

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

At 1600 Fernwood Ave.

August 20, 2018

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, August 20, 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 Solicitor, Yazan S. Ashrawi,; Village Engineer, Joshua Ford; Administrative Assistant, Judith A. Ciccone; and Fiscal Officer, Cynthia A. McKay. Visitors and press were present.

PUBLIC HEARING

Mayor Studebaker opened the Public Hearing and introduced the first reading of O-2570-18, An Ordinance rezoning the property located at 2109 West Fifth Avenue from B-1 Central Business District to M-1 Mixed Use (Residential and Commercial) restricting commercial uses to those permitted and conditional Uses authorized under the B-1 Central Business District in the Village of Marble Cliff.

Mr. Cincione moved the substitution of a revised O-2570-18, a copy of which was placed on the Council Members' desks. The substituted variance will achieve the same end through a simpler process. Mr. Ashrawi reviewed the reasons for the substitute language to fit in the Village's current zoning. Mayor Studebaker explained the result will be the same in the substitute language. Mr. Voelker seconded. The motion was passed unanimously.

Ms. McKay read the title of the substituted ordinance into the record: *O-2570-18, An Ordinance rezoning Parcel # 143-000252 (Unit A) and 143-000253 (Unit B) located at 2109 West Fifth Avenue from B-1 Central Business District to R-1 Residential.*

Thomas Miller, owner of Unit B, explained that the two units under consideration for rezoning face on W. Fifth Ave. Mayor Studebaker reminded Council that the units have previously been granted a use variance for residential use. Mr. Miller stated the other units in the building are occupied by businesses.

Ms. McKay confirmed that notification was sent to surrounding property owners and notice was published in the This Week - Tri-Village News. Mr. Voelker noted the letter had an address typo. Mr. Ashrawi confirmed that a typo such as the one in the letter does not invalidate the notification.

Mr. Cincione noted that the use has been previously approved through a use variance that limited the variance to specific ownership. Ms. McKay confirmed no concerns or opposition have been raised regarding this or any of the previous rezoning actions.

Mr. Voelker moved to suspend the rules. Ms. Hoag seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2570-18. Ms. Troiano seconded. The motion passed unanimously.

PERMITS AND VARIANCES

Mayor Studebaker introduced Allen Fabian, representing Prescott Place, to present a proposal for new planting in the ravine along Roxbury Rd. to the north of the buildings at Prescott Place.

Mr. Fabian noted the property was overrun by honeysuckle that was damaging trees and other plants in the ravine. The honeysuckle has been removed leaving the slope of the ravine fairly bare and subject to erosion. Mr. Fabian introduced Debra Knapke, a landscape expert hired by Prescott Place to help determine appropriate planting for the ravine. Mr. Fabian and Ms. Knapke confirmed their understanding that the ravine is a "no disturb zone."

Ms. Knapke confirmed the ravine has deteriorated and erosion is creating problems for the health of the ravine as well as impacting the storm sewer intake at the bottom of the ravine. Ms. Knapke presented a list of native planting that are in keeping with what would naturally occur in an ecosystem such as the ravine. She also commented that dead trees that need to be removed for safety would be used to shore up the sides of the ravine as new planting takes hold.

Ms. McKay reviewed for Council the zoning language which was adopted when the Prescott Place development was approved by Council approximately 10 years ago. The zoning text required the ravine area to be a "no disturb zone." The designation prohibited building in the ravine and the area be allowed to grow, die and be naturalized without disruption except in the case where such natural processes created a hazard.

Ms. McKay confirmed that she met with Ms. Knapke, Mr. Fabian and other representatives

of Prescott Place to review the condition of the ravine. She stated her agreement that the proposed plan would not turn the ravine into a landscaped garden but would return it to a natural state that is healthy and keeping with the intent of the zoning restrictions.

Mayor Stuebaker commented that staff will work with Prescott Place in implementing their plan.

Mr. Voelker moved staff be authorized to work with Prescott Place to implement the planting list and plan presented to Council by Prescott Place. Ms. Taylor seconded. The motion passed unanimously

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 Stuebaker introduced David Bell to present his request for a side-yard structure variance and a front-yard setback variance.

Mr. Voelker recused himself from any discussion or vote on the variances under consideration by Council citing a conflict of interest.

Mr. Bell presented a plan to expand the garage at 1520 Arlington Ave. from a two-car to a four-car garage. He noted that the existing garage is in the side yard and the garage also encroaches into the front yard setback for Fernwood Ave. Mr. Bell noted that the existing garage is in line with other garages on Fernwood Ave.

Ms. McKay confirmed Mr. Bell’s statement of the conditions creating the need for variances. She confirmed that no comments in favor of or opposition to the variance request were received at the Village Hall. Mayor Stuebaker asked for comment from the visitors. No one rose to address the variance request.

Ms. Troiano moved approval of the request for a side yard structure variance and front yard setback variance for the property at 1520 Arlington Ave. as presented in the application. Ms. Hoag seconded. The motion passed 5 in favor, 0 opposed and 1 abstention.

Mayor Stuebaker introduced Maxwell Hill to present his request for a fence variance and a side-yard fence/structure variance.

Mr. Hill explained the request for two variances for construction of new fences on his property at 1541 Cambridge Blvd. The fences are proposed for the safety of children and a dog. One variance would be for a six-foot tall fence that would extend from an existing fence on the south side of the rear of the property. The second variance would permit a fence in the north side yard between the house and an existing fence which connects to the garage.

Ms. McKay confirmed that no comments in favor of or opposition to the variance request were received at the Village Hall. Mayor Stuebaker asked for comment from the visitors.

Mr. Cincione moved approval of a fence height variance to allow a six-foot high fence along the south property line and a side yard fence/structure variance to permit a four-foot high fence in the north side yard between the house and an existing fence attached to the garage as presented in the application. Ms. Troiano seconded. The motion passed unanimously

Mayor Stuebaker introduced Slawomir Sarna to present his request for reapproval of a variance granted in August of 2017 for construction of a garage on his property at 1345 Cambridge Blvd.

Mr. Sarna explained that Council approved a side yard structure variance, a side yard setback variance and lot coverage variance for construction of a replacement garage for his property at 1345 Cambridge Blvd. The approval was given at the August 21, 2017 regular Council meeting. Mr. Sarna stated he has not been able to complete the construction within the one-year time limit. Mr. Sarna stated that there are no changes proposed from the original request for variances.

Ms. McKay confirmed that notice of the request for reapproval was sent to all surrounding property owners as required. She stated no comments in favor of or

opposition to the variance request were received at the Village Hall.

Mr. Cincione moved approval of the request to approve a one-year extension of the side yard structure variance, side yard setback variance and lot coverage variance approved on August 21, 2017 for Slawomir Sarna for the property at 1345 Cambridge Blvd. Ms. Taylor seconded. The motion passed unanimously.

Mayor Studebaker introduced Matthew Mnich to present his request for a conditional use variance and a use variance for his property located at 1450 Dublin Rd.

Mr. Mnich explained his request to allow his tenant – Garth Auctioneers and Appraisers – to utilize the property at 1450 Dublin Rd. as a warehouse and to hold auctions until December 31, 2018. Mr. Mnich stated the business has had to leave their prior location and their new headquarters in downtown Columbus are not finished. So, they require a temporary location.

The application for variance explains that Village Code identifies “warehousing” as an appropriate conditional use. However, holding auctions is not listed as a permitted or conditional use in the B-2 Highway Business District.

Mr. Mnich addressed the concern of parking during auctions. He explained that Garth’s anticipates six to eight auctions between October and the end of December.

Mr. Mnich stated that Connect Realty has agreed to make parking on their property available during auctions.

Mr. Jolson asked about hours of operation for auctions. Jeff Jeffers, owner of Garth’s, stated they plan to hold nine events between October and the end of the year. Mr. Jeffers explained that most of the auction events take place on Fridays between 8:00 am and 5:00 pm. He stated they plan one or two Saturday events that would also run from 8:00 am to 5:00 pm.

Ms. McKay stated all the business were notified and no comments in favor of or opposition to have been received at the Village Hall.

Mayor Studebaker reported parking concerns have been discussed with Mr. Mnich and Brad DeHays. Discussions have also been had regarding the use of an off-duty police officer to assist in parking and traffic control. Ms. McKay reported that she has been informed that some auctions include auction of firearms.

Mr. Jolson asked for more information about firearms sales. Mr. Jeffers stated that they do auction firearms that have been submitted for auction on consignment. He stated Garth’s has had a Federal Firearms License for 35 years. He stated they do not sell automatic weapons nor do they sell ammunition in the same lot with the firearm. Garth’s conducts a background check with ATF prior to handing the firearm over to a purchaser.

Mr. Cincione moved approval of a conditional use for warehousing at 1450 Dublin Rd. and a use variance to allow auctions at 1450 Dublin Rd. from August 20, 2018 to December 31, 2018 Ms. Taylor seconded. The motion passed unanimously.

VISITORS

Mayor Studebaker introduced Ted Foster, representing F2 Companies, to present a revised Concept Plan for 2015 W. Fifth Ave. Mayor Studebaker explained the Concept Plan may be accepted by Council indicating the Council supports the general plan presented and indicates a willingness of Council to consider a detailed Preliminary Plan referenced in Village Code. He noted that approval of the Concept Plan is nonbinding on the Village or the developer.

Mayor Studebaker explained that the Preliminary Plan requires a high level of detail regarding every aspect of the development from building materials to setbacks to density to parking and traffic flow. The process of reviewing the Preliminary Plan requires opportunity be made for public comment and input.

Mr. Foster reviewed the revised plan. He noted particularly that the drawings from the rear are elevated and trees have been removed from the drawing to provide a better picture. He noted that the actual height of the rear building is only approximately 10 feet higher than the apartment buildings on Arlington Ave. and the plan is to leave as many existing trees as possible. He stated they are preparing additional drawings for review.

Mr. Foster noted that the third floor is setback from the footprint of the first and second floor on the west and north side.

Mr. Jolson stated he has been asked if a traffic study can be done to measure impact on Arlington and W. Fifth Ave. Mr. Foster stated they would be happy to perform a

traffic study to analyze current traffic and future traffic. Mr. Foster stated twelve homes would access the property off W. Fifth Ave. Mr. Foster stated they still anticipate four to six units in the manor house.

Several Council Members expressed their appreciation of the changes and improvements made to the plan by F2 Companies. Mr. Foster stated the financing is designed for apartments but will be built as condos with a plan to convert to ownership as quickly as possible. Lori Smith – 1489 Arlington Ave. - asked Mr. Foster to confirm the maximum number of units. He state 40 units is the maximum.

Michelle Yarman – 2000 W. Fifth Ave. – stated her opinion that the plan is much improved, but she still has concerns about density and traffic. Marble Cliff residents Slawomir Sarna, Rich Secor and Kevin Maxwell agreed with Ms. Yarman’s concerns.

Mr. Cincione moved acceptance of the revised Concept Plan for 2015 W. Fifth Ave. Mr. Voelker seconded. The motion passed unanimously.

CONSENT AGENDA

- 1) Receive - Mayor’s Court Report, July, 2018
- 2) Receive – Police Report, July 2018
- 3) Receive – Fire Report, July 2018
- 4) Receive – Building permits issued in July, 2018
- 5) Approval - Minutes of the regular, scheduled meeting of July 116, 2018
- 6) Approval - Financial Statements for July, 2018
- 7) Receive - Village Income Tax Report – \$99,109.72
- 8) Receive – Johannes “thank you” note

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

MAYOR’S REPORT

Mayor Studebaker reported he has not received any additional information about the space available for lease or sale at 1600 Dublin Rd.

Mayor Studebaker encouraged Council Members to listen to the Tri-Village Partnership’s podcast featuring the president of Zipline Logistics.

Mayor Studebaker reported to Council that an initiative to approve Sunday liquor sales at 1400 Dublin Rd. will be on the November ballot. The property owners of the address seeking Sunday sales place the initiative on the ballot. The Village does not play a role in the process of placing the request on the ballot. Mayor Studebaker explained the voters in the Village will determine if the request is approved.

Mayor Studebaker reported that he and Ms. McKay will meet with representatives of the Columbus Foundation to address details for moving administration and investment of the Falco Scholarship Fund to the Columbus Foundation.

ENGINEER’S REPORT

Mr. Ford reported the Cardigan Ave. Street Improvements Project is completed. Erosion control features will stay in place until grass seed takes root. Ms. Troiano noted the Cardigan Ave. project came in ahead of schedule. Mayor Studebaker confirmed the businesses did not have many complaints or concerns during the project.

Mr. Ford reported he and Ms. Ciccone walked the entire Village to evaluate the condition of the sidewalks. Mr. Ford said he would complete scoring the results and developing a three-year plan to address sidewalk, apron and curb repair / replacement needs.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi had no report for Council.

ADMINISTRATIVE ASSISTANT'S REPORT

Ms. Ciccone had no report for Council.

APPROVAL OF BILLS

Mr. Cincione moved approval of the August 2018 bills totaling \$359,400.65.

Mr. Jolson seconded. The motion passed unanimously.

Ms. Troiano moved approval of the amended July 2018 bills totaling \$235,622.22.

Ms. Taylor seconded. The motion passed unanimously.

FISCAL OFFICER'S REPORT

Mayor Studebaker introduced the first reading of O-2571-18, An Ordinance authorizing an agreement with the City of Cleveland, Ohio, for Services Relating to Collection and Administration of Income Tax.

Ms. McKay reported she met with representatives of the City of Cleveland (CCA) and the Regional Income Tax Authority (RITA) to discuss third party administration services for Village Income Tax Administration. She also stated that she checked references and contacted other communities in central Ohio that are facing the same decision to discuss their plans for new tax administration. Several of the communities have chosen RITA; others are planning to contract with CCA.

Most of the communities who use or will be using RITA cited RITA's local office in Worthington, Ohio as one of the leading factors in their decision. CCA has an office in the Dayton, Ohio area. However, they have decided to establish a local presence in the communities they will be serving. For example, if a Marble Cliff taxpayer wants to meet with a CCA representative, that meeting will be scheduled for the Village Hall and the representative will come to Marble Cliff to meet with the taxpayer.

Communities using RITA stated that customer service has improved over past years but some concerns remain. Communities using CCA noted that taxpayers using the "800" number often experience delays. All communities offered good comments about the web sites and online payment options presented by RITA and CCA.

Ms. McKay stressed her opinion that CCA is much more interested in taxpayer education than RITA. She also expressed her sense that CCA, as a municipality, is more concerned about the impact of the state's activities related to tax "reform" and the undercutting of home rule.

Council asked if the contracts could be ended with notice. Mayor Studebaker stated that the contracts can be ended with six months notification. Mr. Jolson asked if both options are viable long term. Ms. McKay stated her certainty that both organizations are in the third party administration business for the long haul. Ms. McKay confirmed the agreement fee will be reduced from the 5% listed in the CCA agreement to 2%.

Ms. Troiano moved to suspend the rules. Ms. Hoag seconded. The motion passed unanimously. Mr. Jolson moved the adoption of O-2571-18. Mr. Voelker seconded. The motion passed unanimously.

Ms. McKay reported a resident has asked the Village to consider adding a fence along the east side of Falco Park. Council directed staff to gather quotes for a wrought iron style, five-foot high fence.

COUNCIL MEMBERS REPORTS

Mr. Voelker reported the GH Growing on Tradition Steering Committee held a public meeting on August 1, 2018. He reported the meeting was well attended. The attendees broke into small groups to address a variety of issues. The committee will meet to discuss the resident comments. There is information about the process and survey results on the web site

NEW BUSINESS

Mayor Studebaker asked Council if there is interest in pursuing legislation regarding the motorized scooters that are appearing in the Village. Council had a brief

discussion about the scooters. Council agreed to hold discussion until Grandview Heights Council considers legislation.

Mayor Studebaker asked Council if they would like staff to bring draft legislation to address issue arising from small cell equipment that is moving into some communities' right-of-way. Dublin has passed legislation that can control design of the units. Council asked staff to prepare the legislation and supporting information for consideration.

ADJOURN

Ms. Troiano moved to adjourn the meeting. Mr. Voelker 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