

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

At 1600 Fernwood Ave.

December 18, 2017

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, December 18, 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, Joanne Taylor, 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.

FISCAL OFFICER REPORT

Mayor Studebaker introduced the first reading of O-2553-17, an Ordinance to amend Ordinance O-2516-16 (2017 APPROPRIATION ORDINANCE) to increase the Appropriation in the Mayor's Court Fund from \$34,000 to \$37,000

Ms. McKay explained the staff anticipates that the actual receipts for the Mayor's Court will exceed the original estimate. The appropriation allows for all of the receipts to be expended as required with an agency fund.

Mr. Kukura moved the rules be suspended. Ms. Siefkas seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2553-17 as amended. Mr. Kukura seconded. The motion passed unanimously.

NEW BUSINESS

Mayor Studebaker introduced the first reading of O-2554-17, An Ordinance authorizing the Mayor to execute the Memorandum of Understanding and Agreement: Fifth Avenue Scioto Trail connection operations between the City of Upper Arlington, The Village of Marble Cliff and the Columbus and Franklin County Metropolitan Park District. First Reading

Ms. McKay explained that the MOU allows the Franklin County Metropolitan Park District to take over routine maintenance of the new portion of the bike path. Maintenance includes snow removal during the winter months.

Ms. Troiano moved the rules be suspended. Mr. Cincione seconded. The motion passed unanimously. Mr. Kukura moved the adoption of O-2554-17. Ms. Taylor seconded. The motion passed unanimously.

Mayor Studebaker introduced the first reading of O-2555-17, An Ordinance Confirming the City of Upper Arlington's acceptance of a Change Order for the 2017 Street Maintenance Project and declaring an emergency. First Reading

Ms. McKay explained that the change order has been approved by Upper Arlington as they are the municipality which issued the contract. The change order reduces the Villages overall cost by over \$19,000. The reduction was based on lower material costs.

Mr. Cincione moved the rules be suspended. Mr. Kukura seconded. The motion passed unanimously. Ms. Troiano moved the adoption of O-2555-17. Mr. Kukura seconded. The motion passed unanimously. Mr. Voelker moved the ordinance be adopted as emergency legislation to facilitate payment of contractors prior to year-end and for the health, welfare and safety of residents. Ms. Troiano seconded. Roll call: Mr. Cincione, yes; Mr. Kukura, yes; Ms. Siefkas, yes; Ms. Troiano, yes; Ms. Taylor, yes, Mr. Voelker, yes. The motion passed unanimously.

Mr. Cincione left the meeting at this point.

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 Sue Grant, architect representing Mr. and Mrs. Woodland, 1123 Cambridge Blvd. Ms. Grant explained the plan to install a 14x40 swimming pool in the rear and side yard of the property. 1123 Cambridge Blvd is a corner lot which presents unique challenges. The design for the pool meets the special requirements for pools. The plan also includes a pergola located in the back yard and

meets setback requirements. Ms. Grant reviewed the plans for screening with plant materials.

Ms. McKay reported no comments have been received at Village Hall in favor of or opposition to the pool and variance requests. Ms. Grant confirmed the property owner has discussed the plans with all the owners of adjoining properties. Mr. Woodland confirmed those discussions.

Mr. Woodland explained the house originally had a porch across the entire west side of the building. Their original plan was to replicate the porch only. However, Mr. and Mrs. Woodland determined they would like a salt water pool which will be beneficial for one of their children who cannot tolerate the chlorine of public pools.

Council asked whether there will be new lighting around the pool. Mr. Woodland explained there will be landscape lighting and one light in the pool. He said there are currently two spotlights in the rear yard which may or may not be maintained. Mr. Woodland explained that some pine trees will be removed, but the plans include significant landscaping which has been reviewed with neighbors.

Council asked Mr. Ford if the changes will impact drainage on adjoining properties. Mr. Ford stated he does not see any problems with the plans. David Bell confirmed that the plans will not negatively impact the drain which aids in the drainage of his property to the north of 1123 Cambridge.

Mr. Woodland confirmed the pool will be enclosed with a fence and described the fence to Council as a wrought iron style fence.

Ms. Troiano moved approval of the request submitted by Nicole Woodland to allow construction of a 14' x 40' in ground swimming pool on the property at 1123 Cambridge Blvd. Mr. Kukura seconded. The motion passed unanimously.

Mayor Studebaker reviewed the request for an increase in lot coverage over the 40% allow by Village Code. Council commented that several properties in the immediate area have lot coverage in excess of 40%

Ms. Troiano moved approval of the variance request submitted by Nicole Woodland to permit lot coverage over 40% on her property at 1123 Cambridge Blvd. as shown in the documents attached to the variance request. Ms. Taylor seconded. The motion passed unanimously.

Ms. McKay explained that, because the property is a corner lot, the south side yard must be treated as if it were a front yard and, in this case, subject to the 50' Cambridge Blvd. setback. Ms. McKay noted that the existing house encroaches in the required setback. Ms. McKay stated the porch and pool, and fence will encroach into the south side yard. Therefore, a side yard setback variance and side yard structure variance is requested.

Mr. Kukura moved approval of the variance request submitted by Nicole Woodland to permit a 34' encroachment into the south side yard setback to allow construction of a pool, porch, and fence in the south side yard on her on her property at 1123 Cambridge Blvd. as shown in the documents attached to the variance request.

Ms. Troiano seconded. The motion passed unanimously.

Ms. McKay explained the code requirement that restricts the installation of a structure in a side or rear yard that abuts another property's front yard.

Mr. Woodland reviewed the safety equipment for the pool in addition to the required fence. He also stated he has reviewed the fence specifically with the impacted neighbors and they are in favor of it as proposed. Mr. Kukura commented that the need for these variances is primarily a result of how the Village Court properties were developed many years ago.

Mr. Kukura moved approval of the variance request submitted by Nicole Woodland to permit construction of a fence on the south and west sides of the property 1123 Cambridge Blvd. as shown in the documents attached to the variance request.

Ms. Troiano seconded. The motion passed unanimously.

Ms. Siefkas asked if the building department will receive the necessary information to issue the building permits in compliance with the plans presented and approved.

Ms. McKay stated the information is forwarded to the building department.

CONSENT AGENDA

- 1) Receive - Mayor's Court Report, November, 2017
- 2) Receive – Police Report, November 2017
- 3) Receive – Fire Report, November 2017
- 4) Receive – Building permits issued in November, 2017
- 5) Approval - Minutes of the regular, scheduled meeting of November 16, 2017
- 6) Approval - Financial Statements for November, 2017
- 7) Receive - Village Income Tax Report – \$152,047

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

MAYOR'S REPORT

Mayor Studebaker reported staff is continuing to work with F2 to develop a concept plan for redevelopment of 2015 W. Fifth Ave. The developer is also investigating the opportunity for utilizing the Village's CRA for a tax abatement. A tax abatement proposal is under development.

Mayor Studebaker reported the forgivable loan to install an elevator in 2300 W. Fifth Ave. has been finalized and executed.

Mayor Studebaker asked Council to allow staff to bring legislation to Council authorizing Village participation in and funding of the Tri-Village Chamber pod casts.

Mayor Studebaker stated he will host a brunch and special meeting at his home on January 1, 2018. The brunch will be from 11:00 am to 1:00 pm at 1492 Roxbury Rd. The purpose of the meeting is the swearing-in of new Council members and re-elected Council members.

ENGINEER'S REPORT

Mr. Ford had no items for action.

Ms. Taylor asked if the "No Parking" sign at the Bells has been addressed. Mr. Johannes reported there were three complaints about signs. One is the "No Parking" sign at the Bells which will be removed. Another is the additional "No Outlet" sign at Cambridge Blvd. and W. First Ave. which is intended to address complaints about the number of motorist that turn into Cambridge Blvd. south of W. First Ave. only to discover it is a dead end. The third is painting the back of one of the bike path signs.

Mr. Kukura asked if there are more signs now. Mr. Johannes stated there may be a net increase of two or three signs. Mayor Studebaker stated that many signs were moved for increased visibility. Mr. Johannes reported signs were installed as required by laws and regulation. Mr. Johannes reported all the signs that are to be installed have been installed and the project is complete.

Ms. Taylor asked if the sign installation may have caused gas leaks. Mayor Studebaker reported that Columbia Gas confirmed that no gas leaks were a result of installation of new traffic signs. However, First Community Church has a major gas line failure which is undergoing repair. Mr. Johannes met with the Gas Company at the location to confirm the work performed by the Village did not impact gas lines.

Ms. Taylor reported the Graingers had a major gas leak that required repair. She stated her belief that the work performed to repair their gas leak caused a sanitary sewer backup in the Taylor home. The residents are addressing the issues.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi provided an update on the HB 49 litigation. He reported RETA along with 20+ communities in Loraine County filed an action similar to the one filed on behalf of over 150 municipalities throughout the state by Frost Brown Todd. The Loraine County Court ruled against the request for a temporary restraining order. Mr. Ashrawi reported representatives from Frost Brown Todd have been working with representatives of the state of Ohio to agree on an injunction which will mean the new tax requirements will not go into effect on January 31, 2018.

The attorney for the RITA action has contacted Frost Brown Todd. Mr. Ashrawi stated his opinion that the state will move to consolidate the two actions into one.

ADMINISTRATIVE ASSISTANT'S REPORT

Mr. Johannes reported the contract with EMI for landscaping will be presented at the January Council meeting.

Mr. Johannes reported the street lights on W. Fifth Ave. between Dublin Rd. and the railroad tracks have not been working for some time. Mr. Johannes met with representatives of AEP who explained the electrical wires in that area have been taken underground and the poles are being removed. Staff will monitor the condition of the intersection to determine if lights need to be installed.

Mr. Johannes reported the poles and guard rail in the Village have been painted.

Mr. Johannes reported the last leaf pick-up will be the week of December 18th.

Mr. Voelker asked if the issue with the cars and trailer at the corner of W. Third Ave. and Cambridge Blvd. has been resolved. Ms. Troiano reported she saw a truck being attached to the trailer as she was coming to the Council meeting. Mayor Studebaker reported the Grandview Heights Police have had discussions with the owner who stated one of the cars has been put in the trailer and the trailer would be moved by December 11th. The police told the residents the vehicle(s) will be issued a citation if not moved.

APPROVAL OF BILLS

Ms. Troiano moved approval of the December 2017 bills totaling \$163,175.05.

Ms. Taylor seconded. The motion passed unanimously.

Ms. Troiano moved approval of the amended November 2017 bills totaling \$184,694.51. Mr. Voelker seconded. The motion passed unanimously.

FISCAL OFFICER'S REPORT – cont.

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

Ms. Siefkas moved the adoption of O-2546-17 as amended. Mr. Kukura seconded. The motion passed unanimously

Ms. McKay presented the holiday party report of expenditures. She explained the cost of the chicken has not been added in and the "per family" cost has not been estimated. Left over chicken was taken to the fire department and greatly appreciated.

Mr. Johannes reported the horse and wagon ride were well received. Mayor Studebaker and Ms. Taylor confirmed the residents expressed their appreciation for the entertainment. Mr. Johannes asked if the horse and wagon should be part of next year's party. Council decided that the horse and wagon should be part of the 2018 party. Council suggested the invitation be reworked to make it clear that all residents are invited not just families with children and grandchildren. Council agreed to keep the start time for the party at 6:00 pm.

Ms. McKay requested Council authority to pay year-end bills.

Ms. Troiano moved the Fiscal Officer be instructed to process and pay all routine bills received prior to year-end. Ms. Taylor seconded. The motion passed unanimously.

OLD BUSINESS

Mayor Studebaker introduced the third reading of R-2552-17, 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.

Ms. Troiano moved the adoption of R-2552-17. Mr. Voelker seconded. The motion passed unanimously

Mayor Studebaker introduced the third 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.

Ms. Troiano moved the adoption of O-2548-17. Ms. Siefkas seconded. The motion passed unanimously

Mayor Studebaker introduced the second 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

EXECUTIVE SESSION – ORC Section 121.22(G)(1)

Ms. Siefkas moved Council move into Executive Session for consideration of hiring and compensation of employees under Ohio Revised Code Section 121.22(G)(1). Ms. Troiano seconded. Roll Call: Mr. Kukura, yes; Ms. Siefkas, yes; Ms. Troiano, yes; Ms. Taylor, yes, Mr. Voelker, yes. The motion passed unanimously.

Ms. Siefkas moved Council adjourn out of Executive Session and reconvene in Regular Session. Ms. Troiano seconded.

NEW BUSINESS – Cont.

Ms. Siefkas moved the Mayor be authorized to extend an offer of employment for the Administrative Assistance position with the concurrence of Ms. Troiano following an additional interview. Ms. Taylor seconded. The motion passed unanimously.

Mayor Studebaker recognized the three people attending their last Council meeting. He presented Ms. Siefkas and Mr. Kukura with tokens of thanks for their service on Council and Mr. Johannes a "thank you" gift in recognition of 17+ years of service.

Mayor Studebaker stated Ms. Siefkas has served 8 years with a perfect attendance record. He noted Ms. Siefkas developed a business promotional piece for the Village that is still in use. Mayor Studebaker said Ms. Siefkas represented the needs and challenges of small business in the Village. Ms. Siefkas stated she thinks she will continue to follow what goes on at Council and expressed her conviction that serving the community is a great honor. She noted how much she has enjoyed her colleagues and the way Council works to reach decisions by consensus.

Mayor Studebaker stated Mr. Kukura has served 10.5 years on Council – an entire decade of commitment to the Village. Mayor Studebaker said Mr. Kukura has brought financing expertise and has championed the families of Marble Cliff. Ms. McKay noted he was responsible for saving the Village a great deal of interest expense when he renegotiated the park bond. Mr. Kukura reminded Council of his comment when he was appointed to Council that the Village is a wonderful place to raise a family. He also noted at that time that everything seemed to be running well and he intended to help keep it so. Mr. Kukura said that Mr. Jolson will continue to well represent the families in the Village.

Mayor Studebaker stated Mr. Johannes came into the office to help analyze how the Village processes could be improved. He came for a month and stayed for 17 years. Mayor Studebaker stated that people do not recognize how much Mr. Johannes does for

the Village. He noted the article written for the Tri-Village News did a wonderful job of summarizing Mr. Johannes' time in the position.

Mr. Johannes stated he is already making a list of where he might travel next. Mr. Johannes said the job has been a joy. He said he did his 420th Mayor's Court today and has attended at least 170 Council meetings. Mr. Johannes said that doing the articles for the Tri-Village Magazine has been a favorite activity. Getting out and visiting with the residents is an important part of serving the community. He expressed his thanks to the people he has worked with over the years.

Mayor Studebaker thanked Council and staff for another excellent year in the Village and expressed his confidence that the new team will continue the good work.

ADJOURN

Ms. Troiano moved the meeting be adjourned. Mr. Kukura seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 8:45 P.M.

Approved by:

Submitted by:

Matthew P. Cincione
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer