

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

At 1600 Fernwood Ave.

May 21, 2018

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, May 21, 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; Administrative Assistant, Judith A. Ciccone; and Fiscal Officer, Cynthia A. McKay. Visitors were present.

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.”**

Mayor Studebaker introduced a request from Suzanne and Timothy Lewis to have a unit in the building located at 2109 W. Fifth Ave. approved through a use variance for residential occupancy. Mayor Studebaker explained the building is zoned “commercial.” However, the Council previously approved a use variance to Timothy and Kathleen Chasser to use the property as their residence. The approved variance (O-2261-10) required the unit revert to the underlying commercial zoning in the event of sale or transfer of ownership.

Mayor Studebaker introduced Brad Bauer, realtor representing the property. Mr. Voelker asked if the unit has been residential over the recent past. Mr. Bauer answered, “Yes.” Mayor Studebaker explained, under the terms of the variance in place, a change of ownership would cause the property to revert to commercial use only. Ms. Troiano asked if the building is designated “mixed use”. Ms. McKay reported the variance was issued prior to the Village adopting the terminology of “mixed use” or “live-work.”

Mayor Studebaker asked if any other building residents or business representatives would like to address the variance request. Mr. Tom Miller, owner of the other units in the building stated he was supportive of the request. He explained that he lives in one of the two units designated “residential” and owns the other four units that are leased commercially.

Timothy Lewis explained they are interested in purchasing the property. Mr. Lewis expressed his concern that the variance may not allow them to sell the property as “residential” at some time in the future. Mr. Ashrawi explained that a variance stays with the property unless stated otherwise in the variance language, as was the case with O-2261-10. Mr. Jolson asked the reason for the restriction on residential. Mayor Studebaker stated that, because the property is commercial, converting to residential could adversely affect income taxes to the village. Mayor Studebaker suggested the Council might want to reevaluate the zoning along W. Fifth Ave.

Mr. Voelker suggested he would be hesitant to have a permanent use variance for a single unit in a commercial condominium building. Mr. Miller commented that the other four units in the building are not suitable for residential use.

Mr. Voelker moved approval of the use variance to allow continued use of Suite A for residential use while maintaining the restrictions for use on sale or transfer of the property as residential by Mr. and Mrs. Lewis as previously designated in O-2261-10. Ms. Troiano seconded. The motion passed unanimously.

Mayor Studebaker introduced Don Rife, Jr. to address the request for a conditional use variance. Mr. Rife explained the request is to approve a conditional use variance to allow “collision repair and associated automotive services” on his property at 2215 Cardigan Ave. Collision repair and associated automotive services” are included in the list of Conditional Uses (Code Section 154.032) allowed, with Council approval, in the B-2 Highway Business District.

Ms. Troiano moved approval of the request that the condition use of “collision repair and associated automotive services” be approved for 2215 Cardigan Ave. Mr. Jolson seconded. The motion passed unanimously.

Mr. Rife presented a variance request to permit a six-foot high, chain link fence for the property at 2215 Cardigan Ave. Mr. Rife presented drawings and a map showing the proposed location of the fence. He stated the fence is necessary to secure cars that are

awaiting repair or pick-up by their owners after repair. The map locating the fence shows the fence set back from the front of the property to maintain an attractive curb view.

Mr. Rife pointed out there will be green space and landscaping on the property.

Mr. Cincione moved approval of the variance to allow a six-foot high, chain link fence on the property at 2215 Cardigan Ave. as shown in the drawings and map attached to the variance request. Ms. Taylor seconded. The motion passed unanimously.

Mayor Studebaker introduced Matthew Mnich, owner of 1450 Dublin Rd., to present a variance request to allow increased lot coverage for the property at 1450 Dublin Rd. Mr. Mnich explained he would like to add additional parking along the south side of the existing building to improve the marketability and use of the property. The lot coverage already exceeds the 70% limit for commercial property at 78.1%. The variance would allow lot coverage up to 78.61%.

Ms. Troiano asked if any potential tenants have been identified. Mr. Mnich said that Mr. DeHays has discussed a potential business that he will present to Council. Mr. Mnich stated that the additional parking will provide flexibility for possible tenants and he is committed to doing what is best for the property and the Village.

Mr. Voelker asked how many spaces will be added. The engineer working on the project for Mr. Mnich stated there will be a total of 42 parking spaces if the variance is approved. Mr. Ford stated he has reviewed the plans and does not have any concerns about the proposed project.

Mr. Jolson moved approval of the variance request to allow lot coverage up to 78.61% at 1450 Dublin Rd. Ms. Hoag seconded. The motion passed unanimously.

VISITORS

Mayor Studebaker introduced Brad DeHays, 1400 Dublin Rd., to present a possible use for the property at 1450 Dublin Rd. He commented that there are over 100 parking spots on his property even though the entire lot is not open nor has it been configured to maximize parking at 1400 Dublin Rd. He commented that leasing parking to a tenant rather than a property owner can be problematic. However, he sees an opportunity to place a business in the building that would be controlled by Mr. DeHays and would use some of the parking at 1400 Dublin Rd. to support the business.

Mr. DeHays stated he is looking for support of a concept from Council before moving forward. He stated he has looked at the building and believes a business could be placed on the property that would have an annual payroll of \$1,000,000 and an investment of \$1,300,000. Mr. DeHays commented that Dublin Rd. has gotten busier and traffic has generally slowed down with more congestion. He also commented that 1450 Dublin Rd. is on the "afternoon side" of the heavier traffic on Dublin Rd., which makes it attractive for a restaurant.

Mr. DeHays stated he has reviewed the limited opportunities for family style entertainment and dining in the area. He said he has considered a business such as duckpin bowling, gaming and dining with a warming kitchen that would be supported by the businesses that are working with 1400 Food Lab. He also stated there would be beer and liquor sales. Mr. DeHays provided drawings that show the main entrance facing on Dublin Rd. with additional access to the loading area off Cardigan Ave. Mr. DeHays stated that the parents at Rock Solid would like to have a place to eat while their children are at Rock Solid and a place to take them after their classes and events.

Mr. DeHays stated his opinion that a proposal for dining and activities would provide the Village with the best opportunity for use and income. Ms. Taylor asked if there would be an outdoor patio. Mr. DeHays stated there would only be outdoor activity on the Dublin Rd. side. Outdoor noise would be limited. He said that, in theory, the noise created by the bowling might be noticeable outside the building. Council commented that noise is a concern for Village leadership. Mr. DeHays stated his opinion that any noise from the building will be mingled with the existing road noise.

Ms. Hoag asked about the proposed hours of operation. Mr. DeHays stated that he anticipates the business would be open from 11:00 AM to 2:00 AM – regular bar hours. He stated that if there are no patrons after 11:00 PM the business will close. Mr. DeHays commented that children would not be allowed after 8:00 PM.

Mr. Jolson suggested that he would like to see additional outside patio space on the Dublin Rd. side. Mr. DeHays stated the roll up doors provide a sense of being outdoors. He said there will not be live entertainment which can create noise concerns. Mayor Studebaker stated that parking may be the issue that most impacts the businesses on Cardigan Ave. The business needs to be sensitive to illegal parking particularly at the dead end of Cardigan Ave.

Mayor Studebaker stated that some rezoning would be necessary for a project such as the one proposed by Mr. DeHays. The mayor also commented that the building under consideration has been underutilized for many years.

Mr. Cincione stated his support for improved utilization of the property. He said he would like to see the concept developed a bit more for public review. He also suggested that there might be an architectural feature that could direct the noise or screen the noise and activity away from the residential portion of the Village. Mr. Voelker stated that the evening does get quiet at his property on Roxbury Rd. Mr. DeHays stated he is an area homeowner with kids and he shares the concern over noise. Mr. Cincione commented that the church festival and outside wedding receptions create noise currently.

Mayor Studebaker stated that a closing hour of 2:00 AM is unsettling as well as noting that patron's cars at that hour could cause a disturbance. Mr. DeHays commented that during the winter hours there won't be activity outdoors. He also commented that the location is a long way from the residential area.

Ms. Troiano commented support for the idea stating there are few options for family entertainment in the area. Council expressed their general support for the concept. Mr. DeHays stated he will work more with Mr. Mnich and his architect to develop the idea.

CONSENT AGENDA

- 1) Receive - Mayor's Court Report, April, 2018
- 2) Receive – Police Report, April 2018
- 3) Receive – Fire Report, April 2018
- 4) Receive – Building permits issued in April, 2018
- 5) Approval - Minutes of the regular, scheduled meeting of April 16, 2018
- 6) Approval - Financial Statements for April, 2018
- 7) Receive - Village Income Tax Report – \$243,750.18
- 8) Receive – Thank you note from Luke Sterneker

Ms. Troiano moved approval of the Consent Agenda. Ms. Hoag seconded. Council unanimously approved the Consent Agenda.

MAYOR'S REPORT

Mayor Studebaker reported the school Financial Advisory Committee will hold a public meeting on May 29, 2018 to present the finances of the proposed school improvements. The plan is to have a 7.5 mil levy on the November ballot. The meeting will explain how the committee came to the proposed levy amount. Mayor Studebaker stated the school might also seek a new operating levy at the same time. However, there are also discussions with the Grandview Yard developers to change their payments to alleviate the need for a new operating levy.

Mayor Studebaker stated there are no abatements on the ongoing single-family residential development in Grandview Yard. The Mayor is working with the school treasurer to determine how much the Village's properties support the school system.

Mayor Studebaker reported he would be participating in the Blue Star Mothers ceremony at Memorial Park in Grandview Heights on May 24, 2018. He also noted that the Marble Cliff Mile will take place on May 25, 2018 and the Memorial Day Parade will step off on Cambridge Blvd. on May 26, 2018.

Mayor Studebaker stated he has scheduled a meeting for May 24, 2018 with a representative of the Columbus Foundation to determine a process for moving forward with the transfer of the Falco Scholarship fund maintenance, administration and investment.

ENGINEER'S REPORT

Mr. Ford reported Shelly and Sands has begun the street project on Cardigan Ave. He stated that he anticipates the work may be completed ahead of schedule. Mr. Ford explained a temporary lane has been added to ease maintenance of traffic on and off Cardigan Ave. The Village is continuing to work with the businesses to ease concerns during construction. Mr. Ford also reported he has met personally with businesses representatives.

Mr. Ford reported FeeCorp has begun a project to inspect the Village's sanitary and storm sewers. He reported the project is routine and he and Ms. McKay plan to take the results and put a major maintenance project together for 2019.

Mr. Voelker commented that he passed a leaking fire hydrant on the way to the meeting. Ms. McKay reported that the hydrant is used for the sewer-cleaning project and is not being tighten completely until the project is complete. This process protects the stem of the hydrant from damage or breakage.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi reported an appeal brief addressing the courts recent decision regarding the collection of corporate and employee income taxes by the state will be filed with the Franklin County Courts on May 22, 2018.

ADMINISTRATIVE ASSISTANT'S REPORT

Mr. Cincione asked about the dumpster at Trinity Methodist that has moved to the middle of the parking lot. Ms. McKay stated she would work with the church to determine a satisfactory location and appropriate screening.

Ms. McKay reported she has a quote to repair the tree lawn at the SE corner of W. First Ave. and Cambridge Blvd.

APPROVAL OF BILLS

Ms. Troiano moved approval of the May 2018 bills totaling \$72,532.66. Ms. Hoag seconded. The motion passed unanimously.

Ms. Troiano moved approval of the amended April 2018 bills totaling \$80,489.71. Ms. Taylor seconded. The motion passed unanimously.

FISCAL OFFICER'S REPORT

Mayor Studebaker introduced the first reading of O-2566-18, An Ordinance adopting a budget for the year 2019 for the Village of Marble Cliff.

Ms. McKay reported the mandatory public hearing on the budget will be held at the regular June Council meeting.

No action was taken.

Ms. McKay reported the state auditors are on site performing the biennial audit.

COUNCIL MEMBERS REPORTS

Mayor Studebaker reported Mr. Voelker will serve as the Village's representative on the City of Grandview Heights "Growing on Tradition" Steering Committee. Mr. Voelker will provide reports to Council.

OLD BUSINESS

Mayor Studebaker introduced the first reading R-2566-18, A Resolution of the Village of Marble Cliff, Ohio, Village Council calling for action to prevent future gun violence.

Council discussed the language of the resolution and suggested three changes.

Mr. Cincione moved to amend the Resolution as follows:

- 1) The words "for children" be removed from Section 2.**

- 2) The word “mass” be removed from the 3rd Whereas.
- 3) The words “Sante Fe, Texas” be added to the 1st Whereas.

Mr. Voelker seconded the motion. The motion passed unanimously.

Mr. Cincione moved to suspend the rules. Ms. Troiano seconded. The motion passed unanimously. Mr. Jolson moved the adoption of R-2566-18 as amended.

Mr. Cincione seconded. The motion passed unanimously.

Council directed the Clerk of Council to send a copy of Resolution R-2566-18 to the Village’s elected representatives as well as the leaders of the communities surrounding the Village of Marble Cliff.

Mayor Studebaker introduced the second reading O-2563-18, An Ordinance to amend Ordinance O-2546-17 (2018 APPROPRIATION ORDINANCE) to increase the appropriation of the General Fund by \$25,000 from \$2,236,376 to \$2,261,376.

No action was taken.

NEW BUSINESS

Mayor Studebaker introduced the first reading of O-2565-18, An Ordinance authorizing the expenditure of funds: \$1,000.00 to the Johannes-Tyler Outstanding Grandview Heights School District Teacher of the Year Award Fund (Fund 3447 administered by the Columbus Foundation) in memory of William C. Johannes, Clerk of Court and Administrative Assistant for the Village of Marble Cliff and declaring the expenditure to constitute a public purpose.

Mr. Cincione moved to suspend the rules. Ms. Troiano seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2565-18. Ms. Troiano seconded. The motion passed unanimously.

ADJOURN

Mr. Voelker moved to adjourn the meeting. Ms. Troiano seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 8:40 P.M.

Approved by:

Submitted by:

Matthew P. Cincione
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer