

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

At 1600 Fernwood Ave.

February 19, 2018

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, February 19, 2018 in the Village Hall at 1600 Fernwood Ave. at 7:00 pm. Those in attendance were: Council Members: Matthew P. Cincione, Marnie Hoag, Matthew R. Jolson, Kendy A. Troiano, Joanne Taylor, and Dow T. Voelker; Mayor, Kent E. Studebaker; Village Engineer, Joshua Ford; and Fiscal Officer, Cynthia A. McKay. Visitors were present. A representative of the press was present.

Village Solicitor, Yazan S. Ashrawi was excused. Thaddeus M. Boggs of Frost Brown Todd was present to act as Village Solicitor.

Mayor Studebaker asked for a moment of silence in memory of former Administrative Assistant, Bill Johannes, who passed away February 7, 2018. He also asked those present to remember those that have been impacted by the murder of two police officers in Westerville, Ohio and the seventeen individuals killed in a mass shooting in Parkland, Florida.

## VISITORS

Mayor Studebaker stated the first order of business on the agenda was to receive public comment on the "Concept Plan" for redevelopment of 2015 W. Fifth Ave.

Mayor Studebaker asked Ms. McKay to review the process for rezoning a property through the Planned Development District with special attention to the first phase – the Concept Plan. Ms. McKay explained the Planned Development District (PDD) process is a three step process beginning with the submission of the Concept Plan. The Council reviews the Concept Plan to determine whether or not it supports the continued consideration of the proposed redevelopment. The Council then, by motion, determines whether it supports the or does not support the Concept Plan. The decision of the Council to support or not support the Concept Plan is a non-binding decision. The Developer may move forward to the Preliminary Plan phase during which the Council must determine whether or not to rezone property to a PDD. The Council has elected to receive public comment on the Concept Plan. If the process moves into the Preliminary Plan phase there will be additional opportunities for the public to make comment.

Mr. Boggs asked all in attendance who intended to offer testimony on the "Concept Plan" before Council to stand and be sworn in. Mr. Boggs asked, "**Do you swear or affirm that the testimony that you will give before the Marble Cliff Council will be the truth and the whole truth and nothing but the truth?**" Those standing responded "Yes."

Mayor Studebaker explained the process for giving comments during the meeting. He stated he would randomly call on those who had submitted a request to make comment card. He asked that all speakers state their name, address and confirm if they are a Marble Cliff resident. Mayor Studebaker stated that speakers would be limited to three minutes and he asked speakers not to repeat comments, issues or concerns which have been raised by a previous speaker.

Mayor Studebaker recognized Ted Foster of F2 Companies, the developers of the proposed development of 2015 W. Fifth Ave. Mr. Foster thanked the Mayor and Council for the hosting the open house on February 15, 2018 where residents and interested parties were given the opportunity to review the Concept Plan and make comment to the developers and Village staff. He commented that he and representatives of the architect and builder were present at this meeting to listen and gather additional information.

## Speakers:

Lori Smith, 1489 Arlington Ave. – Marble Cliff resident - stated her concern that the density of 67 units is too high particularly as the density impacts the number of cars, impact on traffic on W. Fifth Ave. and Arlington Ave. She also expressed her concern about the amount of trash generated and disposal thereof.

Helen Miller, 1600 Roxbury Rd. – Marble Cliff resident – stated that her property is the only single family residence immediately adjacent to 2015 W. Fifth Ave. She stated her objection to the demolition of the existing Frank Packard building on the property. She

encouraged the owner to work with the Columbus Landmarks Foundation. She pointed to Prescott Place and #10 Arlington as examples of successful historic preservation.

Ms. Miller objected to the Concept Plan as being out of line with the Village's Strategic Plan which includes maintaining "historic properties when feasible" and developing surrounding land. She stated the proposed density is too high and development will negatively impact the nature of the neighborhood. Ms. Miller suggested if the Village is not going to follow the Strategic Plan it should be removed from the web site or modified to reflect the current position of Council. She stated developers should be told about the plan and forced to comply with it.

Tom DeMaria, 1226 Parkway - Grandview Heights resident – concurred with the Ms. Millers point that the Village's strategic plan addresses saving this specific property if feasible. He noted that many have commented on the ongoing deterioration of property and cost of redevelopment. Mr. DeMaria insisted that an extensive inspection of the property be completed by an independent engineer prior to any decision to demolish the building. He stated that it is common knowledge that there have been several attempts to purchase property in the past that have fallen through because of the current owner's inflexibility on the asking price. He stated the developers have commented that 67 units are necessary to make the redevelopment financially feasible. Mr. DeMaria stated his opinion that the Village has no obligation to allow the requested rezoning in order to make the current owner whole for what, in fact, was a bad investment. He suggested that if the redevelopment plan does not move forward the village must monitor the property for non-compliance and issue all necessary citations.

Becky West – Columbus Landmarks Foundation – stated that her organization advocates for historical buildings. She asked council to stop consideration of all development plan considerations that would remove the Frank Packard building from the property. She stated that Marble Cliff is blessed with a number of Frank Packard designed buildings which are a valuable benefit to their owners and the community. Ms. West stated incorporating the existing buildings into a redevelopment plan has community and financial benefits. She stated her organization's confidence that the existing building can be saved. She stated the building is in good condition inside and out and the Columbus Landmarks Foundation stands ready and able to discuss options.

Ms. Troiano asked Ms. West if she has been inside the building. She responded that she has not been inside the building. She stated she has seen wonderful photos provided to the organization.

Sharon Hendershot, 1454 Cambridge Blvd. - Marble Cliff resident – asked Council if a determination has been made that the development is inside the 2-mile limit required for the school district to remain a "walking" district without the need for the district to provide transportation. Mayor Studebaker responded the Council is aware of the concern regarding residential housing outside of the 2-mile limit and has determined that they are not willing to jeopardize the "walking" nature of the school district. Mayor Studebaker confirmed that the property at 2015 W. Fifth Ave. is 1.8 miles from the furthest Grandview Heights school building. He offered additional explanation of the state's requirement that a school district with residential housing more than 2 miles away from a district school building must make transportation available to all students in the district.

Caren Sparks, 2034 W. Fifth Ave. – Upper Arlington resident – stated her points have been made by prior speakers.

Nancy Ruff, 1591 Arlington Ave., - Marble Cliff resident – stated she is very concerned with the single access point into the development which is next to her driveway. She stated that she is concerned that there will be a back up of cars trying to pull onto Arlington Ave. making traffic congested and limiting other residents' ability to leave and enter their property.

Jack Kukura, 1435 Cambridge Blvd., - Marble Cliff resident – thanked Council for the opportunity to speak. Kukura stated that he served on Council for 10 years and retired from Council on December 31, 2017. Mr. Kukura stated his opinion that the Village

should not be held hostage by a property owner that made a bad investment. The majority of development proposals that have been brought to Council over recent years have all cited the current owner's asking price for the property as a significant reason why high density residential is necessary for financial feasibility and the decision to demolish the existing building. Mr. Kukura stated his feeling that Marble Cliff is single family, residential community. He also noted that once historical properties are removed they cannot be replaced.

Mr. Kukura commented that he has driven by the new "Broadview" apartments and noted that they are a similar size as the building proposed in the redevelopment plan and they are very noticeable from Grandview Ave.

Kevin Maxwell, 1572 Arlington Ave., - Marble Cliff resident stated he has expressed his opinion in an email sent to the Village for Council consideration.

Robert Moan 1998 Cardigan Ave., - Marble Cliff resident – stated Marble Cliff is known as quiet, secluded residential community. This proposal would change the character of Marble Cliff. He stated the building is humongous and will tower over every residential property. It is the largest and tallest building ever built in the community and is totally inappropriate. He commented that the density seems that to be a problem. He stated that adding 140 to 200 residents to the community represents a huge increase of the 573 residents noted in the last census. Such an increase will impact the cultural and political nature of the community as well as impacting police, fire and all services to the Village. He stated it will impact the Grandview Schools tremendously; the development would overwhelm the schools.

Mr. Moan restated that traffic is a major issue. He stated 116 cars in and out every day will be a problem; the traffic problem will be overwhelming. He said some drivers will choose to go through the residential area. He said Council should not allow a building which is the biggest ever and would be the biggest mistake that could be made.

Mayor Studebaker reported some information gathered over the past weeks:

- If structure remains the same and is used as commercial building as it is currently zoned it has 56 -60 parking places on site that could be entering and exiting the property every day at approximately the same time every day.
- When Burgess and Niple were located in the building they housed 70 members of their staff plus visitors and field engineers.
- The current building is 37 feet to the peak; the proposed building is 35 feet to the eaves and 45 feet to the peak. Trinity Methodist Church is 35 to 45 tall.
- Prescott Place is 23 units with two cars per unit which meant as many as 46 cars were added to the community. The current proposed development is 1 car per bedroom. If the same ratio had been applied to Prescott Place the number of cars could have been in excess of 69 for the entire unit.
- The Village will perform annual fire and building inspections in March.
- Comments from previous tenants will be made available to Council.
- The 2000 census stated the Village had 646 residents because of St. Raphael's Home for the Aged. Those at St. Raphael's were residents and voters.

Mayor Studebaker commented that references have been made to the Village's 2015 Strategic Plan. He noted that one of eight topics in the plan is the W. Fifth Ave. corridor. Mayor Studebaker read the third recommendation to improve the aesthetic and economic return into the record. "Support the redevelopment of 2015 West Fifth Avenue property as office or residential. Support the preservation of the historic structure, when feasible, and redevelop the surrounding land. Consider Prescott Place as a model for infill."

Mayor Studebaker then referenced the 2016 5<sup>th</sup> Avenue Corridor Economic Development Plan which recommended mixed use of business and residential as a catalyst for revitalization. The report states, "When analyzing the corridor, it was determined that 2015 W. 5<sup>th</sup> Avenue has the highest potential to be developed into a mixed use property. Ideally this property would contain first floor retail, second floor office, and third floor offices or condos. Allowing for a fourth floor will increase the development

potential to area developers but cannot be done without community support. At present this is the largest property in the business district with a 1.3-acre lot size. This is sufficient to allow for a multi-story mixed use structure along with the parking that will be required. this property can act as a catalyst for redevelopment and physical improvements in the corridor.”

Mayor Studebaker noted that the plan makes reference to redevelopment completed in Upper Arlington across from Kingsdale Shopping Center. He also noted that the Village does not embrace the appearance of that development.

Ms. Troiano noted that the traffic in and around the Village is not the same traffic as in the time when B&N was in the Village. Generally, traffic was much lower then. She noted that the Broadview Terrace was a result of many small affordable apartments being bought up and turned into the large apartment building. She also noted that same thing could happen in Marble Cliff. Mayor Studebaker commented that the Broadview is located in the City of Columbus. He stated the Village is much more attentive about what happens in Marble Cliff.

Mr. Jolson asked if the Village has been approached with any proposals for mixed use since the two plans came out. Mayor Studebaker stated that everything from returning the building to a single family home to mixed use, multi-residential, a bed and breakfast and a boutique restaurant have been proposed. None of the proposals got beyond the initial discussions with staff or Council. The affordability of the property stands as the major restraint to renovation or redevelopment.

Karen Dick, 2001 Cardigan Ave., – Marble Cliff resident – stated that residents of St. Raphael’s did not drive. Mayor Studebaker noted that there was car traffic from employees for three shifts every day along with visitors. There were also ongoing issues with trash removal. He also noted that the voter base of those who do not own property in the Village was higher.

Ms. Dick asked what Council thinks of the proposal. Mayor Studebaker explained that Council will discuss their positions at the next meeting.

A visitor asked what the owner is asking for the property. The developer stated their contract is for \$2,000,000 which includes the apartment property on Arlington Ave. Mayor Studebaker said the 2015 W. Fifth Ave. building is appraised at a market value of \$770,000 by the Franklin County Auditor. The Village has been in discussion with the owner about the asking price. However, the Village cannot dictate an asking price.

A visitor asked if Marble Cliff benefits from the proposed development. Mayor Studebaker stated that the Village’s property tax rate of .35 mils is very low so the Village does not benefit financially. He said the schools and the library would benefit most along with the other entities that receive property tax in Franklin County. The same visitor stated her strong opposition to the Village offering any tax abatements because the state is trying to take away the small school districts and force consolidation. Ms. Troiano pointed out that any abatement would require the approval of the school district. Mayor Studebaker noted that the schools were involved in all current tax abatements in the district.

Ms. McKay provided information on current tax revenue generated by 2015 W. Fifth Ave. and possible revenue to the Village, the schools and the library if the redevelop proposal were to move forward as proposed at the current tax rates.

	Current Annual Revenue	Proposed Annual Revenue
School	\$17,226.16	\$290,831.34
Library	\$ 1,612.67	\$ 2,513.25
Village	\$ 94.32	\$ 1,592.42

John Houk – owner of a property adjoining 2015 W. Fifth Ave. – not a Marble Cliff resident - commented that the property is neglected and his property has recently experienced some criminal activity that seems to be related to the neglect of the property. He stated that the Village should incentivize the current owner to improve the property through fines or citations. Mayor Studebaker says the owner will attend to the issue but

not fully address the underlying problems. Mr. Houk said that the property has become a dumping site, a “meeting” space in the parking lot and his property is treated as a pass through to the property.

Ms. Troiano stated there were food trucks using the property for parking at one time. She said there was a live/work tenant but Ms. Troiano believes that tenant has moved out. Mayor Studebaker stated the building was rezoned to live work in an attempt to help the owner rent space in the building.

Ryan Crossley, 1260 Cambridge Blvd., – Marble Cliff resident – asked if the owner has received citations. Mayor Studebaker stated that citations are issued and the immediate issue is addressed but underlying problems are not. Mayor Studebaker said that interior inspections can only take place if a specific complaint is received. The Village is beginning to receive information from tenants after they have moved out. Those concerns are being forwarded to the appropriate inspection officials.

Ms. Troiano asked Ms. West if she has contacted the current owner. She said neither she nor another representative of the Columbus Landmarks Foundation has had conversation with current owner.

Mr. Kukura asked for confirmation of the \$2,000,000 asking price. Mayor Studebaker confirmed the asking price for the two properties together.

#### CONSENT AGENDA

- 1) Receive - Mayor’s Court Report, January, 2018
- 2) Receive – Police Report, January 2018
- 3) Receive – Fire Report, January 2018
- 4) Receive – Building permits issued in January, 2018
- 5) Approval - Minutes of the regular, scheduled meeting of January 29, 2018
- 6) Approval - Financial Statements for January, 2018
- 7) Receive - Village Income Tax Report – \$109,291.85
- 8) Correspondence - Metro Park Letter re: Scioto River Parkland Phase II

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

#### MAYOR’S REPORT

Mayor Studebaker confirmed that a building permit has been issued for installation of an elevator at 2300 W. Fifth Ave. The second floor is now occupied with a new tenant.

Mayor Studebaker noted that Village business, Zipline, continues to receive praise for how they do business and how they treat their employees.

Mr. Cincione noted there is a “For lease” sign at 1600 Dublin Rd. Mayor Studebaker stated staff does not have any information about the space for lease. Ms. McKay commented that the building owner had indicated previously that Columbia Gas had previously indicated they may vacate the space occupied for the assembling of bills.

Mayor Studebaker introduced the second reading of O-2556-18, An Ordinance authorizing the Fiscal Officer to make a payment of \$1,500.00 to the Tri-Village Chamber Partnership to support the Business Inspires Podcast.

Ms. Troiano recused herself of any discussion or decision regarding Ordinance O-2556-18.

Mayor Studebaker stated support of a business podcast would be in keeping with the spirit of the 2016 W. Fifth Ave. development plan for offering resources to small businesses.

Mr. Voelker asked if Grandview Heights and Upper Arlington are considering participating in financial support of the podcasts. Mayor Studebaker said the other communities have not made a financial commitment as of this day. Mr. Jolson said he listened to the current podcast and was impressed with the quality. He asked if there are any metrics indicating who is tuning into the podcasts.

Mayor Studebaker stated he would get information on other communities' plans to participate as well as information on who is listening to the podcasts.

No action was taken.

#### ENGINEER'S REPORT

Mr. Ford reported the bid package for the Cardigan Ave. roadway improvements (west of the railroad tracks) is prepared. The bid will be advertised at the end of February and beginning of March. The bid opening will take place in mid-March and a recommendation will be brought to Council for consideration.

Mr. Ford stated the engineer's estimate for the project is \$480,000 which is less than the original estimate of \$630,000 developed for the OPWC application. The bid will call for construction to begin on or after May 1, 2018 with work to be completed within 120 days. There are two utilities with underground structures in the right-of-way which have to be relocated. The utilities expect to have the relocation completed prior to May 1, 2018. By the bid specs all work must be completed by December 1, 2018.

Mr. Ford reported he is working with the Cardigan Ave. businesses to ensure that business and traffic concerns are addressed. He explained there will be a temporary lane constructed which will allow for queuing traffic as it exits off Dublin Rd. onto Cardigan Ave. and off Cardigan Ave. onto Dublin Rd.

Ms. McKay reported she has discussed the possibility of additional parking at 1460 Dublin Rd. with property owner Matthew Mnich. Mr. Mnich may bring plans to Council for approval. Mr. Ford confirmed he has spoken with Mnich's engineer to ensure that the street improvements will work with plans for additional parking.

Mr. Cincione reported he is aware of some sidewalk panels which are in need of leveling, repair or replacement. Mr. Ford stated that he will be completing an inventory and assessment of all sidewalks this spring in preparation of the next rounds of repair.

Mr. Ford left the meeting at this point.

#### SOLICITOR'S REPORT

Mr. Boggs reported Mr. Ashrawi has contacted the probate court clerk to discuss the possibility and procedures which would be necessary to move the administration of the Falco Scholarship to the Columbus Foundation. The probate court clerk is out of the office for a week. Mr. Ashrawi will contact her when she is back in the office. Mayor Studebaker reported that the attorney who represented Mayor Falco has been contacted and is supportive of the idea of moving administration to the Columbus Foundation.

Mr. Boggs reported that the preliminary injunction hearing was held last Monday and Tuesday in Judge Cain's courtroom regarding the challenge to House Bill 46 by multiple municipalities represented by Frost Brown Todd LLC. He stated Mindy Franks from the Columbus Department of Taxation, Tina Timberman from the Athens, Ohio Department of Taxation, and Deven Robinson from the Dublin Department of Taxation offered testimony. Joe Testa, the state Tax Commissioner, was also called to testify on the first day.

On the second day the State made its arguments and closing statements were made. The judge has promised a ruling by February 24, 2018. Mr. Boggs stated that the decision will be immediately appealable by the state if the injunction is approved. The decision may be appealable by the municipalities if the injunction is denied.

Ms. McKay stated the Council is in possession of the legislation which will be necessary if the municipalities lose their challenge. Mr. Boggs clarified that the legislation language is additional code language.

Mr. Cincione asked how Mayor's Court is being handled. Ms. McKay stated Temporary employee, Kay Rieve is acting as clerk currently. Ms. McKay and Ms. Rieve

plan to meet with Linda Wheeler, Grandview Height's Clerk of Court, to investigate opportunities for improving work flow, forms, etc. for Marble Cliff and possibilities of sharing computer systems for efficiency.

#### APPROVAL OF BILLS

**Ms. Troiano moved approval of the February 2018 bills totaling \$67,409.51.**

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

#### FISCAL OFFICER REPORT

Mayor Studebaker introduced the first reading of O-2560-18, An Ordinance to amend Ordinance O-2546-17 (2018 APPROPRIATION ORDINANCE) to decrease the appropriation in the Mayor's Court Fund from \$34,000 to \$30,958.15.

Mr. Voelker noted several typos in the document. Ms. McKay stated she would make the necessary corrections and bring the ordinance back for a second reading at the regular March Council meeting.

No action was taken

#### COUNCIL MEETING REPORTS

Mrs. Troiano reported that the Parks and Recreation Board has met and have new drawings for the Memorial Park.

Parks and Recreation is doing a survey regarding the use of Wallace Gardens to improve the way the gardens are utilized. Parks and Recreation is also considering the addition of more elevated gardens in Wallace Gardens.

#### OLD BUSINESS

Mayor Studebaker asked for volunteers to form the Falco Scholarship Committee. Mayor Studebaker and Mr. Cincione are on the committee by virtue of their positions. Mr. Jolson, Ms. Taylor and Mr. Voelker all agreed to serve on the committee.

Ms. McKay reported Ms. Rieve will continue as the Administrative Assistant through March. Mayor Studebaker and Ms. McKay will initiate the search process in late March and will engage Ms. Troiano as candidates are identified.

#### NEW BUSINESS

Mayor Studebaker introduced the first reading of O-2559-18, An Ordinance providing for additional legal counsel for the Village of Marble Cliff, Ohio, authorizing the employment of Public Defenders in connection with the defense of indigent defendants charged in criminal and traffic cases in the Municipal Court of Franklin County, Ohio, setting compensation of said assistants, authorizing the Mayor to enter into a contract with the Franklin County Public Defender Commission to accomplish such purposes.

**Mr. Voelker moved the rules be suspended. Mr. Cincione seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2559-18. Ms. Troiano seconded. The motion passed unanimously.**

#### ADJOURN

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

Approved by:

Submitted by:

Matthew P. Cincione  
Council President Pro Tem

Cynthia A. McKay  
Fiscal Officer