

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

At 1600 Fernwood Ave.

November 21, 2016

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, November 21, 2016 in the Village Hall at 1600 Fernwood Ave. at 7:00 pm. Those in attendance were: Council Members: Matthew P. Cincione, John F. Kukura, Linda J. Siefkas, Joanne C. Taylor, Kendy A. Troiano, 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.

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.”**

Mr. Ashrawi reviewed the seven requirements specified in Village Code Section 154.156 for Council to consider when reviewing a request for a variance to the codified regulations of the Village. He also stated that the Village's code requirements for consideration of a variance request have been restated and confirmed in rulings by the Ohio Supreme Court.

Mayor Studebaker reviewed the Sullivan's variance request which is under consideration by the Council and reminded Council that the Sullivans were asked to meet with the Sichkos to discuss their concerns and to try to find a solution that would be acceptable to both neighbors. Mayor Studebaker pointed out that Council received additional information from the Sullivans and the Sichkos in their packets.

Mr. Ashrawi explained the difference between a “retaining” wall and a “decorative” wall as a “retaining” wall holds back ground from moving to a lower elevation and a “decorative” wall has exposure above ground level on both sides. He explained a retaining wall becomes a decorative wall at the point at which it rises above the level of the ground it is retaining. Mr. Ashrawi explained that the height of a fence is determined based on the point at which the fence is anchored. If a fence is attached to the top of a wall its height is determined as beginning at the top of the wall. If it is anchored into the ground beside a wall its height is determined as beginning at the grade where the fence posts are placed. However, Mr. Ashrawi stated that, based on case law in Ohio, if a fence is located on top of a wall the total height of the fence would include the portion of “decorative” wall on which it was placed.

Dan Sullivan explained their intention to replace the existing retaining wall, which has deteriorated, to its original height of five feet at the southeastern end of their rear property line. As the elevation changes moving north along the rear property line the top of the wall remains level but the overall height reduces to approximately less than a foot. The fence would be placed on top of the wall. Mayor Studebaker reminded Council that the south and north end of the existing wall is on neighboring property not on the Sullivan property. Mrs. Sullivan explained that the wall would be straightened so it will be entirely on their property. Mayor Studebaker explained that in order for the wall to be a retaining wall the Sullivans would need to back fill the new wall and that backfill cannot be done on the neighboring property.

Ms. Taylor explained that she needs to see a drawing of the proposed design with complete and concise markings of location, height, level of backfill, etc. Mr. Kukura asked for an explanation of the second drawing submitted on November 21st to the Council showing an alternate design with green screening at the south end. Mr. Sullivan stated that they are now offering two options; the original proposal and an option replacing the south end of the fence with evergreen trees. Ms. Sichko stated they have not seen the alternative proposal.

Mr. Sullivan stated the north end of the existing stone wall is entirely on their property. Mayor Studebaker stated that, based on the drawings presented, the wall appears to be on the neighboring property. The location needs to be confirmed by survey. Mr. Sullivan stated that if the alternative proposal is accepted the wall would not be repaired south of the family “play house” in the back yard. Mayor Studebaker also stated that the description of the fence as being installed “adjacent” to the wall was confusing and needs clarification.

Mayor Studebaker stated that a proposal must include information showing that any work on a wall is done completely on the Sullivan property and the length and height of all structures including information regarding the height to which a wall is functioning as

a retaining wall. Mayor Studebaker also reminded those in attendance that the utilities maintain an easement through the back yards between Cambridge Blvd. and Arlington Ave.

Mayor Studebaker stated the next step is for Council to act on the variance request currently before Council or receive an alternative proposal on which to act. Mr. Sullivan stated he would have his landscaper Shawn Rine review the proposal and provide the information requested by Council including the survey information, height of the retaining portion of the wall, length of the fence and height of fence plus any "decorative" wall at multiple points along the fence.

Council had a brief discussion of processes for amending variances and re-notifying neighboring properties of such changes. Ms. McKay and Mr. Ashrawi agreed to review the questions raised.

CONSENT AGENDA

- 1) Receive - Mayor's Court Report, October, 2016
- 2) Receive - Police Report, October 2016
- 3) Receive - Fire Dept. Report, October, 2016
- 4) Receive - Building permits issued in October, 2016
- 5) Approval - Minutes of the regular, scheduled meeting of October 20, 2016
- 6) Approval - Financial Statements for October, 2016
- 7) Receive - Village Income Tax Report - \$107,804.70
- 8) Receive - Annual Notification Ohio Dept. of Commerce Liquor Permit Renewal Objections

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

MAYOR'S REPORT

Mayor Studebaker reported the Eagle Scout project to install a bicycle maintenance station on Dublin Rd. is complete. The other two Eagle Scout projects - the repair of the steps in Tarpy Woods and replacing the split rail fence at the rear of the meadow are both complete.

ENGINEER'S REPORT

Mr. Ford reported work on the Dublin Rd. and Cardigan Ave. Waterlines Project is on hold until the City of Columbus completes the chlorination process. When the chlorination is completed the contractor will begin to tie in the individual lines. Mr. Ford stated he is still trying to determine why the Village lost all water pressure during the valve repair which was completed by the City of Columbus. The system should not have lost all pressure, but the engineers have not been able to determine what failed.

Mr. Ford said that water will have to be cut when the next phase is being completed. Mr. Ford will work with the Fire Chief and the City of Columbus to minimize the impact and ensure that concerns are addressed. Ms. Siefkas expressed concern with the lack of information and contact with the City water department. Mayor Studebaker said he will be contacting the individual in Columbus Mayor Ginther's office who is responsible for relationships with the suburban communities to seek answers and assistance.

Ms. McKay reported she and Mr. Ford are moving the Village's water valves to the top of the capital projects for next year. Mayor Studebaker will also contact Chief Shaner to elicit his support in dealing with the water department.

Mr. Johannes reported Mrs. Moan called to compliment the Village on the condition of the sidewalks in the Village. Mayor Studebaker reported several residents have been complimentary of the work done and the professionalism of the crew.

Mr. Voelker reported the southern street lights are staying on as well as the northern street lights. Mr. Ford will have Tipp-Dan investigate and correct the problem

The traffic calming painting on Village Court has been completed. Mayor Studebaker stated Don Plas was instrumental in contacting the Village Court residents and he obtained most of the residents' signatures approving the work in advance of the contractor's arrival.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi reported that all the documents for sale of the Cardigan Ave. lot have been executed and filed with Franklin County. Ms. McKay reported the necessary payment has been received.

Mr. Ashrawi reported he has begun work on the paperwork on the easement at 1600 Dublin Rd. which is necessary for the multi-purpose trail that will be completed in 2017.

ADMINISTRATIVE ASSISTANT'S REPORT

Mr. Johannes reported the holiday lights have been installed by Rob Sterneker. Mr. Johannes encouraged Council to thank Mr. Sterneker for his hard work.

Mr. Johannes reported leaf pick-up is going well. He stated that pick-up is scheduled to continue through the second week of December. That schedule may be modified if most of the leaves are not down by that date.

APPROVAL OF BILLS

Mr. Voelker moved approval of the November 2016 bills totaling \$321,735.82. Ms. Troiano seconded. The motion passed unanimously.

Ms. Troiano moved approval of the amended October 2016 bills totaling \$105,705.96. Ms. Taylor seconded. The motion passed unanimously.

FISCAL OFFICER'S REPORT

Ms. McKay introduced the proposed meeting schedule for regular Council meetings for 2017. Council members will review the proposed dates and a schedule will be confirmed at the December 2016 meeting.

COUNCIL MEMBER REPORTS

Ms. Troiano had nothing to report from the Grandview Heights Parks and Recreation Board.

Ms. Taylor reported plans are well underway for the annual Holiday Party which will be held on December 5th at the Our Lady of Victory Parish Hall.

OLD BUSINESS

Mayor Studebaker introduced the third 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.

Ms. Siefkas moved the approval of Ordinance O-2514-16. Ms. Troiano seconded. The motion passed unanimously.

Mayor Studebaker introduced the second 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 second 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 second 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.

NEW BUSINESS

Mayor Studebaker introduced the first reading of O-2518-16, 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, 2017 to January 31, 2018.

Ms. McKay reported the proposed terms of the contract are unchanged from the current contract.

No action was taken on the ordinance.

Mayor Studebaker reported he had no new information from John Royer to share with Council at this time.

ADJOURN

Ms. Troiano moved the meeting be adjourned. Mr. Voelker seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 8:35 PM.

Approved by:

Submitted by:

Matthew P. Cincione
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer