

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

At 1600 Fernwood Ave.

November 20, 2017

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, November 20, 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, 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.

Ms. Siefkas moved Ms. Taylor be excused. Ms. Troiano 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 Singleton Hicks – landscape designer representing Robert Myers, owner of 1231 Cambridge Blvd. Mayor Studebaker explained there are three variances to be heard. – lot coverage, side yard structure and setback variances.

Mr. Hicks reviewed the plans submitted with the application for variance and answered questions about the design.

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

Mr. Voelker moved approval of the variance request submitted by Robert and Sarah Myers to increase the lot coverage to 41% on their property at 1231 Cambridge Blvd. as shown in the documents attached to the variance request. Ms. Troiano seconded. The motion passed unanimously.

Ms. Troiano moved approval of the variance request submitted by Robert and Sarah Myers for a 7 foot, 9-inch encroachment into the north side yard setback on their property at 1231 Cambridge Blvd. as shown in the documents attached to the variance request. Mr. Voelker seconded. The motion passed unanimously.

Mr. Kukura moved approval of the variance request submitted by Robert and Sarah Myers to allow construction of a new deck and pergola in the side yard on the north side of the house and to allow construction of a new deck in the side yard on the south side of the house on their property at 1231 Cambridge Blvd. as shown in the documents attached to the variance request. Ms. Troiano seconded. The motion passed unanimously.

CONSENT AGENDA

- 1) Receive - Mayor's Court Report, October, 2017
- 2) Receive – Police Report, September and October 2017
- 3) Receive – Fire Report, October 2017
- 4) Receive – Building permits issued in October, 2017
- 5) Approval - Minutes of the regular, scheduled meeting of October 16, 2017
- 6) Approval - Financial Statements for October, 2017
- 7) Receive - Village Income Tax Report – \$133,520.03
- 8) Receive – Columbia Gas of Ohio Notice of Filing for Rate Increase

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

MAYOR'S REPORT

Mayor Studebaker reported he has had additional discussions with F2 regarding development of the property at 2015 W. Fifth Ave. They are working on a PDD Application.

Mayor Studebaker reviewed a Liquor Permit Application submitted to the state of Ohio by 1400 Food Lab. The Village has the opportunity to express an opinion on the application. Council determined that a hearing would not be requested.

Mayor Studebaker reviewed the notification of liquor permit renewal for Certified Oil's location on Dublin Rd. Council concurred with Mayor Studebaker's suggestion that the Village take no action to oppose the renewal.

Mayor Studebaker reported the Village has advertised the Administrative Assistant position to replace Mr. Johannes. Three resumes have been received and Mayor Studebaker and Ms. McKay will arrange interviews. Ms. Troiano will participate in the interview process as well.

Mayor Studebaker had no additional information regarding the Tri-Village Chamber of Commerce podcast discussed at the previous two meetings.

Mayor Studebaker reported he has met with the Columbus Foundation regarding the possibility of moving the investment and management of the Falco Scholarship Fund to the Columbus Foundation. Several legal and administrative issues are still being studied.

ENGINEER'S REPORT

Mayor Studebaker introduced the first reading of O-2552-17 An Ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Burgess & Niple, Inc. for professional engineering services for the Cardigan Avenue Roadway Improvements Project for the Village of Marble Cliff.

Mr. Ford explained the project is part of the five-year capital projects plan. It was submitted for an OPWC grant, but the grant was not approved. Ms. McKay said staff would like to bid the project in January in the hope of getting the best pricing.

Mr. Voelker moved to amend Ordinance O-2552-17 to increase the amount authorized for bidding from \$3,000 to \$5,000 for a total not to exceed amount of \$47,000. Ms. Siefkas seconded. The motion passed unanimously.

Mr. Voelker moved the rules be suspended. Mr. Cincione seconded. The motion passed unanimously. Mr. Voelker moved the adoption of O-2552-17 as amended. Ms. Troiano seconded. The motion passed unanimously

Mr. Kukura reported he has had discussion with a representative of a company that may be working with the City of Columbus in the development of a new metro park. Mr. Kukura stated discussions have included a kayak/canoe launch point. Mr. Kukura suggested the Village might reconsider the option of having a launch in Marble Cliff.

Mayor Studebaker reminded Council of the challenges to the location including the steep riverbank, limited parking, and accessibility. Ms. Siefkas reminded Council that the state has previously offered funds to assist in the construction. She suggested that the Village might want to have the engineer look at development options.

Mayor Studebaker suggested it might make sense to investigate what Columbus might want to include in the new metro park. Mr. Cincione suggested there are much better options for river access on the west side of the river. Mr. Voelker expressed concerns about the traffic along Dublin Rd.

Council did not take any action.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi presented information regarding Property Assessed Clean Energy (PACE) financing. PACE is a program for financing low-cost, long term funding for energy efficiency, renewable energy and water conservation projects. Ms. McKay reported she has had a conversation with Andy Hozhauser about the possibility of PACE financing for 1600 Dublin Rd. PACE Financing is paid for with a "self-imposed property tax" whereby

the repayment of the financing is attached to the land.

The most efficient way to move forward is to have the property owner make application to be part of the Columbus ESID (Energy Special Improvement District). Then the Village would pass a Resolution of Necessity and an Ordinance to Proceed. Then the assessment is applied to the property, the county collects the assessment and passes the amount collected on to the Columbus Finance Authority.

Ms. McKay stated that once the process is complete on one property, other business and commercial properties would be able to participate as well.

Mr. Ashrawi stated PACE financing is fairly new and some issues are still being worked out, but all Village documents would be designed to insulate the Village from any liability.

Ms. McKay stated the purpose of the discussion is to prepare Council for the request that will most likely be coming before Council.

Mayor Studebaker introduced the second reading of O-2549-17, An Ordinance to authorize the Mayor to join a coalition of municipalities retaining special counsel for purposes of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code relating to Municipal Income Tax, and declaring an emergency.

Mr. Ashrawi stated the planned legal action has been filed, but not yet recorded. Any parties who join the action after the filing will be added to the action. Mr. Ashrawi reminded Council that the purpose of the action is to challenge the constitutionality of recent state legislation impacting income tax collection by municipalities throughout the state. Currently there are 148 municipalities that have joined.

Mayor Studebaker reported that his last Mayor's Court training included a spirited discussion of the status of "home rule" in Ohio. Mayor Studebaker expressed his recommendation that the Village join the action. Mr. Ashrawi stated the first action is to request a stay of effectiveness of the legislation.

Mr. Voelker moved Ordinance O-2549-17 be amended to add to the end of Section 1 the following: "at a cost not to exceed \$1,000.00." Ms. Siefkas seconded. The motion passed unanimously.

Mr. Voelker moved the rules be suspended. Ms. Troiano seconded. The motion passed unanimously. Ms. Troiano moved the adoption of O-2549-17 as amended. Mr. Voelker seconded. The motion passed unanimously. Mr. Cincione moved the ordinance be adopted as emergency legislation to support legal action prior to the effective date of HB 49. Ms. Troiano seconded. Roll call: Mr. Cincione, yes; Mr. Kukura, yes; Ms. Siefkas, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously.

Mayor Studebaker introduced the first reading of O-2551-17, An Ordinance authorizing the Mayor to execute the Economic Development – Forgivable Loan Agreement between the Village of Marble Cliff and Marble Cliff Place, LLC

Mr. Ashrawi and Ms. McKay reviewed the terms of the proposed agreement to assist the property owner of 2300 W. Fifth Ave. pay the cost of installing an elevator to make the second floor handicapped accessible. Ms. McKay explained, if the property owner's tenant(s) meet certain income tax thresholds, the loan will be revenue neutral to the Village. If the thresholds are not met, the property owner will be responsible for repaying the Village with interest.

Council discussed the benefits to the Village of having a building which will be fully accessible.

Ms. Troiano moved the rules be suspended. Ms. Siefkas seconded. The motion passed unanimously. Ms. Troiano moved the adoption of O-2551-17. Ms. Siefkas seconded. The motion passed unanimously

ADMINISTRATIVE ASSISTANT'S REPORT

Mr. Johannes reported Paul Peterson is working on the project to replace traffic signs and poles throughout the Village. The project should be completed by the next Council meeting.

Mr. Johannes reported he is working with contractor to iron out problems with the

holiday lights. He stated the contractor has been responsive to requests to correct problems and keep the lights on.

Mr. Johannes reported the recent Eagle Scout project to install benches at several locations in the Village has been completed.

Mr. Johannes reported leaf pick-up is underway and it is going very well. Residents have done a good job of getting leaves on to the tree lawn without putting them into the street. Pick-up will continue for at least two more weeks and an additional pick-up will probably need to be scheduled for late December. The last yard waste pick-up by Grandview Heights will be the last week in November.

Mr. Johannes reported there will be horse and carriage rides around the Village as part of the holiday party.

APPROVAL OF BILLS

Ms. Troiano moved approval of the November 2017 bills totaling \$184,244.51. Mr. Kukura seconded. The motion passed unanimously.

Ms. Troiano moved approval of the amended October 2017 bills totaling \$133,089.04. Mr. Cincione seconded. The motion passed unanimously.

FISCAL OFFICER'S REPORT

Mayor Studebaker introduced the second reading of O-2546-17, 2018 Annual Appropriation Ordinance.

No action was taken.

Ms. McKay reported the arrangements for the holiday party are well underway. Ms. Taylor will be sending out an e-mail sign-up sheet for helping with the party. Ms. McKay confirmed that the year-end report to residents will be going out with the party invitation.

Ms. McKay informed Council that she had received a zoning information request from a medical marijuana dispensary considering locating in the Village. The address being investigated was determined to be in the City of Columbus not in Marble Cliff. Ms. McKay provided the staff opinion that, for such a business to locate within the Village, a use variance would be necessary because the Village does not permit 'retail' within either of its two business districts. She reported some communities have passed legislation to enact a moratorium on permitting medical marijuana dispensaries within their jurisdiction.

Council had a brief discussion of the options. No action was taken.

COUNCIL MEMBER REPORTS

Ms. Troiano reported the Parks and Recreation Board has revised the design for the Memorial Park to eliminate the reflecting pool. She stated that even with the revisions there is still a shortfall in funding. Ms. Troiano reported that Marble Cliff may be approached for a donation to the park project.

OLD BUSINESS

Mayor Studebaker introduced the second reading of R-2547-17, A Resolution authorizing the mayor to execute the 2018 Plumbing inspection contract between the Village of Marble Cliff and the Franklin County Board of Health.

No action was taken.

Mayor Studebaker introduced the second reading of O-2548-17, An Ordinance authorizing an agreement with Charles Kelsey to provide Mayor's Court Magistrate Services for a one-year period from January 1, 2018 Through December 31, 2018.

No action was taken.

NEW BUSINESS

Mayor Studebaker introduced the first reading of O-2550-17, 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, 2018 through January 31, 2019

No action was taken

Mr. Voelker expressed concern about several cars and an oversized trailer which are parked at the corner of Cambridge Blvd. and W. Third Ave. He stated his belief that the vehicles are a safety hazard. Staff explained they have had multiple contacts with the owner in an attempt to have the vehicles moved to a place that is both safe and complies with Village code. The vehicles have been moved around, but the problem has not been resolved. Staff stated that the next step is to ask the police to cite them for the various violations.

ADJOURN

Ms. Troiano moved the meeting be adjourned. Mr. Voelker seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 8:50 P.M.

Approved by:

Submitted by:

Matthew P. Cincione
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer