

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

At 1600 Fernwood Ave.

October 16, 2017

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, October 16, 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, 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.

**Ms. Siefkas moved Ms. Taylor be excused. Mr. Cincione seconded. The motion passed unanimously.**

## VARIANCES

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.”**

**Mr. Voelker moved the 1400 Food Lab request for a conditional use permit be brought back onto the table for consideration. Ms. Troiano seconded. The motion passed unanimously.**

Mayor Studebaker introduced Scott Humphrys representing 1400 Food Lab. Mr. Humphrys described 1400 Food Lab as a commercial kitchen facility that is made available for product development and as an incubator for new food related business development. He reported that 100 to 104 businesses currently utilize the facility along with 16 food trucks which are headquartered and housed at the location. Mr. Humphrys explained there are two small private kitchens; one is occupied and the other will be occupied in the near future.

The facility also houses a small event space which can be used by the businesses using the property. Mr. Humphrys stated the owners would like to expand the use of the facility for catered events using the chefs in the space. “Catered Events” is listed as a “Conditional Use” for the property.

Mr. Ashrawi explained that the request is for two items. One to permit the catered events and the second to allow expanded outdoor hours.

Mr. Humphrys explained that the owners want to have the option to hold outdoor events on weekends later than the current 7:00 pm limit.

Mayor Studebaker reported that one business owner has expressed opposition to any expansion of use of the facility stating a concern over parking, alcohol and activities. Mayor Studebaker noted that this business owner opposed the initial PDD rezoning of the property for The Commissary.

Mr. Humphrys stated that for events they provide someone to direct parking onto the 1400 Food Lab property so other properties are not impacted. Mr. Humphrys stated an average event would be 50 to 70 people, a large event would be 90 people. The fire code limit is 130.

Mr. Humphry stated they would like to have the option of being outdoors until 12:00 midnight on weekends and late evening on weekdays. He stated they would like to be able to host a meal and time for relaxation on the front lawn.

Council recommended that staff work with the applicant to more fully define their request for outdoor activities and appropriate time limits.

**Mr. Kukura moved approval of the conditional use variance request submitted by 1400 Food Lab to allow “catered events” at 1400 Dublin Rd., in the Village of Marble Cliff. Ms. Troiano seconded. The motion passed unanimously.**

**Mr. Voelker moved to deny the conditional use variance request submitted by 1400 Food Lab to allow outdoor events at 1400 Dublin Rd., in the Village of Marble Cliff between the hours of 9 am to 12 am. Ms. Troiano seconded. The motion passed unanimously.**

Mayor Studebaker introduced Gene McHugh, representing Our Lady of Victory Catholic Church, to present the church's request to increase the property's lot coverage to accommodate an expanded meditation garden. Mr. McHugh explained that the church received a grant from the Rosemary Duffy Larson estate to fund improvement of the property's landscaping.

Ms. McKay reported no comments in favor of or opposition to the variance were received at the Village Hall.

**Mr. Voelker moved approval of the variance request submitted by Our Lady of Victory Catholic Church to increase the lot coverage to 59.3% on its property at 1559 Roxbury Rd. as shown in the documents attached to the variance request.**

**Ms. Troiano seconded. The motion passed five in favor and zero opposed.**

## VISITORS

Mayor Studebaker introduced Glenn Dugger and Ted Foster, representing the company F-2.

Mr. Dugger explained F-2 has a purchase contract for 2015 W. Fifth Ave. He also explained the purchase contract includes the apartment property owned by Dr. Gardner on Arlington Ave. making the total property for development 1.4 acres.

Mr. Foster presented a plan for multi-resident housing which could be either apartments or condominiums. The developer is considering both options. Mr. Foster explained that the development would be accessed off of Arlington Ave. The plan calls for the parking to be underground. The building would be three stories on the W. Fifth Ave. side and, because of grade, would be approximately four stories at the rear with three occupied levels and one parking level.

Mr. Foster showed a drawing of the existing building and parking. Then he presented a footprint drawing of the property with a new building situated on the property and utilizing the Arlington Ave. property for access. He also presented a drawing showing the proposed building superimposed over the existing building.

Mr. Foster presented architectural drawings of the building appearance from W. Fifth Ave. as well as side and rear views. Mr. Foster explained he grew up in the area and he understands the sensibilities of the community regarding size and appearance. The design is "finished" on all sides and the parking is out of sight from neighbors. Mr. Foster explained the orientation of the property in the drawing and the intention to save as many mature trees as possible. The shape of the building allows for green space to be enjoyed by residents. The design maintains a setback from W. Fifth Ave. to maintain the character of the village.

Mr. Foster said his company was in contract with the owner 6 years ago, but could not come to an agreement for development with the owner. They investigated saving the existing building at that time, but determined that the building could not be modified to make a redevelopment project financially feasible.

Mr. Foster said parking is addressed with resident and some visitor parking under the building and some limited surface parking off the Arlington Ave. entrance. The developers recognize the lack of street parking available and intend to provide ample parking on property.

Mr. Foster stated his company has been in existence for about 6 years. He and his partner have experience with major developers and builders in the central Ohio area. F2 builds to own. A companion property management firm maintains properties in which they have some ownership. He also stated they intend to landscape the sides and rear which will benefit of the neighboring properties. He also stated they would anticipate improved water runoff from the property into the ravine behind the building.

Mr. Stephens, architect for the project, confirmed the height in the back would be approximately 45 feet and approximately 35 feet in the front. He could not confirm the height of the current building on property.

Ms. Siefkas expressed her preference for condos over rentals. She also suggested the design would be enhanced with an appearance of townhomes on the W. Fifth Ave. side. Mr. Foster stated that between 65 and 67 units are anticipated. Ms. Troiano asked if mixed use has been considered. Mr. Foster stated that mixed use would require additional parking and, to make it financially feasible, another story would need to be added.

Mayor Studebaker explained the next step for the developer is to make application for a Planned District Development rezoning. The process will also require a demolition

permit application with approval by Council. Mr. Cincione stated the next step should be to move the request into a formal process to allow community comment. Mr. Cincione stated that he generally liked the proposed architecture and having access off of Arlington Ave. He also stated he would be open to apartments or condos. Mr. Kukura and Mr. Voelker expressed some concern about the density proposed.

Ms. McKay reviewed for Council the 3 phase process for rezoning to a PDD. The demolition permit discussion would happen in the second phase of the rezoning process. Mr. Foster stated he would continue to work with staff to develop a PDD application.

#### CONSENT AGENDA

- 1) Receive - Mayor's Court Report, September, 2017
- 2) Receive – Police Report, September 2017
- 3) Receive – Fire Report, September 2017
- 4) Receive – Building permits issued in September, 2017
- 5) Approval - Minutes of the regular, scheduled meeting of September 18, 2017
- 6) Approval - Financial Statements for September, 2017
- 7) Receive - Village Income Tax Report – \$170,757.10

Mr. Voelker noted the need to correct the first page of the minutes to reflect that Mr. Kukura was excused from the September 18, 2017 regular Council meeting.

**Mr. Voelker moved approval of the Consent Agenda reflecting the noted correction to the minutes of the regular, scheduled meeting of September 18, 2017. Ms. Troiano seconded. The Consent Agenda was approved unanimously.**

#### MAYOR'S REPORT

Mayor Studebaker told Council that staff is working with the owner of 2300 W. Fifth Ave. to develop a forgivable loan agreement to help the building owner with the cost of making the second floor handicapped accessible. When the proposal is complete, it will be brought to Council for approval.

Mayor Studebaker presented a proposal from the Chamber of Commerce for the Village to underwrite the cost of a podcast program which would highlight local businesses and offer insight on how they have found success. The annual cost to the Village would be \$1,500. The Mayor asked Council to review the information prior to discussion at a future meeting.

Council asked for additional information on how often the existing podcast is accessed.

Mayor Studebaker presented information on the Grandview Heights / Marble Cliff Historical Society's annual meeting which is scheduled for October 22, 2017.

#### ENGINEER'S REPORT

Mr. Ford reviewed changes to the five-year capital project schedule. Changes reflect Council discussion at the September meeting. Ms. Siefkas asked about design plans to make village intersections distinctive to the community as well as improvements and additions to the parks. Ms. McKay provided a five-year financial plan reflecting the proposed capital projects. Ms. McKay stated the 2018 financials are the basis for the 2018 Appropriation Ordinance.

Mr. Ford reported he has inspected Roxbury Rd. and the storm sewers around #10 Roxbury Rd. and found the construction work at #10 is not damaging the Village roads or right of way.

Mr. Voelker asked about some work underway on the bike path at 1600 Dublin Rd. Mr. Ford said he will investigate.

Mr. Ford left the meeting at this point.

### SOLICITOR'S REPORT

Mr. Ashrawi provided information regarding House Bill 49, the 2018 state budget bill. The bill included language allowing centralized tax collection for corporate taxes. Under the already enacted legislation, the corporate taxes will be collected by the state and then returned to the local governments minus a 1% fee for collection.

Mr. Ashrawi presented an analysis of the legislation done by attorneys at Frost, Brown and Todd. He also presented a plan to challenge the legislation in court. A group of over 100 municipalities have retained Frost, Brown and Todd to handle the legal action. If unchallenged the law would go into effect in January 2018. The Frost Brown Todd fee for the Village to be part of the group participating in legal action against the state is \$1,000.

Mr. Ashrawi also explained that the language of HB49 requires municipalities to pass legislation matching their language to the approved state language regarding collection of corporate income tax. Such language will most likely be presented to Council at the November meeting.

Council discussed the impact of HB 49 on the Village as well as the options for the Village. Mr. Cincione commented that the state's goal is to eliminate municipalities and taxing entities like Indiana.

**Mr. Voelker moved the Agenda be amended to add Ordinance O-2549-17 for a first reading. Ms. Siefkas seconded. The motion passed unanimously.**

Mayor Studebaker introduced the first reading of O-2549-17, An Ordinance to authorize the Mayor to join a coalition of municipalities retaining special counsel for purposes of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code relating to Municipal Income Tax, and declaring an emergency.

No action was taken.

### ADMINISTRATIVE ASSISTANT'S REPORT

Mr. Johannes stated the company which will install the holiday lights is ready to complete the work after approval by the Council.

Mr. Johannes stated the benches have arrived for the Eagle Scout project.

Mr. Johannes reported he is working with EMI to replace the ash trees which were removed in Falco Park. He also stated that he toured the Village with EMI reviewing the work recently completed on Cambridge Island, Falco Park and Village Court Circle.

Mr. Johannes stated leaf pick-up will begin on October 23, 2017.

### APPROVAL OF BILLS

**Ms. Troiano moved approval of the October 2017 bills totaling \$133,060.42.**

**Mr. Kukura seconded. The motion passed unanimously.**

**Mr. Voelker moved approval of the amended September 2017 bills totaling \$266,157.93. Mr. Kukura seconded. The motion passed unanimously.**

### FISCAL OFFICER'S REPORT

**Mr. Voelker moved approval of the schedule for the 2018 regular, scheduled Council meetings.**

**Monday, January 29, 2018**

**Monday, February 19, 2018 Presidents' Day**

**Monday, March 19, 2018**

**Monday, April 16, 2018**

**Monday, May 21, 2018**

**Monday, June 18, 2018**

**Monday, July 16, 2018**

**Monday, August 20, 2018**

**Monday, September 17, 2018**

**Monday, October 15, 2018**

**Monday, November 19, 2018**

**Monday, December 17, 2018**

**Ms. Troiano seconded. The motion passed unanimously.**

Mayor Studebaker introduced the first reading of O-2546-17, 2018 Annual Appropriation Ordinance.

No action was taken.

Ms. McKay reported the Grandview Heights Parks and Recreation Department is planning a youth triathlon for September 1, 2018. The route will go through Marble Cliff and require some limited road closures. Closure will be similar to the closures for the annual Pumpkin Run.

Ms. McKay reported she had an opportunity to meet with SWACO to discuss options to expand recycling.

#### COUNCIL MEMBER REPORTS

Ms. Troiano confirmed the information provided by Ms. McKay regarding the proposed Youth Triathlon sponsored by the Grandview Heights Parks and Recreation Department.

Ms. Troiano reported the GH Parks and Recreation Department has encountered a shortfall in the funds necessary to plan and install improvements to the Memorial Park. She stated the Village may be contacted to contribute funds. However, if adequate funds cannot be raised, the project will be suspended.

Ms. Troiano also reported that the Parks and Recreation Board will be disbanded in the coming months as no major projects requiring the board's attention are planned.

#### OLD BUSINESS

Mayor Studebaker introduced the second reading of O-2545-17, An Ordinance authorizing the expenditure of \$3,500 for the 2016 Village Holiday Party and \$4,000 for holiday decoration of the Village green spaces.

**Mr. Cincione moved the rules be suspended. Mr. Voelker seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2545-17. Ms. Troiano seconded. The motion passed unanimously**

#### NEW BUSINESS

Mayor Studebaker introduced the first reading of R-2547-17, A Resolution authorizing the mayor to execute the 2018 Plumbing inspection contract between the Village of Marble Cliff and the Franklin County Board of Health.

No action was taken.

Mayor Studebaker introduced the first reading of O-2548-17, An Ordinance authorizing an agreement with Charles Kelsey to provide Mayor's Court Magistrate Services for a one-year period from January 1, 2018 Through December 31, 2018.

Ms. McKay reported Mr. Kelsey fees will remain unchanged from the 2017 fees. No action was taken.

Mayor Studebaker reported he received an e-mail from Tony Martina informing the Mayor that his parents, Michael and Juanita Marina, long term residents of Cambridge Blvd. in the Village will be celebrating their 70<sup>th</sup> wedding anniversary on Oct 18<sup>th</sup>. Mayor Studebaker stated he would send a letter of congratulations and he also informed Alan Froman of the ThisWeek newspaper of the event.

#### ADJOURN

**Ms. Troiano moved the meeting be adjourned. Mr. Cincione seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 9:25 P.M.**

Approved by:

Submitted by:

Matthew P. Cincione  
Council President Pro Tem

Cynthia A. McKay  
Fiscal Officer