

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

At 1600 Fernwood Ave.

October 17, 2016

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, October 17, 2016 in the Village Hall at 1600 Fernwood Ave. at 7:00 pm. Those in attendance were: Council Members: Matthew P. Cincione, Linda J. Siefkas, Joanne C. Taylor, and Dow T. Voelker ; Mayor, Kent E. Studebaker; Village Solicitor, Yazan S. Ashrawi; Village Engineer, Joshua Ford; Administrative Assistant, William C. Johannes; and Fiscal Officer, Cynthia A. McKay. Visitors were present.

Mr. Voelker moved Ms. Troiano and Mr. Kukura be excused. Mr. Cincione seconded. The motion passed unanimously.

PERMITS AND VARIANCES

Mr. Ashrawi asked all in attendance who intended to offer testimony on either of the variance requests before council 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 this variance hearing will be the truth and the whole truth and nothing but the truth?”** Those standing responded **“Yes.”**

Mayor Studebaker introduced Phil Markwood, architect representing First Community Church, to present FCC's two variance requests; 1) side yard structure variance for a 4 foot high fence and 2) side yard structure variance for locating two play structures on the north side of the existing building at 1320 Cambridge Blvd.

Mr. Markwood explained that during the construction of the new welcome center on the south end of the church property the preschool will need safe space to play. A fenced area on the north end of the property would provide such a safe area. It will be a grassy area with the possible installation of two play structures next to the building. Church representatives have discussed the proposal with the property owner immediately adjacent to the church property to the north and the property owner has expressed support of the variances.

Ms. Taylor asked if the area will be lit for security. Mr. Markwood said no additional lighting was planned for the area. Mayor Studebaker stated the preschool may return all play activity to the south end of the property after construction is completed and the fenced area might become a “bride’s garden.”

Mr. Cincione moved approval of the request submitted by First Community Church for a side yard variance to allow installation of a 4 foot high metal fence on the north side of the existing structure at 1320 Cambridge Blvd. in the Village of Marble Cliff, extending from the front, northwest corner of the church building north to approximately 12 inches within the north property line then east along the property line for 95 feet and then south to a point on the church building as shown in the Application for Variance. Mr. Voelker seconded. The motion passed unanimously.

Mr. Cincione moved approval of the request submitted by First Community Church for a side yard variance to allow installation of two wooden play structures on the north side of the existing structure at 1320 Cambridge Blvd. in the Village of Marble Cliff, as shown in the Application for Variance. Ms. Siefkas seconded. The motion passed unanimously.

Mayor Studebaker introduced Dan Sullivan, owner of 1410 Arlington Ave., to present a request for a fence variance.

Mr. Sullivan stated he and his family moved into the property approximately eleven years ago and did extensive work to the property including a significant addition to the rear of the house. However, he stated, little work was done to the yard at the rear (east side) of the property. He reported there is a stone wall along the east property line which is in disrepair. The wall straddles the property line between his property and the properties facing Cambridge Blvd. and parts of the stone wall are falling onto his property. Mr. Sullivan’s variance request is to rebuild the wall to a height of not more than five feet and install a five foot wooden fence on top of the wall to provide screening of the neighbors’ rear yards.

Mayor Studebaker noted the wall straddles the property line and asked if the intent is to rebuild the wall in its current location or rebuild it entirely on the Sullivan property. Mr. Sullivan stated his plan to rebuild the fence in its current location. Mayor Studebaker explained that Mr. Sullivan cannot ask for a variance or do construction of any sort on property not belonging to him. Mr. Sullivan stated he would be happy to place the wall and

fence on his property, but the issue of the existing wall falling onto his property needs to be addressed.

Mr. Sullivan explained that the wall increases from approximately one foot in height to five feet in height. Ms. McKay stated she informed the landscaper that the wall would have to be fully located on Sullivan property and could not straddle the rear property line. Mayor Studebaker asked for clarification that Mr. Sullivan's intention is to place a five foot high fence across the property line that would be on the ground at the north end of the property and would be on top of the five foot high portion of the wall at the south end of the property. Mr. Sullivan said Mayor Studebaker's understanding is correct. Ms. Siefkas asked if the result of the proposed installation is a ten foot high wall / fence combination for the property abutting the Sullivan property to the east. Mr. Sullivan stated that due to the elevation changes between the properties the top of the five foot wall sits approximately two to three feet below the elevation of the Sichko's driveway. The wood fence would end up being approximately two feet above the elevation of the driveway.

Joan Klitch commented that the Sullivans don't seem to like their view into other properties. She asked Mr. Sullivan if he has considered using trees to improve his view and not create an unappealing view for his neighbors. Mr. Sullivan stated that the existing trees are overgrown and, while he would consider planting some new trees he has no intention of planting trees all along his rear property line.

Deborah Sichko, owner of 1389 Cambridge Blvd., stated their property shares the longest portion of the proposed fence with her neighbor to the north having the balance of the proposed fence along his property line. Ms. Sichko shared pictures of her rear yard showing the approximate height of the proposed wall / fence on a utility pole located between the two properties. She stated her strong opposition to the variance request. Ms. Sichko reminded Council that they did not oppose the Sullivan's 2004 variance requests that permitted them to build the addition to their home. She also stated that after the addition was completed she and Mr. Sichko planted two fir trees to soften the view between the properties and to provide privacy screening. Ms. Sichko also stated that she and her husband are willing to have their landscaper and Mr. Sullivan's landscaper work together to identify options other than the wall and fence.

Mr. Sullivan stated that he is not asking for anything beyond what other homeowners in the Village have asked for and received in the way of variances for fences. He stated his position that cleaning up the deteriorating wall and adding the fence will improve the view. Mr. Sullivan stated that they love living in Marble Cliff and have no interest in creating issues with their neighbors. Mr. Sullivan commented that the Sichkos cannot see the unattractive condition of the wall while the Sullivans can.

Mr. Sichko stated his dissatisfaction with the manner in which they were informed of the Sullivans' intentions to rebuild the wall and add the fence. Mr. Sullivan commented that their goal is to improve their property and did not anticipate the reaction from the neighboring property owners. Mr. Sullivan apologized for the manner in which the plans moved forward without more contact with the neighbors. Ms. Sichko commented that it is a shared view which impacts more than just the Sullivans. Mr. Sullivan stated that he does not understand the position that they are discussing a "shared view." Ms. Sichko commented that they cannot see the wall and were unaware of the level of deterioration, but stated that they were more than willing to have their landscaper rebuild their portion of the wall.

Mr. Cincione asked if the wall is a decorative wall or a retaining wall. Mr. Sullivan stated that at least a portion of the wall functions as a retaining wall against the differing elevations between Cambridge Blvd. and Arlington Ave. and the drainage ravine that runs through that area of Marble Cliff. Mr. Sullivan stated that the Sichko's driveway is crumbling into the ravine. Mr. and Mrs. Sichko both stated that their driveway is not deteriorating and that its condition has recently been inspected and confirmed to be sound.

Tom Eggers, 1399 Cambridge Blvd., stated that his property backs the Sullivan property. He stated he understands Mr. Sullivan's desire for more privacy due to how close his house sits to the rear property line. Mr. Eggers stated he has no problem with the fence as long as the height is not too high along his property and it is aesthetically pleasing.

Mr. Voelker asked what constitutes "grade" for purpose of installing a fence on the ground or on top of a wall. Mayor Studebaker stated that the code does not address the

question of “grade” established by a retaining wall for purpose of construction on top of said wall.

Ms. Siefkas suggested that the parties involved take time between the October and the November meeting of Council to discuss the possibility of compromise regarding the variance request from the Sullivans. Ms. Siefkas stated she is willing to take into consideration the concerns raised as well as her concerns about the height. Mayor Studebaker suggested with two Council members absent and the concerns raised by the neighbors that the parties have discussion about other options including natural screening and delay any action by Council to the November meeting. He suggested that the landscapers may be able to come up with a creative solution.

Mr. Sullivan asked what should be brought back to Council. Mayor Studebaker suggested the issue of the placement of the wall entirely on one property needs to be resolved. He also stated that any fence over four feet needs to be brought back for Council approval. He also stated that issue of a fence built on top of a wall needs to be resolved by Council as well.

Mr. Voelker stated that even if the parties agree on a modified design, the variance request must come back to Council.

VISITORS

Mayor Studebaker introduced Alecco Walli, brother of Nick Walli an Eagle Scout candidate from Troop 73, to present a proposal for an Eagle Scout project. Mr. Walli explained that his brother is home sick and he will present his brother’s proposal for an Eagle Scout project. The proposal is to install four bicycle maintenance stations – 3 in Grandview Heights and 1 in Marble Cliff. The stations include a “tool tower” and air pump. The project involves installing a 5’ by 5’ concrete pad onto which the maintenance stand is bolted. The maintenance stands are manufactured by a number of different manufacturers and Nick is still in the process of choosing a manufacturer. The units cost approximately \$1,125 each. Additional costs include location preparation and concrete. The goal is to have the maintenance stations in places where they support the riding community such as along the bike paths, bike routes and bike boulevards.

Mayor Studebaker explained that the Village has identified the best location for the Marble Cliff station is along the bike path in front of the Ohio Department of Natural Resources. Mr. Ford is in contact with ODNR regarding the actual location. Eric Walli – Nick and Allecco’s father and assistant Scout Master in Troop 73 - explained that the work will take two weekends; one to pour the pads and a second to install the stations. Eric Walli suggested that the location be moved to the corner of W. Fifth Ave. and Dublin Rd. Mayor Studebaker explained that future construction at that corner makes the corner an unacceptable location for the Village.

Mr. Johannes asked about ongoing maintenance. Eric Walli stated the equipment is sturdy and robust and designed to withstand the elements and use. Mr. Johannes asked if the equipment is warrantied and how the Village will maintain the sites going forward. Mayor Studebaker stated that Grandview Heights and the Franklin County Parks may be available to assist in maintenance as well.

Mr. Cincione moved approval of up to \$1,500.00 for an Eagle Scout project to install a bicycle maintenance station along Dublin Rd. in front of the Ohio Department of Natural Resources. Ms. Taylor seconded. The motion passed unanimously.

CONSENT AGENDA

- 1) Receive - Mayor’s Court Report, September, 2016
- 2) Receive – Police Report, September 2016
- 3) Receive - Fire Dept. Report, September, 2016
- 4) Receive - Building permits issued in September, 2016
- 5) Approval - Minutes of the regular, scheduled meeting of September 20, 2016
- 6) Approval - Financial Statements for September, 2016
- 7) Receive - Village Income Tax Report – \$165,593.05

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

MAYOR'S REPORT

Mayor Studebaker reported he met with John Royer to discuss recommendations for development of the W. Fifth Ave. business corridor.

Mayor Studebaker stated staff has reviewed a revised plan for stripping for traffic calming on Village Court. The proposal will be sent to residents of Village Court for their review. Mr. Cincione suggested the Village might consider a more significant presence of a "no outlet" sign or a "bump out" to aid in traffic calming.

ENGINEER'S REPORT

Mr. Ford reported the contractors are on site for the Dublin Rd. and Cardigan Ave. Waterline project. The work has been completed on Dublin Rd. and is progressing up Cardigan Ave. The work under the railroad tracks is completed. The project is on schedule to be finished the week of November 21, 2016.

There may be some loss of pressure in the Village during the work and there may be periods when the water is cut off, but efforts will be made to minimize the impact and any interruptions should not last more than 3-4 hours.

Mr. Ford reported the sidewalk lifting and grinding is complete and sidewalk/apron replacement will begin the last week of October.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi reported staff is waiting for the completion of the 30 day waiting period before the Ordinance authorizing the sale of the Cardigan Ave. lot goes into effect. After the 30 days, the quit claim deed and sale agreement will be executed.

ADMINISTRATIVE ASSISTANT'S REPORT

Mr. Johannes reported leaf pick-up will begin near the end of October when the leaves begin to drop.

Mr. Johannes reported that the Cambridge Island fountain has not been functioning for several weeks. AEP found several line breaks and made the necessary repairs. Peabody is working to get the fountain up and running again before the end of the season. The fountain will be turned off before Halloween.

APPROVAL OF BILLS

Mr. Cincione moved approval of the October 2016 bills totaling \$105,660.14.

Mr. Voelker seconded. The motion passed unanimously.

Mr. Voelker moved approval of the amended September 2016 bills totaling \$85,915.16. Ms. Siefkas seconded. The motion passed unanimously.

FISCAL OFFICER'S REPORT

Ms. McKay introduced changes to the Village's Purchasing Card Policy Revisions that have been recommended by the Auditor of State regarding cash withdrawals on Village cards as well gasoline purchases for private cars.

Mr. Voelker moved the approval of the changes to the Purchasing Card Policy to ban the use of the Village's Purchasing Card for cash withdrawals and to allow use of the Village's Purchasing Card for gasoline only for rental cars approved for travel by Council. Ms. Taylor seconded. The motion passed unanimously.

COUNCIL MEMBER REPORTS

Ms. Taylor reported she and Ms. McKay are working on plans. The party will be on December 5, 2016 from 6:30 to 8:00 pm. The format will be potluck with the Village providing the main dish. Ms. Taylor also recommends that our senior citizens be invited as guests and not expected to bring a dish.

OLD BUSINESS

Mayor Studebaker introduced the second reading of O-2514-16, An Ordinance authorizing the expenditure of \$3,500 for the 2016 Village Holiday Party and \$1,000 for holiday decoration of the Village green spaces.

No action was taken on the ordinance.

NEW BUSINESS

Mayor Studebaker introduced the first reading of O-2515-16, An Ordinance authorizing an agreement with Charles Kelsey to provide Mayor's Court Magistrate Services for a one-year period from January 1, 2017 Through December 31, 2017.

No action was taken on the ordinance.

Mayor Studebaker introduced the first reading of O-2516-16, 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, 2017.

No action was taken on the ordinance.

Mayor Studebaker introduced the first reading of O-2517-16, An Ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Curtin & Associates for the audit and review of income tax policies and accounts of the Village of Marble Cliff.

No action was taken on the ordinance.

ADJOURN

Mr. Cincione moved the meeting be adjourned. Mr. Voelker seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 8:20 PM.

Approved by:

Submitted by:

Matthew P. Cincione
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer