

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

At 1600 Fernwood Ave.

May 15, 2017

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, May 15, 2017 in the Village Hall at 1600 Fernwood Ave. at 7:00 pm. Those in attendance were: Council Members: Matthew P. Cincione, John F. Kukura, 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 C. Johannes; and Fiscal Officer, Cynthia A. McKay. Visitors were present. No representatives of the press were present.

## PUBLIC HEARING

Mayor Studebaker opened the Public Hearing for the 2018 Budget and introduced the second reading of O-2529-17, An Ordinance adopting a budget for the year 2018 for the Village of Marble Cliff.

Mayor Studebaker invited visitors to speak to or ask questions about the proposed 2018 Village Budget. No one rose to address the proposed budget. Mayor Studebaker invited members of Council to speak to or ask questions about the proposed budget. None rose to address the proposed budget.

Mayor Studebaker closed the Public Hearing for the 2018 Budget. No action was taken.

## PUBLIC HEARING

Mayor Studebaker opened the Public Hearing for the modification of the Zoning Text for the Planned Development at 1400 Dublin Road and introduced the first reading of O-2530-17, An Ordinance amending the Zoning Text of the Planned Development of 5.95 acres located at 1400 Dublin Road, first created on June 26, 2013, to permit the property to be utilized by food trucks, and to allow for conditional use of the property ~~by food trucks, and to allow for a conditional use of the property~~ for special events.

Council had a brief discussion of the proposed changes and confirmed that the "special events" would be restricted to inside the building and that no alcohol would be served outside the building.

**Mr. Voelker moved the rules be suspended. Ms. Taylor seconded. The motion passed unanimously. Mr. Cincione moved Ordinance O-2530-17 be approved. Mr. Voelker seconded. The motion passed unanimously**

## 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 David Bell, owner of 1221 Cambridge Blvd.. Mr. Bell explained his request for a fence height variance to allow him to install a six foot, cedar fence along his property's west property line (rear yard). Mr. Bell provided pictures of his rear yard and explained that the fence would provide screening of materials stored in his back yard behind the garage.

Mr. Voelker recused himself from discussion of the request and stated he would abstain from any vote citing a conflict of interest.

Wiley Elliott, whose Village Court property backs to 1221 Cambridge Blvd., asked Council to reject the request for variance. He explained the rear of his house is approximately 20-25 feet from the rear property line and the proposed fence would block what little sunlight comes into his rear yard in the morning. Mr. Elliott stated the zoning rules are fairly simple and should be adhered to.

Council discussed alternatives to the proposed fence such as natural screening and moving the proposed fence further onto the Bell property.

Ms. McKay reported no comments in favor of or opposition to the variance request were received at the Village Hall.

**Mr. Cincione moved approval of the variance request to allow David and Anna Marie Bell to install a six foot high cedar fence along the west property line of 1221 Cambridge Blvd. Ms. Troiano seconded. The motion passed four in favor, one opposed and one abstention.**

Mayor Studebaker introduced a request for sign variances from DaNite Sign for refacing an existing sign at 2079 West Fifth Ave. as well as the addition of a wall sign and

window adhesive signs at the same address. The property is located in the B-1 Central Business District where no signs are permitted without Council approval. No one was present from the sign company or the property owner to address the request.

Council reviewed the request. Ms. McKay reported the Village Zoning Code does not permit wall signs in the B-1 Central Business District. If the request were for the B-2 General Business District the sign would be allowed without a variance, but in the Central Business District, Council must grant a variance.

Council discussed the request for a new wall sign and the installation of “cling” style window signs. Village ordinances are silent on window signs and specifically prohibit signs in general along W. Fifth Ave. Ms. McKay commented that a letter from Xan Paley of the French Quarter stating opposition to the sign requests was placed at the Council members’ desks. Ms. McKay stated no other comments in favor of or opposition to the sign requests were received at Village Hall.

Tom Miller, owner of 2109 W. Fifth Ave., noted that wall signs are not allowed on W. Fifth Ave., however there is currently a wall sign on the property at 2079 W. Fifth Ave.

Mayor Studebaker suggested Council separate for consideration the request for refacing the existing monument sign from the request for a wall sign and window sign.

**Mr. Cincione moved approval of the request to reface the existing monument ground sign at 2079 W. Fifth Ave. to include panels which read (1) “Allstate” and (2) “Tolga Demirel 614-932-2111”. Mr. Kukura seconded. The motion passed unanimously.**

Council directed staff to collect additional information regarding the existing wall sign at for Allvera 2079 W. Fifth Ave.

**Mr. Voelker moved to table the request for a wall sign and window signs for the property at 2079 W. Fifth Ave. until the next, regular Council meeting scheduled for June 19, 2017. Ms. Siefkas seconded. The motion was approved unanimously.**

Mayor Studebaker introduced a request from Kevin and Maggie Maxwell to replace an existing four foot split rail fence in their back yard with a six foot cedar wood fence at their home located at 1572 Arlington Ave. The fence would be located in the rear yard and in the north side yard. The rear property line is along Fernwood Ave.

Mr. Maxwell explained the purpose of the fence is to provide a safe play area for their child. They are requesting the side yard variance in order to install the fence while maintaining three mature pine trees in the side yard.

Ms. McKay reported that no comments in favor of or opposition to the variance request were received at Village Hall.

Ms. McKay reminded Council that the Fernwood Ave. front yard setback and the Arlington Ave. front yard setback create a situation that could, in theory, make the lots unbuildable. Consequently past practice has been to treat Fernwood as an alley and not enforced the front yard setback requirements. If the new fence is installed in the same location as the existing fence, it is staff’s opinion that the Village’s right of way is not infringed upon.

**Mr. Cincione moved approval of the variance request from Kevin and Maggie Maxwell to install a 6 foot cedar wood fence along 47 feet along the rear (east) property line, then angled in for 20 feet to the northeast corner of the garage and 110 feet from the northeast corner of the property along the north property line, then south to the side of the house as shown in the drawings attached to the variance request. Mr. Kukura seconded. The motion passed 5 in favor and 1 opposed.**

#### CONSENT AGENDA

- 1) Receive - Mayor’s Court Report, April, 2017
- 2) Receive – Police Report, April 2017
- 3) Receive - Fire Dept. Report, April, 2017
- 4) Receive –Building permits issued in April, 2017
- 5) Approval - Minutes of the regular, scheduled meeting of April 27, 2017 - corrected
- 6) Approval - Financial Statements for April, 2017
- 7) Receive - Village Income Tax Report – \$236,330.45

**Mr. Voelker moved approval of the Consent Agenda including the minutes of the April 27, 2017 with correction to the items identified as “conditional uses” in the discussion of O-2530-17. Ms. Troiano seconded. The Consent Agenda was approved unanimously.**

#### MAYOR'S REPORT

Mayor Studebaker reported he attended the quarterly Tri-Village Economic Development Forum which provides economic information and updates from the community and from the schools. The program is sponsored by the Chamber of Commerce. The speaker at the last meeting was the manager of OSU's real estate. Mayor Studebaker stated the forum is open to all Council members

Mayor Studebaker reported he was one of the speakers at the Ohio Luxury Home Network meeting. He presented information about the history of the Village. Pat Bowman from Grandview Heights presented information about development in Grandview Heights.

Mayor Studebaker reported he, Mr. Voelker, Mr. Kukura, Mr. Cincione and Ms. Taylor attended the public meeting for information regarding the school facilities improvements plan. Seven plans were introduced and reviewed. The superintendent plans to have the options narrowed to a single proposal by September 19, 2017. Mayor Studebaker encouraged Council members to complete the online survey for community input. Survey responses are due by May 17, 2017. Mayor Studebaker stated that, if the plan development goes as expected, there will be a bond issue on the ballot in 2018.

Mayor Studebaker reported the discussions regarding a “circulator” bus for the Grandview Yard, Columbus and Marble Cliff area are ongoing.

#### ENGINEER'S REPORT

Mr. Ford reported the work for Dublin Rd. and Cardigan Ave. Waterline Project is complete. One or two punch list items remain, but will be completed soon.

Mr. Ford reported the West Fifth Ave. Multiuse Path and Road project is underway. The first step - installation of the storm sewers - is underway.

Mr. Ford reported the preconstruction meeting for the 2017 Street Paving project is complete. The work will begin in north Upper Arlington in June and move south through Upper Arlington and into Marble Cliff

Mr. Ford left the meeting at this point.

#### SOLICITOR'S REPORT

Mr. Ashrawi reported the easement from 1600 Dublin Rd. for the W. Fifth Ave. Multipurpose Trail has been completed and filed with Franklin County.

#### ADMINISTRATIVE ASSISTANT'S REPORT

Mr. Johannes had no report for Council.

#### APPROVAL OF BILLS

**Mr. Voelker moved approval of the May 2017 bills totaling \$77,663.79. Ms. Troiano seconded. The motion passed unanimously.**

**Ms. Troiano moved approval of the amended April 2017 bills totaling \$70,944.91. Mr. Voelker seconded. The motion passed unanimously.**

#### FISCAL OFFICER'S REPORT

The Fiscal Officer had no report for Council.

### COUNCIL MEMBER REPORTS

Ms. Troiano reported the Parks and Recreation Board met and made final approval of the plans for the Memorial Park in Grandview Heights. The Board returned to the original design.

Mr. Kukura reported the Falco Scholarships were awarded. He thanked Mr. Johannes for posting the picture of the recipients on the Village web site.

### OLD BUSINESS

Mayor Studebaker introduced the first reading of O-2531-17, An Ordinance authorizing the mayor accepting a charitable donation of \$250,000.00 from the Rosemary Duffy Larson Trust, and thanking the Trust for its generous donation.

**Ms. Troiano moved the rules be suspended. Ms. Siefkas seconded. The motion passed unanimously. Mr. Voelker moved the approval of O-2531-17. Ms. Taylor seconded. The motion passed unanimously.**

Council concurred with staff's recommendation that, in recognition of the contribution, the reworked and refurbished gardens on the Cambridge Island be named the "Rosemary Duffy Larson Gardens on Cambridge Island." Council agreed that the decision is in keeping with historical practice of other memorials on the island including the Falco Fountain and the Gantz Serbian Spruce. Council agreed to place a recognition plaque and considered adding a plaque that would identify other island dedications. Council also asked staff to investigate lighting options to highlight the landscaping on the island.

Mr. Johannes reported he is already working with EMI to develop landscaping plans. He will report back to Council as the project moves forward.

### NEW BUSINESS

Mr. Kukura reported he and Jeff Smith are planning and arranging details to host a one mile "Marble Cliff Run" to support the Grandview Heights High School cross country team. The run will begin at the corner of W. Third Ave. and Cambridge Blvd. and circle twice through the Village. The event will be held on Friday evening, May 26<sup>th</sup> between 6:00 and 8:00 pm. Some roads will be closed during the event. Residents impacted will be notified in advance of the event. The GHPD and GHFD have been informed and First Community Church has been contacted. The materials needed to block the street will already be delivered by Parks and Recreation in anticipation of the Memorial Day Parade the next day. Runners will be encouraged to make a donation to the CC Team. The event is privately sponsored and not endorsed by the Village.

### ADJOURN

**Mr. Voelker moved the meeting be adjourned. Ms. Troiano seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 8:30 PM.**

Approved by:

Submitted by:

Matthew P. Cincione  
Council President Pro Tem

Cynthia A. McKay  
Fiscal Officer