

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

At 1600 Fernwood Ave.

August 21, 2017

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, August 21, 2017 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. No representatives of the press were present.

VARIANCES

Mayor Studebaker introduced a request from First Community Church to expand a natural play area at the north end of their property. Council previously approved a request to move two play structures to the north end of the building as part of a natural play area.

The church is asking to expand the playground. Ms. McKay explained that the request was brought to staff for consideration. She stated that, in her opinion, the proposed design falls into a grey area between landscaping and structures. Mr. Ashrawi stated he has reviewed code and determined that the code does not address many of the items proposed. He stated that the new proposal does not fall under the variances previously approved by Council.

Mayor Studebaker reminded Council that the work is proposed for the side yard and will adjoin neighboring property. Mayor Studebaker invited church representatives to address the request. Nan Weir – construction project representative from the church – explained that the play area development progressed more quickly than anticipated because of the enthusiasm of the pre-school parents and their willingness to help fund the project. Ms. Weir introduced Amy Dutt who designed the space for the church.

Mr. Voelker asked if the neighbors have reviewed the proposal. Ms. Weir stated that the neighbors immediately to the north have been contacted. Ms. Taylor asked if the new play area replaces the existing play ground on the south end of the church. Ms. Weir stated that the south playground will remain, although it will be slightly reduced in size because of the construction. The play area on the north will be in addition to the south playground space.

Ms. Dutt explained that her company has designed and installed many of the “natural playscapes” in central Ohio. She reviewed the items in the proposal. She stated that, in her opinion, the only two structures are the play house (previously approved) and the bridge with a crawling tunnel underneath. The mound for the slide and the play tables are not structures according to Ms. Dutt. Ms. Dutt stated her concern that the play area be available for the children when school starts in early September. She commented that Council could identify the non-structures that could be started prior to the approval of any identified variance requirements.

Mr. Ashrawi stated code defines a structure as anything other than a building located on a property including, but not limited to decks, walls, fences, signs, tree houses, and play sets.

Council discussed several issues including the location, security, and disruption to neighbors. They also discussed the proposed landscaping surrounding the proposed play area. Mayor Studebaker commented that when Council reviewed the previous variance request some members of Council saw the north play area as temporary and the space would return to passive lawn following construction.

Ms. Weir asked if Council sees the proposed play area as an asset or a detriment to the neighborhood. Ms. Weir commented that some of the neighbors’ children are already using the space. She also reported that the children in the pre-school really enjoyed the more natural play area.

Mayor Studebaker asked if the play area must meet requirements for safety if the space is open to the public. He also expressed concern about a screened area attracting inappropriate activity. Mr. Cincione said he generally approves the idea but noted that the Council’s job is to provide a process for the community to give input. Mr. Voelker said that the church could begin some landscape work, but if the variances are denied, the church might need to remove work that has been done or not be able to complete the project as proposed.

Ms. Dutt commented that the proposed landscaping can be trimmed to reduce the screening if necessary. Ms. Weir stated that the church wants to be a good neighbor and comply with the Village’s requirements.

Council determined that they would like to formally review the entire proposal. Council identified the play hill, wooden bridge, wire fence, cedar play table, cedar play

kitchen, and plastic storage sheds as structures requiring variance approval.

Mr. Ashrawi asked all in attendance who intended to offer testimony on 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 Slawomir and Bridget Sarna, owners of 1345 Cambridge Blvd., to present their request for a side yard structure variance, a side yard setback variance and a lot coverage variance for their property.

Mr. Sarna stated they would like to construct a new, detached, three car garage with a patio area in the north side yard of their property. They would like to place the garage 3 feet from the north property line. He also stated that the total construction project may increase the lot coverage up to 41%. Mr. Sarna described the building materials which will match the house.

Mr. Johannes said he has spoken with the architect to address drainage issues that might be created impacting the property to the north. The architect will also address stabilizing the garage because of the change in elevation between the Sarna’s property and the property to the north. Mr. Voelker stated he went to look at the impact on the property to the north and spoke with that property’s owner. She asked that the stone wall between the property be maintained rather than replaced with railroad ties such as those used closer to the street. Mr. and Mrs. Sarna agreed that they will be happy to work with the neighbor to ensure that her view is maintained.

Ms. McKay reported that no comments in favor of or opposition to the variance request have been received. Ms. McKay confirmed that the proposed height of the garage is 34 feet – in compliance with the 35-foot code limit.

Mr. Cincione stated his opinion that the garage is too large for the property and the surrounding properties. He stated that the visual impact from the street is lot line to lot line building coverage. Ms. Siefkas concurred with Mr. Cincione’s concerns. Council discussed general concerns about the size of the garage as well as the location on the property. They questioned if there might be other options to soften the size and the impact. Mr. Kukura commented that several of the houses on Cambridge Blvd in the area have very large garages similar to what is being proposed.

Mr. Ashrawi reviewed the Village’s Code of Ordinance considerations for variance approval.

Mr. Cincione moved the request as shown in the Application for Variance submitted by Slawomir and Bridget Sarna be denied. Ms. Siefkas seconded. The motion was defeated 2 in favor and 4 opposed.

Mr. Kukura moved the request as shown in the Application for Variance submitted by Slawomir and Bridget Sarna be approved. Ms. Taylor seconded. The motion was passed 4 in favor and 2 opposed.

CONSENT AGENDA

- 1) Receive - Mayor’s Court Report, July, 2017
- 2) Receive – Police Report, July 2017
- 3) Receive – Fire Report, July 2017
- 4) Receive –Building permits issued in July, 2017
- 5) Approval - Minutes of the regular, scheduled meeting of July 17, 2017
- 6) Approval - Financial Statements for July, 2017
- 7) Receive - Village Income Tax Report – \$115,245.76
- 8) Receive – Scholarship thank you notes – Berlin
- 9) Receive – Karen Dick Letter

Council discussed the letter received from Karen Dick regarding algae issues in the new gutters in front of her house. Mayor Studebaker reported he has researched the concern and learned that 1) hot weather and run-off from fertilizers create algae blooms similar to

what Ohio lakes have experienced in recent years, 2) the replacement of the curb and gutter eliminated the small cracks and breaks that previously allowed water to seep through the gutter. The small cracks and breaks also contributed to a sink hole in front of the Dick property, and 3) the Dick property has a natural spring and a very active sump pump which regularly discharges water into the gutter. Mayor Studebaker reported the EPA recommends that the best way to eliminate the algae is for the Dicks to put a mild bleach solution into their sump pump discharge system or gutter. Ms. Dick has declined to follow the recommendation. Mr. Ford has determined that there is not an engineering problem with the design of the curb and gutter.

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

MAYOR'S REPORT

Mayor Studebaker reported that The Commissary has changed its name to 1400 Food Lab. He will be attending an open house at the business later in the week.

Mayor Studebaker reported he does not have an update on redevelopment plans for 2015 West Fifth Ave. nor does he have any additional information regarding a business that expressed interest in moving into the second floor of the building at 2300 W. Fifth Ave.

Mayor Studebaker reported he will be one of the presenters at the quarterly Chamber of Commerce Economic Forum.

ENGINEER'S REPORT

Mr. Ford commented that the W. Fifth Ave. Bike Path is complete and being used by members of the community. He reported that a bike path emblem will be painted on the path immediately east of the railroad tracks and immediately west of the W. Fifth Ave. and Arlington Ave. intersection.

Mr. Ford reported that the 2017 Street project is finished except for some punch list items including re-drilling several downspout connections to the curb and tree lawn restoration. Painting and restriping is complete and the parking space blocks have been replaced at Village Hall.

Mr. Ford reported he and Ms. McKay are working on revision of the 5 Year Long Range Plan for capital projects. Ms. McKay reported the Village did not receive OPWC funding for the repaving of Cardigan Ave. west of the railroad tracks and miscellaneous sewer projects.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi presented draft language for modifying the code language to address window signs in the Central Business District and the Residential District. Council discussed the draft language. Issues regarding how to address multiple window panels were raised; should they be treated individually or as a whole. The draft language would require a permit for window signs whereas they were previously unregulated.

Ms. McKay suggested that Council might want to separate the code language to address the Central Business District separately from the Residential District.

Mr. Ashrawi also presented the opportunity for legal review of the Village's sign code based on a Supreme Court ruling that says that jurisdictions cannot regulate signs based on content.

Council asked staff to continue to revise the draft legislation, but decided that they would not have a complete legal review of the code language.

ADMINISTRATIVE ASSISTANT'S REPORT

Mayor Studebaker introduced the first reading of O-2542-17, An Ordinance accepting a Proposal from Environmental Management Incorporated for the 2017 Village

Public Gardens Improvement Project and declaring an emergency.

Mr. Johannes reviewed the final proposal from Environmental Management Inc. including the proposed cost.

Ms. Troiano moved the rules be suspended. Ms. Siefkas seconded. The motion passed unanimously. Ms. Troiano moved the adoption of O-2542-17. Mr. Kukura seconded. The motion passed unanimously. Ms. Troiano moved the ordinance be adopted as emergency legislation for the health and safety of Marble Cliff residents and visitors. Mr. Voelker seconded. Roll call: Mr. Cincione, yes; Mr. Kukura, yes; Ms. Siefkas, yes; Ms. Taylor, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously.

Mayor Studebaker introduced the first reading of O-2543-17, An Ordinance accepting a Proposal from Paul Peterson Company for the 2017 Village Traffic Sign Improvement and Replacement Project and declaring an emergency.

Mr. Johannes reviewed the proposal prepared by Burgess & Niple and the cost estimate from Paul Peterson Company.

Ms. Troiano moved the rules be suspended. Mr. Kukura seconded. The motion passed unanimously. Ms. Troiano moved the adoption of O-2543-17. Mr. Kukura seconded. The motion passed unanimously. Ms. Troiano moved the ordinance be adopted as emergency legislation for the health and safety of Marble Cliff residents and visitors. Mr. Kukura seconded. Roll call: Mr. Cincione, yes; Mr. Kukura, yes; Ms. Siefkas, yes; Ms. Taylor, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously.

Mr. Johannes reported staff has determined that three benches will be installed on public property. One bench will be located at the NW corner of the Village Court Island, one bench will be located on the east side of Arlington Circle, and one bench will be located in the NE corner of Falco Park. Mr. Johannes stated he anticipates a Boy Scout Eagle Candidate will perform the installation as his Eagle Scout Project. The Village will pay for the benches and the scout will be responsible for fund raising for the installation materials.

Mr. Voelker asked about the missing trash can at Cambridge Blvd. and W. First Ave. Mr. Johannes reported that all the trash cans in the Village are installed and maintained by COTA. Staff reviewed the issue and agreed that the Village is not interested in providing trash cans for the purpose of dog poop disposal. Council agreed to delay any action to replace the trash can until the construction at First Community Church is completed.

Mr. Kukura asked staff to investigate a cone in the tree lawn at First Community Church that appears to be covering street light wires.

APPROVAL OF BILLS

Ms. Troiano moved approval of the August 2017 bills totaling \$86,980.71.

Mr. Kukura seconded. The motion passed unanimously.

Ms. Troiano moved approval of the amended July 2017 bills totaling \$109,354.54.

Ms. Taylor seconded. The motion passed unanimously.

FISCAL OFFICER'S REPORT

Mayor Studebaker introduced the first reading of O-2539-17, An Ordinance enacting and adopting a supplement to the Code of Ordinances of the Village of Marble Cliff, Ohio, and declaring an emergency.

Ms. McKay reported this action accepts the code updates done legislatively by Council over the last two years. The update also includes modifications to code required by state legislation or regulation over the last two years.

Mr. Cincione moved the rules be suspended. Mr. Kukura seconded. The motion passed unanimously. Ms. Troiano moved the adoption of O-2539-17. Mr. Voelker seconded. The motion passed unanimously. Ms. Troiano moved the ordinance be adopted as emergency legislation for the health and safety of Marble Cliff residents

and visitors. Mr. Voelker seconded. Roll call: Mr. Cincione, yes; Mr. Kukura, yes; Ms. Siefkas, yes; Ms. Taylor, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously.

COUNCIL MEMBER REPORTS

Ms. Troiano reported that an Eagle Scout candidate has approached the GH Parks and Recreation Department for permission to install out-door chess tables. She reported the school chess clubs have grown from 3 members to 47 members. A chess club is being formed in the elementary school as well. She said it might be an interesting project for Falco Park.

Mr. Voelker reported the School Facilities Committee held its final community meeting to review the survey results regarding recommendations for school renovations and replacements. The final recommendation of the superintendent to the GH School Board will be to renovate the high school and Stevenson Elementary School and demolish and replace Edison and the middle school. The school board will review the recommendation and, potentially, take action at their meeting on September 19, 2017. Mr. Voelker reported another committee will be formed to address funding options for recommendation to the school board.

Mayor Studebaker reported he has spoken with the GH School Treasurer to discuss the impact of a 2018 bond levy on the Village properties. They will meet again when the amount of the levy to be requested is finalized.

NEW BUSINESS

Mayor Studebaker introduced the first reading of R-2540-17, A Resolution reauthorizing an agreement between the Village of Marble Cliff and the Board of County Commissioners, Franklin County, Ohio on behalf of the Village of Marble Cliff in order to participate in the Franklin County, Ohio, Department of Housing & Urban Development (HUD) Entitlement Program and abide by the covenants of that program as stated herein.

Ms. Troiano moved the rules be suspended. Mr. Voelker seconded. The motion passed unanimously. Ms. Troiano moved the adoption of R-2540-17. Ms. Taylor seconded. The motion passed unanimously.

Mayor Studebaker introduced the first reading of R-2541-17, A Resolution to adopt the Solid Waste Management Plan for the Solid Waste Authority of Central Ohio.

Mayor Studebaker asked Council to review the provided materials. No action was taken

ADJOURN

Ms. Troiano moved the meeting be adjourned. Mr. Kukura seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 9:30 PM.

Approved by:

Submitted by:

Matthew P. Cincione
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer