. Siefkas asked if the buildings would include elevators. Mr. Schmidt said they would so that the upper floors would be fully accessible. Ms. Siefkas stated that the buildings are likely to attract older residents. Mr. Schmidt said the cost would also make the units more accessible to older residents.

Mayor Studebaker stated the purpose of this presentation was to give ideas and possibilities for the property. He stated moving forward would require rezoning along with addressing issues including density and design. He also said that the Village's requirements for demolition would also have to be met. Mayor Studebaker stated his hope

that the presentation has been helpful. He also reminded Council that the W. Fifth Ave. corridor has been identified in the strategic plan as needing to be addressed for the long range benefit of the Village. Mr. Schmidt asked Council for input into design and if they think the redevelopment has merit. He reiterated the need to develop with adequate density to make the project financially viable. He said he believes the value of the redevelopment would be in the \$10 million range. However, he said if a project can't be done that will be satisfactory for all the players, he will not aggressively pursue the project.

Mr. Cincione stated that he has long hoped that the home could be renovated and preserved even if that included additional building on the property. However, looking at the condition of the building makes that less likely. He also said he understands the need for adequate density but is concerned about a density level that adversely impacts the surrounding residential properties. Mr. Cincione stated his agreement that retail or mixed use is not a viable option for the property due to limited parking. He stated his serious concern about the suggested height and said that development would have to address his height and density concerns.

Mr. Kukura said that five stories would be too high and the density would have to be lower for him to support moving forward. Mr. Schmidt said the view would be great from five stories. Mr. Kukura said the Council is concerned about the appearance of the property from other properties. Mr. Schmidt said 75 units is not a hard and fast number. He said he is willing to work with the Council and the community on size, scale and appearance.

Ms. Troiano asked about the Jeffery Mining property on the east side. Mr. Schmidt said that his company completed all three parts of that project. Ms. Siefkas commented that she has been inside the building at 2015 W. Fifth Ave. and Council may have to face the reality that something has to be done with the property and residential redevelopment may be the best option. She stated her concern that five stories is too high for the area and would be out of proportion to Marble Cliff. Mr. Schmidt reiterated that the view from atop five stories is wonderful. Ms. Siefkas also suggested that the Council needs to consider the ratio of renter to owner occupied housing in the Village. Mr. Schmidt stated his opinion that the redevelopment of the property will increase the value of the surrounding properties and those owners may be drawn to redevelop those properties as well.

Mayor Studebaker reminded Council that the Planned Development District approach to redevelopment gives the Council an opportunity to address every aspect of design including density, height, and style. Mayor Studebaker summarized that Council is willing to hear additional information about redevelopment of the property. Mr. Schmidt invited any interested Council members to come to their office to offer input on style. Mr. Voelker mentioned his preference for a Tudor style similar to the existing building. Mayor Studebaker suggested that the location of the property may provide more flexibility in development and may favorably impact the properties around it.

Ms. Siefkas suggested redevelopment might take style inspiration from surrounding properties. Mayor Studebaker noted that there are eight Packard homes in the Village which offer great variety of style options.

Mr. Schmidt commented that he has heard the concerns regarding height and will take that into consideration as they move forward. Mr. Schmidt thanked Council for their time.

#### CONSENT AGENDA

- 1) Receive - Mayor's Court Report, July, 2015
- 2) Receive - Fire Dept. Report, July, 2015
- 3) Receive - Building permits issued in July, 2015
- 4) Approval - Minutes of the regular, scheduled meeting of July 20, 2015
- 5) Approval - Financial Statements for July, 2015
- 7) Receive - Village Income Tax Report – \$121,114.82
- 8) Receive – Top 5 High Crash Intersections Report 2012-2014 - MORPC

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

## MAYOR'S REPORT

Mayor Studebaker reported he received an inquiry about buying the Village owned Cardigan Ave. lot. He asked Council to be thinking about the possibility of sale. Mayor Studebaker reminded Council that a sale would have to be done through an open bidding process.

Mr. Voelker asked that Council return to a discussion of the possible impact of converting 2015 W. Fifth Ave. to residential zoning. He commented that such a movement might encourage the rezoning of other properties along W. Fifth Ave. from commercial to residential which would impact the Village's revenue from the small businesses located along W. Fifth Ave. Mr. Voelker said that if the 2015 building were torn down and replaced with a commercial building it could move W. Fifth Ave. to a stronger commercial corridor. Mr. Kukura commented that the current need for apartments will begin to fade as the popularity of home ownership returns. At that point, he commented, central Ohio may well have an excess of apartments that face leasing and occupancy challenges.

Mr. Voelker stated that the possibility of a changing zoning on W. Fifth Ave. makes it more important, in his opinion, that the Cardigan Ave. property remain a viable commercial property.

Mayor Studebaker stated that the Council, with the Strategic Plan, has the opportunity to define the vision for W. Fifth Ave.

Mr. Kukura stated his support developing the Cardigan Ave. lot for commercial purposes. Mr. Sterneker commented that the community continues to need green space for baseball and soccer fields. Ms. Siefkas commented that recreational uses were part of the discussions within the Strategic Plan.

Mayor Studebaker reported he attended another Franklin County Community Health Action Team meeting. He confirmed the group is moving forward with developing a program to support senior health within the community.

Mayor Studebaker reported the Franklin County Board of Elections has issued an official candidates list. Mayor Studebaker is the only candidate for mayor. Ms. Troiano and Joanne Taylor are the candidates for the two open Council positions. Mayor Studebaker will be meeting with Ms. Taylor to discuss current Village activities and plans

Mayor Studebaker reported the web site development is ongoing. He and Mr. Johannes are continuing to refine the site. They will have materials to share with Council in the coming months.

Mayor Studebaker introduced the second reading of R-2464-15, A Resolution approving the strategic plan dated June 3, 2015 for the Village of Marble Cliff.

**Ms. Siefkas moved the rules be suspended. Ms. Troiano seconded. The motion passed unanimously. Ms. Siefkas moved the adoption of R-2464-15. Mr. Voelker seconded. The motion passed unanimously.**

## ENGINEER'S REPORT

Mayor Studebaker introduced the second reading of O-2465-15, An Ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Burgess & Niple, Inc. for professional engineering services to complete a Feasibility Study for the West Fifth Ave. Bike Path and Roadway Improvements Project for the Village of Marble Cliff.

**Mr. Kukura moved the rules be suspended. Mr. Voelker seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2465-15. Mr. Kukura seconded. The motion passed unanimously.**

Mr. Ford reported the W. Fifth Ave. Bridge Replacement Project is moving forward. The bridge was closed on August 6<sup>th</sup> and will be closed for between 90 and 120 days.

Mr. Ford reported the Columbia Gas main line replacement project is ongoing. He reported that all the main line work is done and now the private lines are being tied in. Mayor Studebaker reported that the gas line marker post has been removed from his yard. However, a gas line marker remains in Mr. Voelker's yard. Mr. Ford said he would look into having the marker removed. Mr. Ford also reported the surface restoration is still to be completed by Columbia Gas throughout the Village.

Mayor Studebaker introduced the second reading of O-2466-15, An Ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Burgess & Niple, Inc. for professional engineering services for the Phase II Street Lighting Project for the Village of Marble Cliff

**Ms. Troiano moved the rules be suspended. Mr. Sterneker seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2466-15. Ms. Troiano seconded. The motion passed unanimously.**

Mayor Studebaker introduced the first reading of O-2470-15, An Ordinance authorizing the Mayor and the Fiscal Officer to enter into an agreement with Burgess & Niple, Inc. for professional engineering services for the Dublin Road & Cardigan Avenue Water Line Improvement Project for the Village of Marble Cliff.

**Ms. Troiano moved the rules be suspended. Mr. Cincione seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2470-15. Ms. Troiano seconded. The motion passed unanimously.**

Mr. Ford reported that the "No Turn on Red" sign located northbound on Cambridge Blvd. at W. Fifth Ave. is required because of the bus stop located at that intersection.

Mr. Ford left the meeting at this point.

#### SOLICITOR'S REPORT

Mr. Banchefsky stated he had no report for Council. However, he commented that he and the Fiscal Officer are working on new tax code language required for the Village to be in compliance with House Bill 5. Ms. McKay stated she hopes to have draft language for a first reading at the September Council meeting.

#### ADMINISTRATIVE ASSISTANT'S REPORT

Mr. Johannes stated the work in Tarp Woods has been completed except for the seeding which will happen in late September. Mr. Johannes said he is pleased with the work done by Rine Landscaping. He has checked with Mary Hayes and Dave Bell whose properties abut the locations where honeysuckle was removed and they are pleased with the work. Mr. Johannes reported that Nate Rosenstein is looking into the possibility of planting additional native wildflowers in the meadow area of Tarp Woods. Mr. Johannes and Mayor Studebaker commented that the woods are much more open and appealing.

#### APPROVAL OF BILLS

**Ms. Troiano moved approval of the August 2015 bills totaling \$100,786.59. Mr. Kukura seconded. The motion passed unanimously.**

#### FISCAL OFFICER'S REPORT

Mayor Studebaker introduced the second reading of O-2468-15, An Ordinance authorizing the Mayor and Fiscal Officer to execute an agreement to renew the policy with Ohio Government Risk Management Plan for property, liability, wrongful acts, automobile, bond, crime, inland marine and electronic data processing insurance.

**Mr. Cincione moved the rules be suspended. Mr. Sterneker seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2468-15. Ms. Troiano seconded. The motion passed unanimously.**

Mayor Studebaker introduced the first reading of O-2472-15, An Ordinance authorizing the Mayor and Fiscal Officer to Execute the Loan Agreement between the Franklin County Board of Commissioners, Economic Development and Planning Department and the Village of Marble Cliff in the amount of \$125,000 for purposes of funding a portion of the Dublin Rd. and Cardigan Ave. Waterlines Project.

**Ms. Siefkas moved the rules be suspended. Mr. Kukura seconded. The motion passed unanimously. Mr. Voelker moved the adoption of O-2472-15. Ms. Siefkas seconded. The motion passed unanimously.**

Mayor Studebaker introduced the first reading of R-2471-15, A Resolution declaring the official intent and reasonable expectation of the Village of Marble Cliff on behalf of the State of Ohio (The Borrower) to reimburse its Dublin Rd. & Cardigan Ave. Waterlines Fund for the Dublin Rd. & Cardigan Ave. Waterlines Project (OPWC PROJECT NUMBER CT08S) with the proceeds of tax exempt debt of the State of Ohio.

**Mr. Cincione moved the rules be suspended. Ms. Troiano seconded. The motion passed unanimously. Mr. Cincione moved the adoption of R-2471-15. Ms. Troiano 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.**

#### COUNCIL MEMBER REPORTS

No reports from Council Members

#### OLD BUSINESS

Mayor Studebaker introduced the fourth reading of O-2460-15, An Ordinance authorizing the expenditure of funds; \$ 5,000.00 to 2015 Grandview Heights High School Health & Wellness Project and declaring the expenditure to constitute a public purpose.

**Mr. Cincione moved to table Ordinance O-2460-15 indefinitely. Ms. Troiano seconded. The motion passed unanimously.**

Mayor Studebaker introduced the fourth reading of O-2461-15, An Ordinance to amend Ordinance O-2441-14 (2015 APPROPRIATION ORDINANCE) to increase the appropriation to the General Fund (1000) to \$1,579,176.

**Mr. Cincione moved to table Ordinance O-2460-15 indefinitely. Ms. Troiano seconded. The motion passed unanimously.**

#### NEW BUSINESS

Mayor Studebaker introduced the second reading of O-2467-15, An Ordinance authorizing the expenditure of funds of \$350 for the Music in the Park Program and declaring the expenditure to constitute a public purpose.

**Ms. Troiano moved the rules be suspended. Ms. Siefkas seconded. The motion passed unanimously. Mr. Sterneker moved the adoption of O-2467-15. Ms. Troiano seconded. The motion passed unanimously.**

Ms. McKay explained the need for an additional appropriation for the general fund of \$120,000 to address increased costs with income tax collection fees and refunds, sidewalk repairs, and green space maintenance.

Mayor Studebaker introduced the second reading of O-2469-15, An Ordinance to amend Ordinance O-2441-14 (2015 APPROPRIATION ORDINANCE) to increase the appropriation to the General Fund (1000) to \$\_\_\_\_\_.

**Mr. Cincione moved the rules be suspended. Mr. Sterneker seconded. The motion passed unanimously.**

**Mr. Cincione moved Ordinance O-2469-15 be amended to include the General Fund appropriation of \$1,694,176.00. Mr. Sterneker seconded. The motion passed unanimously**

**Mr. Voelker moved the adoption of O-2469-15 as amended. Ms. Troiano seconded. The motion passed unanimously.**

ADJOURN

**Mr. Sterneker moved the meeting be adjourned. Ms. Troiano seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 9:10 PM.**

Approved by:

Submitted by:

Matthew P. Cincione  
Council President Pro Tem

Cynthia A. McKay  
Fiscal Officer