

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

At 1600 Fernwood Ave.

November 19, 2018

The Council of the Village of Marble Cliff held its regular, scheduled meeting on Monday, November 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, 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 were present. No representatives of the press were present.

Mr. Cincione moved to excuse Ms. Troiano. Mr. Voelker seconded. The motion passed unanimously.

VISITORS

Mayor Studebaker introduced David Rogers from Frost Brown and Todd, LLC to explain PACE Financing. He stated he has been reviewing documents that would permit the owners of 1600 Dublin Rd. to participate in PACE Financing. PACE stands for Property Assessed Clean Energy.

Mr. Rogers explained that PACE Financing allows a property owner to self-impose a property tax that secures a loan and the repayment of a loan that finances the improvements to the energy efficiency of a property. The assessment is better than a mortgage because it allows for a loan of 100% of the cost of the improvements at a lower rate and over a longer time, Mr. Bell explained. The energy savings will pay for the cost of the assessment over the life of the assessment. Mr. Bell commented that the property owner and the Village is left with a better building.

Mr. Rogers explained that the process of implementing PACE Financing requires the Village to enact the three pieces of legislation presented as R-2580-18, O-2581-18 and O-2582-18. Mr. Rogers stated the Village would have no financial liability. He stated the Franklin County Treasurer would collect the assessments and turn the money over to the Village. Twice a year the Village would pass the money received from the County Treasurer over to the issuer of the loan(s).

Mr. Rogers asked Caleb Bell – from the law firm Bricker and Eckler – to explain further the process and the proposed legislation. The legislation is a result of a petition from the property owner. The first legislation allows the Village to approve the Petition for Special Assessments submitted by the property owner. The second legislation allows the petitioner to proceed and the third piece of legislation is the approval to levy the special assessment.

Mr. Bell stated once the legislation is approved the levy is added to the property owners tax bill and collected by the Franklin County Treasurer twice a year.

Mr. Bell explained the first legislation (R-2580-18) results in the Village joining the Columbus Regional Energy Special Improvement District (CRESID). The CRESID is a board representing Columbus and most of the suburban Columbus communities and allows communities to offer PACE Financing without creating additional Special Improvement Districts. The Village will have a representative to the CRESID that meets approximately every six weeks.

Mr. Ashrawi commented that there is no monetary risk to the Village. However, there are administrative responsibilities that will be the responsibility of Village staff. Mr. Ashrawi stated that he is investigating whether the county treasurer office could execute the additional administrative responsibilities. Another option is for the Village to assess a fee to cover the cost of the additional administrative costs.

Mayor Studebaker stated the 3 pieces of legislation are a first reading. The final financial figures have not yet been calculated, but will be added to the legislations prior to request for approval.

Council discussed issues of the loans, assessments and the possible impact of a failure to pay an assessment. Mr. Bell explained that the assessment remains with the property in the event the property changes ownership. Mr. Voelker asked when the property owner wants to have the legislation passed and the assessment in place. Mayor Studebaker stated his understanding that the property owner would like to have the process completed by year-end. Mr. Bell stated between 30 or 40 properties in central Ohio have received PACE Financing.

Mayor Studebaker introduced the first reading of R-2580-18, A Resolution to Approve the Petition for Special Assessments for Special Energy Improvement Projects Under Ohio Revised Code Chapter 1710 and Approve the Necessity of Acquiring,

Installing, Equipping, and Improving Certain Public Improvements in the Village of Marble Cliff, Ohio in Cooperation with the Columbus Regional Energy Special Improvement District (1600 Dublin Rd. Project).

No action taken

Mayor Studebaker introduced the first reading of O-2581-18, An Ordinance to Determine to Proceed with the Acquisition, Installation, Equipping, and Improvement of Certain Public Improvements in the Village Of Marble Cliff, Ohio in Cooperation with the Columbus Regional Energy Special Improvement District.

No action taken

Mayor Studebaker introduced the first reading of O-2582-18, An Ordinance to Levy Special Assessments for the Purpose of Acquiring, Installing, Equipping, and Improving Certain Public Improvements in the Village of Marble Cliff, Ohio in Cooperation with the Columbus Regional Energy Special Improvement District; and authorizing the Mayor and the Fiscal Officer to Enter Into an Energy project cooperative agreement and a special assessment agreement.

No action taken

CONSENT AGENDA

- 1) Receive - Mayor's Court Report, October 2018
- 2) Receive – Police Report, October 2018
- 3) Receive – Fire Report, October 2018
- 4) Receive – Building permits issued in October, 2018
- 5) Approval - Minutes of the regular, scheduled meeting of October 15, 2018
- 6) Approval - Financial Statements for October, 2018
- 7) Receive - Village Income Tax Report – 166,669.27
- 8) Receive – Department of Commerce – Division of Liquor Control; Opportunity to object to permit renewals.

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

MAYOR'S REPORT

Mayor Studebaker reported he, along with representatives of Columbus 2020, met with Coastal Ridge Reality, a Village business located at 2200 W. Fifth Ave. Coastal Ridge manages large apartment complexes. He reported they employ approximately 40 and have a lease to 2021. Mayor Studebaker stated the company anticipates growth in the coming years. He also stated the company stated they appreciate the location.

Mayor Studebaker reported the ballot initiative that permits Sunday alcohol sales at 1400 Food Lab passed in November.

Mayor Studebaker reported Carter Taylor's Eagle Scout project is complete. The scouts handed out the flyers providing information of responding to an active shooter situation throughout the Village. Mayor Studebaker commented that Mr. Taylor did a very good job with the materials and the distribution. Additional copies were distributed to Trinity Methodist Church and will be available at the Village Holiday Party.

Mayor Studebaker reported he shared the project with MORPC and their leadership was very impressed with the Village's forward thinking and willingness to address a difficult situation.

Mr. Voelker asked if the arrangement with Garth's Auction is working well. Ms. McKay stated she has not received any complaints from businesses or residents. Mayor Studebaker reported that at least two auctions have been held without issues.

ENGINEER'S REPORT

Mayor Studebaker introduced the first reading of O-2583-18, An Ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Burgess & Niple,

Inc. for professional engineering services for the 2019 Sewer Rehabilitation Project for the Village of Marble Cliff.

Mr. Ford explained the approval will allow Burgess and Niple to develop the project specifics and create bid documents so the project can be bid in early 2019. The earlier the project is bid the better prices should be. The project was part of the Five Year Capital Project Plan.

Mr. Jolson moved to suspend the rules. Mr. Cincione seconded. The motion passed unanimously. Ms. Hoag moved the adoption of O-2583-18. Mr. Voelker seconded. The motion passed unanimously.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi reported he has reviewed the PACE Financing documents and will continue to work with Mr. Rogers and Mr. Bell to finalize the legislation for approval by Council.

Mr. Ashrawi reported he has begun work on new right-of-way small cell legislation.

Mr. Ashrawi reported oral arguments related to the Municipal Income Tax issue with the state are complete. All parties are now awaiting a ruling.

ADMINISTRATIVE ASSISTANT'S REPORT

Ms. Ciccone reported Hamilton Fence has scheduled the installation of the Falco Park fence. Ahlum and Arbor will complete some clearing of the property to facilitate the installation.

Ms. Ciccone stated that leaf pick-up is underway and will continue into December

Ms. Ciccone reported Ahlum and Arbor has submitted a good plan for holiday lighting of the Village green spaces. Ms. Ciccone stated she would like to have them do the work if Council approves the increase to the budget as reflected in Ordinance O-2574-18. Mr. Cincione suggested the Village might find an additional time during the year to utilize lights.

APPROVAL OF BILLS

Mr. Cincione moved approval of the November 2018 bills totaling \$290,605.92. Ms. Taylor seconded. The motion passed unanimously.

Mr. Voelker moved approval of the amended October 2018 bills totaling \$132,748.62. Mr. Jolson seconded. The motion passed unanimously.

FISCAL OFFICER'S REPORT

Ms. McKay reported M. P. Dory will replace the traffic signal at the intersection of W. Third Ave. and Cambridge Blvd. The new light will be a LED light that will reduce the monthly electrical bill and the cost of replacing light bulbs by Grandview Heights Service Department. Council concurred with the Fiscal Officer's decision to upgrade the signal.

Ms. McKay presented a draft of a Council meeting schedule for 2019. March 18, 2019 is the first day of Grandview Heights School spring vacation. Council asked the Fiscal Officer change the March meeting to March 11, 2018 and to bring the schedule back to the December meeting for approval.

COUNCIL MEMBERS REPORTS

Mayor Studebaker reported Ms. Troiano represented the Village at the dedication of the new Memorial Park in Grandview Heights.

Mr. Voelker reported the Growing on Tradition Task Force has proposed seven districts for Grandview Heights. Needs and plans are developed for each of the districts.

Mr. Cincione moved to adjourn into executive session to consider the compensation of a public employee or official pursuant to Ohio Revised Code 121.22(G)(1). Mr. Voelker seconded. Roll Call: Roll call: Mr. Cincione, yes; Mr. Hoag, yes; Mr. Jolson, yes; Ms. Taylor, yes; Mr. Voelker, yes. The motion passed unanimously.

EXECUTIVE SESSION

Mr. Cincione moved Council adjourn from executive session and return to regular session. Ms. Taylor seconded. The motion passed unanimously.

NEW BUSINESS

Mr. Cincione moved to increase the salaries of the two staff members (Administrative Assistant and Fiscal Officer) by 4% effective January 1, 2019. Mr. Voelker seconded. The motion passed unanimously.

OLD BUSINESS

Mayor Studebaker introduced the third reading of O-2574-18, An Ordinance authorizing the expenditure of \$3,500 for the 2018 Village Holiday Party and \$4,000 for holiday decoration of the Village green spaces.

Mr. Cincione moved amendment of Ordinance O-2574-18 to increase the amount for decoration of green space to \$10,000. Ms. Hoag seconded. The motion passed.

Mr. Cincione moved the adoption of O-2574-18 as amended. Mr. Voelker seconded. The motion passed unanimously.

Mayor Studebaker introduced the second reading of O-2578-18, 2019 Annual Appropriation Ordinance.

No action was taken.

Mayor Studebaker introduced the second reading of O-2579-18, An Ordinance authorizing an agreement with Charles Kelsey to provide Mayor's Court Magistrate services for a one-year period from January 1, 2019 through December 31, 2019

No action was taken.

NEW BUSINESS – Cont.

Mayor Studebaker introduced the first reading of O-2584-18, An Ordinance authorizing the Mayor and Fiscal Officer to enter into a contract for professional legal services with Frost Brown Todd, LLC for a one-year period from February 1, 2019 through January 31, 2020.

No action was taken.

Mayor Studebaker introduced the first reading of O-2585-18, An Ordinance adding section 70.02 (shared-use path) to the Code of Ordinances of the Village of Marble Cliff and declaring an emergency.

Ms. McKay reported an accident that involved a bicycle on the bike path identified the need to add language to the Village's Code of Ordinances to clarify right-of-way for path users and vehicles crossing the bike path.

Council discussed the proposed legislation. Council asked the staff to add or modify language to address motorized bicycles and scooters, speed limit on bike paths, consistency with Columbus' bike path requirements. Ms. McKay stated Franklin County Metro Parks is responsible for setting path rules and regulations overall, but the Village is permitted to establish rules within the Village's jurisdiction.

Mayor Studebaker introduced the first reading of O-2586-18, An Ordinance authorizing the expenditure of funds: up to \$10,000 to the Paul J. Falco Scholarship Fund of The Columbus Foundation to be designated as a "Dollar For Dollar" matching gift to charitable donations made to the Paul J. Falco Scholarship Fund of The Columbus Foundation between December 4, 2018 and March 31, 2019.

Mr. Cincione moved to suspend the rules. Mr. Jolson seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2586-18. Ms. Taylor seconded. The motion passed unanimously.

Mr. Cincione reported hearing from a resident that AEP may be planning to expand the power station at the intersection of W. Fifth Ave. and Dublin Rd. No information regarding such an expansion has been received at Village Hall. Ms. McKay stated she would contact the AEP representative.

ADJOURN

Mr. Voelker moved to adjourn the meeting. Ms. Hoag seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 8:30 P.M.

Approved by:

Submitted by:

Matthew P. Cincione
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer