

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

At 1600 Fernwood Ave.

November 16, 2015

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, November 16, 2015 in the Village Hall at 1600 Fernwood Ave. at 7:00 pm. Those in attendance were: Council Members: Matthew P. Cincione, John F. Kukura III, Linda J. Siefkas, and Dow T. Voelker; Mayor, Kent E. Studebaker; Village Solicitor, Mitchel Banchefsky; Village Engineer, Joshua Ford; Administrative Assistant, William Johannes; Fiscal Officer, Cynthia A. McKay. Visitors were present.

Mr. Voelker moved Mr. Sterneker and Ms. Troiano be excused. Mr. Kukura seconded. The motion passed unanimously.

VISITORS

Mayor Studebaker introduced Grandview Heights Fire Chief Shaner. Chief Shaner provided information regarding fire and EMS runs into the Village. The materials provided included data for 2013, 2014 and 2015 to date. Chief Shaner noted that the statistics are consistent year to year.

Mr. Johannes asked if there have been any problems with the Village commercial properties. Chief Shaner stated that the commercial properties have not created any particular challenges for the fire department.

Mayor Studebaker asked if the report includes fire and EMS runs into Marble Cliff by the surrounding communities as part of the mutual aid agreements. Chief Shaner said that the vast majority of those runs are included. Mayor Studebaker thanked Chief Shaner for the monthly reports he provides to Council.

Mr. Cincione asked if the GH Fire Department is involved in the efforts of the Franklin County Community Health Action Team (CHAT) to develop programs in the Grandview Heights / Marble Cliff area to support the health and well-being of senior citizen residents. Mayor Studebaker stated that Chief Shaner has provided good data to the group about falls and injuries occurring in the target segment of the community. The group will be looking at a program out of Union County that has had success. Chief Shaner will have a representative at the next CHAT meeting.

CONSENT AGENDA

- 1) Receive - Mayor's Court Report, October, 2015
- 2) Receive - Police Report, July and October, 2015
- 3) Receive - Fire Dept. Report, October, 2015
- 4) Receive - Building permits issued in October, 2015
- 5) Approval - Minutes of the regular, scheduled meeting of October 19, 2015
- 6) Approval - Financial Statements for October, 2015
- 7) Receive - Village Income Tax Report - \$112,924.36
- 8) Receive - Notice from Dept. of Commerce - Annual opportunity to object to Liquor Permit renewals

Mr. Kukura moved approval of the Consent Agenda. Ms. Siefkas seconded. The Consent Agenda was approved unanimously.

MAYOR'S REPORT

Mayor Studebaker recommended the Council move the development and preliminary review of a proposal for 2015 W. Fifth Ave. to the staff level. Council concurred with the recommendation.

Mayor Studebaker reported he attended a business mixer hosted by the 43212 Association. The association is an independent business association formed to work in the area along W. Fifth Ave. The group is distinct from the 5th X Northwest group and the Chamber of Commerce. The first goal of the association is to "spruce up" Fifth Ave. to attract new businesses.

Mayor Studebaker reported the Grandview Heights Chamber of Commerce hosted a juried community architectural design competition. The Grangers' carriage house on Cambridge Blvd. in Marble Cliff was one of the winners.

Mayor Studebaker reported staff has completed the paperwork necessary to receive a MORPC vetted student intern for the summer of 2016. The intern's work would be focused on the plans specified in the Village's Strategic Plan for development of W. Fifth Ave. Ms. McKay provided information regarding the cost to the Village. Council agreed that the internship program is appropriate for the Village and encouraged staff to continue working with MORPC.

Mayor Studebaker reported he presented a briefing about the Village's application for a Franklin County Infrastructure Loan to the Franklin County Commissioners. Last week he and Ms. McKay attended the Franklin County Commissioners meeting where the commissioners approved the Village's application for the Infrastructure Loan to help fund the Cardigan Ave. and Dublin Rd. Waterlines project.

ENGINEER'S REPORT

Mr. Ford reported the deck of the new W. Fifth Ave. bridge has been poured and the bridge opening is set for December 12, 2015. Some finish work will be on-going after the official opening.

Mr. Ford reported the Columbia Gas medium pressure gas line installation work is complete and he will be developing a punch list of items to be completed by Columbia Gas. Mr. Ford will meet with Columbia Gas representatives on November 19, 2015.

Mr. Ford reported the bid package for Phase 2 of the Street Light Project will be completed and issued on November 25, 2015. The bid opening will be on December 11, 2015 and a recommendation will be brought to Council at the December meeting.

Mr. Ford reported the sidewalk project has begun with both lifting and grinding and panel replacement. The work should be completed by the week of Thanksgiving.

Mr. Ford stated the Fifth Ave. Street Rehabilitation & Bike Path Project feasibility study is near completion. He said he is waiting on information from Norfolk and Southern Railroad.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Banchevsky had no report for Council.

ADMINISTRATIVE ASSISTANT'S REPORT

Mr. Johannes had no report for Council.

Mr. Kukura said EMI is doing a great job of leaf pickup throughout the Village.

APPROVAL OF BILLS

Mr. Cincione moved approval of the November 2015 bills totaling \$199,538.11.

Mr. Kukura seconded. The motion passed unanimously.

Mr. Kukura moved approval of the amended October 2015 bills totaling \$69,038.26.

Ms. Siefkas seconded. The motion passed unanimously.

FISCAL OFFICER'S REPORT

Mayor Studebaker introduced the second reading of O-2478-15, 2016 ANNUAL APPROPRIATION ORDINANCE.

Ms. McKay told Council that she anticipates an amendment to the appropriation ordinance prior to passage at the December Council meeting.

Ms. McKay reminded Council that the regular December Council meeting has been moved to December 14, 2015.

Mr. Johannes reported Lamar Sign will be bringing a variance request for a digital billboard at 1427 Dublin Rd. to Council for approval. The variance approved by Council in October 2014 has expired.

COUNCIL MEMBER REPORTS

Mayor Studebaker reported the GH Parks and Recreation Board held a community meeting for input on the new swimming pool.

OLD BUSINESS

Mayor Studebaker introduced the third reading of O-2475-15, An Ordinance to add Chapter 36 to the Codified Ordinances of the Village of Marble Cliff regarding Municipal Income Tax.

Mr. Banchefsky reviewed the state mandated language for local income tax regulations as well as several regulations which the local taxing entity has the authority to define. The purpose of the new tax regulations is to standardize tax regulations and language statewide. The Village is also required to maintain the current code for several more years after the adoption of the new regulations.

Mr. Banchefsky explained that the Village has the authority to define the purpose of the income tax, the rate of the income tax and the allocation of funds. He reviewed the staff recommendation for the purpose and allocation. The Village's tax rate remains unchanged at 2%.

Mr. Banchefsky stated that the Village is adopting the same language as the City of Columbus because they administer the income tax for the Village. Mr. Banchefsky stated that he anticipates the Village will need to make amendments to the language in the coming years as the state defined requirements are interpreted and modified.

Mr. Banchefsky explained that the Village currently collects income tax from minors under the age of 18 who reside in the Village. He stated that Council can continue to tax minors or they can decide not to tax minors beginning in tax year 2016. Staff recommended not taxing minors beginning in 2016. Council concurred with the staff recommendation not to tax minors under the age of 18 beginning in 2016.

Council agreed with staff recommendations that taxes be collected twice a month as required by the City of Columbus. This is consistent with the current procedures. Staff also recommended that the Village follow the City of Columbus recommendations for electronic collection of taxes by companies and individuals. Council concurred with the staff recommendations regarding electronic tax collection.

Mr. Banchefsky recommended the Village language maintain the stated defined regulations for petroleum workers and video lottery/casino regulations. Council concurred with Mr. Banchefsky's recommendation.

The proposed language maintains the Village's current requirement of universal tax filing.

Mr. Banchefsky explained the requirements and the options for the Village to establish a Board of Tax Review. He said the state regulations require the establishment of a Board of Tax Review and define the general make-up of the board. However, the Village can determine whether it will require members of the board to be residents and whether members of the board can sit on other similar boards in other communities. Council discussed the concerns of forming a board of all residents. Those concerns include confidentiality and familiarity in a small community as well as the difficulty of appointing individuals with helpful credentials such as a CPA. Mayor Studebaker asked if the Village could use another community's board. Mr. Banchefsky said he doesn't have an answer for that.

Council directed Mr. Banchefsky to draft the language to be silent on the requirement of residency and the limitation on service on other boards.

The new code language will maintain the current requirement that landlords provide information on tenants. Council concurred that the language allowing the Fiscal Officer to develop rules be included in the new tax code language. Council also concurred that the language allowing the Fiscal Officer to waive or negotiate interest and penalties should remain as initially proposed. Ms. McKay explained that her policy is to never "forgive" interest, but she will negotiate penalties.

Ms. Siefkas asked if the new language for refunds or adjustments will impact

overall Village tax collections. Mr. Banchefsky explained the language required by the state allows for a “loss carryover” and “five year lookback” which are both new to the Village. Unfortunately, there is no way to estimate or quantify the potential impact on the Village of the new requirements. Ms. McKay said the largest potential impact would be from the Village’s largest employers – Time Warner and NiSource – but there is no way of predicting.

Mr. Banchefsky said he would bring final language to Council for amendment to the ordinance and approval at the December meeting. The legislation will need to be passed as an emergency.

Mayor Studebaker introduced the second reading of O-2480-15, An Ordinance authorizing an agreement with Charles Kelsey to provide Mayor’s Court Magistrate Services for a one-year period from January 1, 2016 Through December 31, 2016.

No Action was taken.

NEW BUSINESS

Mayor Studebaker introduced the first reading in title only of O-2482-15, 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, 2016 to January 31, 2017.

No action was taken.

ADJOURN

Mr. Voelker moved the meeting be adjourned. Mr. Kukura seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 8:25 PM.

Approved by:

Submitted by:

Matthew P. Cincione
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer