

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

At 1600 Fernwood Ave.

June 20, 2016

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, June 20, 2016 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, Joanne C. Taylor, Kendy A. Troiano and Dow T. Voelker ; Mayor, Kent E. Studebaker; Village Solicitor, Yazan S. Ashrawi; Village Engineer, Joshua Ford; Administrative Assistant, William Johannes Fiscal Officer, Cynthia A. McKay. Visitors and press were present.

VARIANCES AND PERMITS

Mr. Ashrawi asked all those present who wished to speak to either of the two First Community Church variance requests to stand and be sworn. 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 Phillip Markwood, architect for First Community Church. Mr. Markwood introduced and explained the two variance requests to accommodate the construction of an addition on the south side of the existing church building at 1320 Cambridge Blvd. He explained that there had been no changes in the design since it was presented at the May Regular Council Meeting. After reviewing the design with Village staff it was determined that the lot coverage and height variances were the only two required variances from Village Code.

Mayor Studebaker recognized Alan Whitman, a Lincoln Rd. resident whose property abuts First Community Church. He asked if the addition will add to the number of air conditioning units which are located on the back of the church. Mr. Markwood said, “No.” Mr. Whitman asked what building materials will be used for the addition. Mr. Markwood said the materials will match the existing building. Mr. Whitman stated his opinion that the church does not do an adequate job of maintenance on the back side of the church and stated his particular concerns about the condition of a shed that abuts his property. Mayor Studebaker suggested Mr. Whitman’s concerns are best aired to the church council.

Matt Jolson, 1358 Cambridge Blvd., asked when construction will begin and how long will construction last. Nancy Weir, First Community Church member and representative, stated that the church plans to finalize plans and break ground in the fall of 2016. The construction should take 4-6 months. Ms. Weir also stated that the playground will be off limits during the construction although some play area will have to be available to the pre-school. She also stated that the church will comply with restrictions on the hours of construction and will be considerate of the neighbors during the building process.

Mr. Voelker moved approval of the variance request submitted by First Community Church to allow 64% lot coverage on its property at 1320 Cambridge Blvd. as shown in the documents attached to the variance request. Ms. Troiano seconded. The motion passed six in favor and zero opposed.

Mr. Voelker moved approval of the variance request submitted by First Community Church to allow a height of not to exceed 37 feet for an addition to the main church building on its property at 1320 Cambridge Blvd. as shown in the documents attached to the variance request. Ms. Troiano seconded. The motion passed six in favor and zero opposed.

VISITORS

Mayor Studebaker introduced Andrew Bergman. Mr. Bergman is a Life Scout with Boy Scout Troup 73 and is working toward his Eagle Scout Rank. Mr. Bergman presented his project proposal to remove and replace an existing split rail fence located in Tarry Woods behind 1122 Cambridge Blvd. He is working with Mr. Johannes to determine whether or not to extend the length of the fence. The building materials will be cedar and the posts will be installed into a gravel base to support water drainage. Mr. Bergman asked Council for \$850 for the cost of construction materials.

Mr. Cincione moved approval of up to \$850 for the Eagle Scout Project in Tarry Woods proposed by Andrew Bergman. Ms. Troiano seconded. The motion passed unanimously.

Mayor Studebaker introduced Scott North, attorney for The Quarry Apartments. Mr. North introduced his client’s request for an off premise sign to be located on the northwest corner of Dublin Road and W. Fifth Ave.

Mr. North explained that a sign for the Quarry Apartments was removed when the City of Columbus acquired land to install the new W. Fifth Ave. bridge over the Scioto River. Mr. North explained that as part of the settlement of an eminent domain issue with the City of Columbus over property taken from his client, the City of Columbus is willing to deed the Quarry Apartments part of the property they obtained for the bridge at the corner of Dublin Road and W. Fifth Ave. Mr. North distributed a drawing showing a proposed sign The Quarry Apartments would like to place on the corner to advertise the apartments and direct interested individuals to the Quarry Apartments located on the west side of the Scioto River.

Mr. Kukura asked who would maintain the sign and the land. Mr. North said it might be The Quarry or it could be the City of Columbus. Mayor Studebaker asked how much land is available. Mr. North did not know exactly how much property was available. He stated that the City of Columbus would have the right to enter the property to maintain the bridge.

Ms. Siefkas asked if the Village has the right to say "no" to a sign all together. Mr. Ashrawi explained that Village Code does not permit "Off-Premise Signs" unless Council grants a variance for such a sign. Mayor Studebaker explained that Village zoning applies without regard to who owns a piece of property. Mr. Voelker asked how many off-premise signs are in the Village. Mayor Studebaker stated the sign the Village requested be erected by Brad DeHays at the corner of Dublin Road and Cardigan Ave. for the businesses on Cardigan Ave. is the only off-premise sign in the Village at this time.

Mr. Voelker stated he would oppose an off-premise sign at the corner of Dublin Road and W. Fifth Ave. based on safety issues at the corner. Ms. Siefkas commented that a sign was necessary when the apartments were first constructed, but that need no longer exists. Ms. Siefkas also commented that the Village considers the intersection to be a gateway to Marble Cliff and may at some time want to install a marker similar to the markers at other entrances to the Village. She also commented on the attractive, uncluttered look of the intersection. Mr. Cincione asked if other businesses on the west side of river might also request a sign presence in the Village.

Mayor Studebaker explained that Mr. North has come to Council to determine if Council would consider an off-premise sign at the intersection. Mr. Cincione stated he would be opposed to an off-premise sign at the intersection. Mr. Voelker concurred with Mr. Cincione. Ms. Taylor also expressed that she would be opposed to a sign at the intersection as did Ms. Troiano. Mr. Kukura stated that his initial response would be to support a sign, but understands the issues and concerns that have been raised. Mayor Studebaker stated the Council could consider passing a moratorium on any signs at the intersection to address future requests.

Mayor Studebaker introduced Pam Deuser. Dr. Deuser explained that she is preparing to retire and has listed her property at 1943 W. Fifth Ave. for sale. She stated that she purchased the building in 1996 from a family that was living in the home as well as operating a real estate business out of the home. Dr. Deuser bought the property for her psychology practice. She did renovations and improvements when she purchased the property. Several mental health and social work practitioners have leased space in the building over the years.

Dr. Deuser explained that she believed the property was zoned for both residential and commercial and could be marketed as a residential property. However, she now understands that the property is zoned commercial and cannot be used as a residence. She stated the property has been on the market for a month and she has had only one potential buyer look at the property.

Dr. Deuser stated she plans to sell her home and her business property and move out of state. She asked whether Council would consider granting a temporary live/work permit for the property in the event that her home sells before the W. Fifth Ave. property.

Mayor Studebaker explained that the property was zoned commercially in 1980. The family that sold the property was allowed to use the property for the residence because they were grandfathered under the new zoning because their use predated the zoning of the property to commercial use. The commercial use was confirmed in the new code adopted in 2001.

Mayor Studebaker stated that the immediate question for Council is whether they would consider a temporary live/work permit if Dr. Deuser makes application. If Dr. Deuser

is interested in having the property rezoned permanently for residential or live/work at some time in the future, she or a subsequent owner would have to make a formal application. Mayor Studebaker stated no action is requested of Council at this meeting. The question is whether the Council would consider a temporary live/work permit. Mr. Voelker said he would be willing to consider a temporary live/work permit.

Mayor Studebaker suggested that staff work with Mr. Ashrawi and Dr. Deuser to prepare a proposal for Council.

INTERN REPORT

Mayor Studebaker introduced Harrison Allen, MORPC Summer Intern to the Village. Mr. Allen has been investigating options for the W. Fifth Ave. corridor as directed by the Village's Strategic Plan.

Mr. Allen reported he has reached out to the business along W. Fifth Ave., but has had mixed results arranging full interviews. He has met with development professionals in communities similar to Marble Cliff to review development activities in those communities.

Mr. Allen reported he anticipates that his first recommendation will be for the Village to consider zoning overlays for the W. Fifth Ave. properties. He presented information regarding zoning overlays which the City of Columbus has already put on their portions of W. Fifth Ave. Mr. Allen explained that an overlay works with existing use zoning while allowing construction and renovation activities to be carried out in a uniform manner. He stated an overlay is more for aesthetics than for use. Mr. Allen asked if Council would look favorably on such an approach. Council asked questions about the overlay approach including use, cost, timing, etc. Mr. Cincione stated that an overlay approach takes many, many years to come to fruition. Mayor Studebaker stated that an overlay would be helpful to property owners and developers on a property such as 2015 W. Fifth Ave.

Mayor Studebaker stated that Mr. Allen is also tasked with determining that W. Fifth Ave. property development be consistent with the business and residential needs of suburban Columbus. Mr. Cincione noted how the revitalization of Clintonville and the Short North areas of Columbus have taken 20 to 30 years. Council agreed that they are interested in the overlay approach to development of the W. Fifth Ave. corridor.

Ms. Siefkas commented that it would be helpful if Mr. Allen provides pictures showing similar developments in other areas.

Mr. Allen stated he believes that 2015 W. Fifth Ave. would be best served by mixed use of commercial and residential with commercial on the first floor and residential on two or three floors above. Mr. Allen stated Upper Arlington has offered to give Council a tour of recent development in UA that make use of mixed use. Ms. Siefkas commented that property ownership is important to the community feeling of Marble Cliff.

Mr. Allen reported he is also investigating funding options for development. One interesting option is a "loan to grant" incentive that can be given by the government for improvement of handicapped accessibility to business properties. The money is given initially as a loan, but if certain benchmarks of employment are met the loan becomes a grant with no obligation of repayment. The government entity ultimately recoups its loan/grant through increased income taxes. Mayor Studebaker stated this could function as part of an incentive package. Mr. Allen stated that most surrounding communities do offer an incentive package of some sort and Marble Cliff needs to be considering options before they become necessary or the Village is passed by for other communities.

CONSENT AGENDA

- 1) Receive - Mayor's Court Report, May, 2016
- 2) Receive - Police Report, May, 2016
- 3) Receive - Fire Dept. Report, May, 2016
- 4) Receive - Building permits issued in May, 2016
- 5) Approval - Minutes of the regular, scheduled meeting of May 18, 2016
- 6) Approval - Financial Statements for May, 2016
- 7) Receive - Village Income Tax Report - \$112,037.81
- 8) Correspondence:
 - a. Spectrum-Time Warner
 - b. Jones Thank You Note - Falco Scholarship

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

MAYOR'S REPORT

Mayor Studebaker reported he met with SWACO as part of a community discussion program to discuss how to increase recycling so the life of the local landfill can be extended.

Mayor Studebaker reported he met with the regional Franklin County Community Health Action Team. He stated that Grandview Heights is continuing to focus on senior safety, avoiding falls and programs to help senior residents "age in place."

Mayor Studebaker reported he participated in the Blue Star Mothers' Memorial Day program. He reported the event was well attended.

ENGINEER'S REPORT

Mayor Studebaker introduced the second reading of O-2497-16, An Ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Burgess & Niple, Inc. for professional engineering services for the West Fifth Ave. Shared-Use Path and Roadway Improvements Project for the Village of Marble Cliff.

Mr. Ford reviewed the contents of the agreement. Ms. McKay asked Council to move the action forward to begin the necessary work including surveying and design.

Mr. Kukura moved the rules be suspended. Mr. Cincione seconded. The motion passed unanimously. Mr. Kukura moved the adoption of O-2497-16. Mr. Cincione seconded. The motion passed unanimously.

Mr. Ford reported the street light project is 90% complete. The contractor is completing restoration. The project will be completed by the mandatory completion date.

Mr. Ford reported that a break in the water line was reported at the intersection of Cambridge Blvd. and W. First Ave. The line has been repaired. The hydrant has been reinstalled, and the back fill has been completed. The Village is waiting for the City of Columbus to complete the repaving. Because of the location of one of the new street lights near the water break, special equipment was brought in to stabilize the street light while repairs were being completed. Ms. McKay reported that the hydrant has been installed but will not be turned on until the hydrant repair company has an opportunity to check the condition of the hydrant. The cause of the water line break is unknown.

Mr. Ford reported the City of Columbus has completed the traffic light work at the intersection of Dublin Road and W. Fifth Ave. The City of Columbus still needs to repair pavement at the intersection and install the Village of Marble Cliff approved street signs.

Mayor Studebaker asked Council if they are interested in developing a moratorium on signs at Dublin Road and W. Fifth Ave. Mayor Studebaker reported that he and staff have been dealing with Mr. North and countless variations on his request for an off-premise sign since last year. A moratorium would give staff a position to address future requests. Ms. Taylor stated her support of a moratorium until the Village determines plans for W. Fifth Ave. Mr. Voelker expressed his support as well. Council directed staff to develop legislative action for a moratorium on signs at the intersection of Dublin Rd. and W. Fifth Ave.

Mr. Ford reported that a portion of the sanitary sewer on Arlington Ave. between Cambridge and Blvd. and Roxbury Rd. has collapsed. The sewer will be repaired during the week of July 5th. The street will be closed to through traffic for one or two days however residents will be able to access their driveways throughout the construction. Residents will be notified of the work through door hangers and blast email.

Mr. Ford commented that the recent CCTV of the sanitary and storm sewers has revealed other areas which will need repair. That work will be part of the next OPWC project in 2018.

Mr. Ford reported he is preparing the 2016 Street Maintenance Program– Crack and Slurry Seal for Village Ct. to be presented to Council at the July meeting.

Mayor Studebaker introduced the first reading of O-2501-16, An Ordinance accepting a bid for the Dublin Road and Cardigan Avenue Waterline Improvement Project and waiving any bid irregularities and declaring an emergency.

Mr. Ford reported on the bid process and the bid opening which took place on June 10th. Two bids were received and the bid from Elite Excavating was determined to be the lowest and best bid. Mr. Ford recommended the Council accept the bid. Ms. McKay asked Council to take action in order to remain on schedule for the OPWC project and funding.

Mr. Kukura moved the rules be suspended. Ms. Troiano seconded. The motion passed unanimously. Ms. Troiano moved the adoption of O-2501-16. Mr. Kukura seconded. The motion passed unanimously.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi reported the Ohio Supreme Court recently handed down a ruling regarding municipality sign codes. He will review the Village's sign code to ensure compliance.

ADMINISTRATIVE ASSISTANT'S REPORT

Mr. Johannes had no report for Council.

APPROVAL OF BILLS

Ms. Troiano moved approval of the June 2016 bills totaling \$76,975.79. Mr. Kukura seconded. The motion passed unanimously.

Mr. Cincione moved approval of the amended May 2016 bills totaling \$482,304.09. Mr. Kukura seconded. The motion passed unanimously.

FISCAL OFFICER'S REPORT

Ms. McKay reported the State Auditor's office has completed the bi-annual audit.

COUNCIL MEMBER REPORTS

Ms. Troiano had no report from the Grandview Heights Parks and Recreation Board and no report from Start Talking Grandview.

Mr. Cincione moved to adjourn into executive session to consider the Sale of Property pursuant to Ohio Revised Code 121.22(G)(2). Mr. Kukura seconded. Roll Call: Mr. Cincione, yes; Mr. Kukura, yes; Ms. Siefkas, yes; Ms. Taylor, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously

EXECUTIVE SESSION

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

OLD BUSINESS

Mayor Studebaker introduced the third reading of O-2493-16, An Ordinance authorizing the sale of one parcel of land containing 1.0115 Acres in a tract bounded generally by the Norfolk and Southern Railroad on the East, Cardigan Avenue on the North, Dublin Road on the West, and Property owned by 1400 LLC on the South.

Mr. Kukura moved approval of Ordinance O-2493-16. Mr. Voelker seconded. The motion was defeated by a unanimous vote; 0 in favor and 6 opposed.

Mayor Studebaker introduced the second reading of O-2496-16, An Ordinance authorizing the sale of one parcel of land containing 1.0115 Acres in a tract bounded generally by the Norfolk and Southern Railroad on the East, Cardigan Avenue on the North, Dublin Road on the West, and Property owned by 1400 LLC on the South.

Ms. Troiano moved the rules be suspended. Ms. Taylor seconded. The motion passed unanimously. Ms. Troiano moved the adoption of O-2496-16. Mr. Voelker seconded. The motion passed unanimously.

Mayor Studebaker introduced the third reading of O-2494-16, An Ordinance adopting a budget for the year 2017 for the Village of Marble Cliff.

Ms. Troiano moved the adoption of O-2494-16. Ms. Taylor seconded. The motion passed unanimously.

NEW BUSINESS

Mayor Studebaker introduced the first reading of O-2498-16, An Ordinance rezoning the property located at 2215 Cardigan Avenue from P-1 Public Area to B-2 Highway and General business for Parcel Number 143-0017016 consisting of a total of 1.02± Acres in the Village of Marble Cliff

Ms. McKay explained that ordinances O-2498-16 and O-2499-16 are rezoning actions that will allow for use of the property after sale.

No action was taken

Mayor Studebaker introduced the first reading of O-2499-16, An Ordinance amending the Village of Marble Cliff Code of Ordinances Section 154.032 Business Districts B-2 Highway and General Business District – Conditional Use Language to include “Collision Repair and Associated Automotive Services”.

No action was taken.

Mayor Studebaker introduced the first reading of O-2500-16, An Ordinance authorizing the Mayor and Fiscal Officer to execute an agreement to renew the policy with Ohio Government Risk Management Plan for property, liability, wrongful acts, automobile, bond, crime, inland marine and electronic data processing insurance.

Ms. McKay reported the insurance renewal is \$670.00 less than the current year’s insurance premium. There is no change in coverage.

No action was taken

Mayor Studebaker reported CoGo bike rental has approached Grandview Heights to determine if there is interest in having one or more of their bike rental stations installed in the Grandview Heights area. Grandview Heights Mayor Ray DeGraw has asked Mayor Studebaker if Marble Cliff would be interested in having a rental station. Mayor Studebaker stated MORPC is underwriting 85% of the cost of the rental station. The Village’s 15% of the cost would be \$9,000. The Village would be responsible for maintaining the station and replacing bicycles as necessary. The Village would receive a portion of the revenue generated.

Mayor Studebaker said a response is required this week. Council discussed the pros and cons of the program.

No action was taken.

ADJOURN

Ms. Troiano moved the meeting be adjourned. Mr. Cincione seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 9:50 PM.

Approved by:

Submitted by:

Matthew P. Cincione
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer