

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

At 1600 Fernwood Ave.

March 19, 2018

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, March 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; Yazan S. Ashrawi, Village Solicitor; Village Engineer, Joshua Ford; and Fiscal Officer, Cynthia A. McKay. Visitors were present.

VISITORS

Mayor Studebaker reported that F2 Companies are in the process of incorporating the comments and suggestions received from the public and Council into the Concept Plan for 2015 W. Fifth Ave. They plan to present the plan at the regular April Council meeting.

Mayor Studebaker introduced Ray DeGraw, Mayor of the City of Grandview Heights, to present a proposal for the Grandview Heights Memorial Park.

Mayor DeGraw presented plans for enhancements to the Memorial Park. Drs. Thomas and Lowell Williams made a gift for a statue several years ago. Dr. Lowell Williams served as a scout in WWII in General George Patton's army. He was one of very few in his unit to survive.

Dr. Lowell Williams has made additional funds available for another statue and five pillars representing the five branches of the military service. Mayor DeGraw stated he plans to break ground on Memorial Day 2018 and dedicate the park improvements on Veterans Day 2018. The current estimate of cost is \$450,000. He asked Marble Cliff's Council to consider a donation from Marble Cliff in the amount of \$25,000.

Council asked staff to draft a resolution or ordinance (as appropriate) regarding a donation toward the Memorial Park enhancements.

Mayor Studebaker recognized Marcia Thomas and asked if she had a comment for Council. She stated she had come to hear about the Memorial Park. The Grandview Garden Club is interested in determining the Garden Club's role in maintaining the gardens in the Memorial Park. Ms. Troiano stated the Garden Club does spring planting, fall clean-up and maintains wreaths for the park during the holidays. Parks and Recreation is still working to determine if there will be space for annual plantings. The Garden Club also provided the benches currently located in the park.

CONSENT AGENDA

- 1) Receive - Mayor's Court Report, January (corrected) and February, 2018
- 2) Receive - Police Report, February 2018
- 3) Receive - Fire Report, February 2018
- 4) Receive - Building permits issued in February, 2018
- 5) Approval - Minutes of the regular, scheduled meeting of February 29, 2018
- 6) Approval - Financial Statements for February, 2018
- 7) Receive - Village Income Tax Report - \$127,604.40

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

MAYOR'S REPORT

Mayor Studebaker introduced the third 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 reviewed the podcast metrics noting that activity in the first two months of 2018 outstripped all of 2017. He stated neither Upper Arlington nor Grandview Heights have committed to provide funds. If Marble Cliff provides funding at this point the Village would get credit as the underwriter and Village businesses would be given preference for the focus of the podcast. Mayor Studebaker also noted that support of the podcast meets one of the educational goals in the Village's West Fifth Avenue Corridor

Plan.

Mr. Voelker moved the adoption of O-2556-18. Ms. Hoag seconded. The motion passed five in favor, none opposed, one abstention.

Mayor Studebaker reported he attended a round table discussion with Congressman Steve Stivers. The meeting was hosted by the Tri-Village Chamber Partnership and provided the opportunity for local government representatives and local businesses to discuss issues of concern with Mr. Stivers.

Mayor Studebaker reported he provided a brief "State of the Village" statement at the March 2018 Tri-Village Chamber Partnership meeting.

ENGINEER'S REPORT

Mr. Ford reported bids were opened for the Cardigan Ave. Roadway Improvements Project on March 16, 2018. He reviewed the bids received and recommended the Council accept the bid from Shelly and Sands. Mr. Ford reported five bids were received. All the bids were within the margin of acceptance of the engineer's estimate of \$523,589.00. Mr. Ford reported he has gotten an excellent recommendation from the City of Columbus for Shelly and Sands. The bid stipulates that the project may begin after May 1, 2018 and must be finished by December 15, 2018

Mayor Studebaker introduced the first reading of O-2562-18, An Ordinance accepting a bid for the Cardigan Avenue street improvements project and waiving any bid irregularities and declaring an emergency.

Mr. Cincione moved the rules be suspended. Ms. Troiano seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2562-18. Mr. Voelker seconded. The motion passed unanimously. Mr. Voelker moved the ordinance be adopted as emergency legislation to address necessary maintenance within the Village of Marble Cliff. Ms. Troiano seconded. Roll call: Mr. Cincione, yes; Ms. Hoag, yes; Mr. Jolson, yes; Ms. Taylor, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi reported the multiple municipalities' challenge to the state of Ohio's new tax regulation lost in a recent court ruling. The decision will be appealed by Frost Brown Todd LLC which is representing the municipalities. Based on the court decision, Mr. Ashrawi recommended the Village pass legislation to bring the Village's Code of Ordinance into compliance with the state's regulations.

Mayor Studebaker introduced the first reading of O-2561-18, An Ordinance to amend Chapter 36 of the Codified Ordinance of the Village of Marble Cliff regarding Municipal Income Tax and declaring an emergency.

Ms. Troiano moved the rules be suspended. Ms. Taylor seconded. The motion passed unanimously. Mr. Voelker moved the adoption of O-2561-18. Mrs. Troiano seconded. The motion passed unanimously. Mr. Voelker moved the ordinance be adopted as emergency legislation so the Village of Marble Cliff is in compliance with state of Ohio rules, regulations and codified legislation. Ms. Troiano seconded. Roll call: Mr. Cincione, yes; Ms. Hoag, yes; Mr. Jolson, yes; Ms. Taylor, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously.

Mr. Ashrawi reported he has spoken with the Probate Court Magistrate regarding moving the administration of the Falco Scholarship and investment of scholarship funds to the Columbus Foundation. The magistrate's recommendation is that the probate case not be reopened to address the question. Mayor Falco's attorney has expressed his opinion that turning administration over to the Columbus Foundation is in keeping with the intent of Mayor Falco.

Mayor Studebaker stated he will work with the Columbus Foundation to determine their fees to administer the scholarship. He will bring a recommendation to Council. Mayor Studebaker stated there is no language in the agreement that would prevent additional

contributions to the Falco Scholarship Fund.

Mayor Stuebaker stated this year's Falco Scholarship awards will be handled as in the past. He reported, over the past twenty years, scholarships totaling over \$100,000 have been awarded. Mayor Stuebaker stated the application has been provided to the school and on the web site. April 3, 2018 is the deadline for application submission.

Mr. Ashrawi reviewed a new attendance policy and a new vacation policy developed for employees of the Village. He asked Council to review the policies for further discussion and possible approval at the regular April Council meeting. Council had a discussion of the proposed policies. No action was taken.

Mayor Stuebaker reported two new candidates for the Administrative Assistant position have been interviewed. The next step is to have Ms. Troiano interview the candidates.

APPROVAL OF BILLS

Ms. Troiano moved approval of the March 2018 bills totaling \$93,029.96. Mr. Jolson seconded. The motion passed unanimously.

Mr. Voelker moved approval of the amended February 2018 bills totaling \$68,813.40. Ms. Troiano seconded. The motion passed unanimously.

FISCAL OFFICER REPORT

Mayor Stuebaker introduced the second 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.

Ms. Troiano moved the rules be suspended. Mr. Voelker seconded. The motion passed unanimously. Ms. Taylor moved the adoption of O-2560-18. Ms. Hoag seconded. The motion passed unanimously.

COUNCIL MEMBERS REPORTS

Mr. Cincione reported the Bobcat Booster Mulch sale is underway and encouraged those present to place their order. He also reported the Bobcat Boosters are raffling off a golf cart as part of this year's fund raising activities.

OLD BUSINESS

Ms. Taylor asked if Council members are allowed to meet individually with the 2015 W. Fifth Ave. developers and with representatives of the Columbus Landmarks Foundation. Mayor Stuebaker reported it is appropriate and permitted for the Council members to meet with various sources of information on an issue.

Mayor Stuebaker reminded Council that e-mail is used to share information, but may not be used as a forum for discussion or debate. All discussions must be held in open meeting.

NEW BUSINESS

Council reviewed a letter sent from several City of Grandview Heights elected officials to their state of Ohio representatives and other state leaders regarding gun safety.

Mr. Ashrawi explained that, under ORC Section 9.68, the state of Ohio has significantly limited local government's ability to regulate fire arms possession, sale, etc. The state made a general law to apply to all jurisdiction making any local law or regulation un-constitutional.

Council discussed the contents of the letter prepared by the City of Grandview Heights and general concerns regarding gun safety and gun control. Ms. Taylor and Mr. Jolson expressed their support for a similar letter or a resolution from the Village. Ms. Troiano expressed her opposition to any action stating her position that mental health is the real problem and gun control is not the solution. Ms. Hoag expressed her support for active shooter training sponsored by the Village.

Mr. Jolson asked Ms. Troiano and Ms. Hoag if they would be willing to craft a letter or statement that they could support. Ms. Troiano and Ms. Hoag agreed to attempt to develop such a statement.

ADJOURN

Ms. Troiano moved the meeting be adjourned. Ms. Taylor seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 8:25 P.M.

Approved by:

Submitted by:

Matthew P. Cincione
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer