

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

At 1600 Fernwood Ave.

January 29, 2018

The regular, scheduled meeting of the Council of the Village of Marble Cliff was held Monday, January 29, 2018 in the Village Hall at 1600 Fernwood Ave. at 7:00 pm. Those in attendance were: Council Members: Matthew P. Cincione, Marnie Hoag, Matthew R. Jolson, Kendy A. Troiano, Joanne Taylor, and Dow T. Voelker; Mayor, Kent E. Studebaker; Village Solicitor, Yazan S. Ashrawi; Village Engineer, Joshua Ford; and Fiscal Officer, Cynthia A. McKay. Visitors were present. A representative of the press was present.

Mayor Studebaker welcomed new Council Members Ms. Hoag and Mr. Jolson to their first Council meeting. He reported they, along with Mr. Cincione and Mr. Voelker were sworn into office at a special meeting on January 1, 2018

ORGANIZATION OF COUNCIL

Ms. Troiano nominated Matthew P. Cincione to serve as President Pro Tem of Council for 2018. Mr. Voelker seconded the nomination. Roll Call: Ms. Hoag, yes; Mr. Jolson, yes; Ms. Taylor, yes; Ms. Troiano, yes; Mr. Voelker, yes; Mr. Cincione, yes. Mr. Cincione was elected President Pro Tem of Council with 6 votes in favor, 0 opposed.

VISITORS

Mayor Studebaker stated the first order of business on the agenda was the presentation of a "Concept Plan" for redevelopment of 2015 W. Fifth Ave. Mayor Studebaker asked Ms. McKay to review the process for rezoning a property through the Planned Development District with special attention to the first phase – the Concept Plan.

Ms. McKay stated the Concept Plan is reviewed by Council. The decision to approve or disapprove a Concept Plan is an administrative decision of Council and does not require legislation. The Codified Ordinances of the Village do not require a public meeting or public comment on the Concept Plan. However, she explained, the Village has decided to receive comments from the public at its February Regular Council meeting.

Ms. McKay explained that tonight there would be a presentation from the developers with an opportunity for Council to make comment and ask questions. No public comments or questions will be allowed at this meeting.

Ms. McKay also stated that the Village will hold an open house on Thursday, February 15, 2018 from 5:30 to 7:00 pm during which time the public will be welcome to review plans and gather information regarding the Concept Plan. Representatives of the developer will be present at the open house to answer questions and receive comments. Property owners in the immediate vicinity of 2015 W. Fifth Ave. will receive a letter outlining the opportunities for public comment as well as copies of the Concept Plan drawings. All Village residents will receive a post card inviting them to attend the open house on February 15, 2018.

Ms. McKay explained, if the Concept Plan is approved, the developer may proceed to the Preliminary Plan stage of the PDD. A decision by Council to approve the Concept Plan is a decision which is non-binding on both parties. If Council does not approve the Concept Plan, the process stops.

Mayor Studebaker stated there will be no votes or actions taken by Council at this meeting.

Mayor Studebaker introduced Ted Foster from F2 Companies. Mr. Foster introduced Joe Sullivan, lead architect on the proposed project, to review the plans. Mr. Sullivan explained that their firm has been in business for 35 years and specializes in "infill" projects in urban and suburban settings. He stated he enjoys developing projects that fit into the community.

Mr. Sullivan explained they drew inspiration from the existing building with surface details that give the façade interest. He explained the property slopes from north to south which will allow for underground parking as well as a formal courtyard area for the residents. There are 67 units proposed; 60% two bedrooms. He stated their target demographic are empty nesters who are ready to leave their single family homes, but prefer to stay in the area where they have lived.

Mr. Sullivan stated the construction would involve high quality materials and finishes which are in keeping with the surrounding community. Mr. Foster noted that the design is "four sided" with attention to appearance on all sides of the project not simply focused on W. Fifth Ave. The details will be very sensitive to the surrounding community.

Mayor Studebaker explained the process underway is similar to the process which was followed for the development of Prescott Place. The PDD gives more flexibility than

the standard zoning code and can be fitted to precise requirements by the Village Council. Mayor Studebaker also noted that the property is currently zoned “commercial” and has been for many, many years. The property has been owned by a single individual for about a decade and it has been on the market for almost the entire time of her ownership. Mayor Studebaker also stated that during his term as mayor at least 10 different development plans have been presented to the Village. Redevelopment plans have not always gotten to the formal application stage, but this is not the first to come to council.

Mr. Cincione asked if the preliminary plan will also go to the public for comment. Ms. McKay confirmed there will be an opportunity for public comment on both the Concept Plan and, if the project moves forward, the Preliminary Plan. Mayor Studebaker reiterated there will be an Open House at Village Hall on February 15, 2018 from 5:30 – 7:00 pm for the public to come in to an informal setting to review the Concept Plan.

Mr. Cincione pointed out that the previous developer proposed a density of 57 units and F2 Company is proposing 67. He noted that the previous developer wasn’t able to gain traction at the lower number and expressed his concern about the proposed higher density. Mr. Foster stated that the project is not financially feasible at 57 which is one reason the prior developer walked away from the project. He commented that 67 is tight financially. Mr. Cincione stated that the unit number has to go down or the price of the property has to go down. Mayor Studebaker stated the owner is absolutely inflexible with her price point which has been the primary cause of all potential redevelopers or purchasers walking away. Mayor Studebaker has had many conversations regarding possible options with the owner. She is not willing to negotiate.

Mr. Sullivan commented that density is something that can be quantified. He noted that density can go down and price can go up. He noted that a change in density can impact the target market. Traffic generated for apartments and condos can be much less than for single family homes. Other issues are the type and demand for housing that has the least impact on the surrounding neighborhood.

Ms. Taylor asked if the property would be age restricted. Mr. Sullivan said that the property would not be age restricted, but the price points and amenities will be such that the appeal will be “active empty nesters.” Ms. Taylor stated that she believes there will be families who might be interested in the location. Mr. Sullivan stated his experience suggests that townhouse styles are more favorable for families and this property is designed as “flats.” However, there is nothing in the design or plans that would restrict families. Ms. Taylor commented that the units are located in the Grandview Heights School District which may make them more attractive to families.

Mr. Sullivan confirmed the units are being built as apartments, but designed for transforming into condos. Mr. Sullivan stated they are seeing more empty nesters renting high quality units rather than buying.

Ms. Troiano asked about the parking noting the design calls for one space per unit. Mr. Foster said the ratio is actually one parking place per bedroom. There will be some additional outside parking. Mr. Sullivan stated the parking is larger than the footprint of the building because there is parking under the outside terrace.

Ms. Hoag asked what the size of the units will be. Mr. Sullivan stated the two bedroom units will be 1,000 to 1,100 square feet and the one bedroom units will be 720 to 750 square feet. He stated they will be on-sight management.

Mr. Jolson asked if they anticipate approximately 100 individuals living in the development. Mr. Sullivan stated he would be surprised if there would be 100, but stated his belief that the actual number will be less than 100. He expressed concern about the impact of adding renters to the Village population. Mr. Jolson also asked if infrastructure and Grandview Services will be adequate. Mayor Studebaker stated the Village provides police and fire services to apartments. Trash and recycling are the responsibility of the management company. If the building is converted to condos in the future, the question of services might have to be re-examined. Mr. Foster said they use trash compactors in their construction which are typically serviced by private trash services.

Ms. Hoag asked about the height of the proposed building. Mr. Sullivan stated his opinion that the 3 story is compatible with the community. He stated that the proposal is approximately 35 feet from grade to the eaves. Mr. Sullivan stated the aesthetics call for a pitched roof (48 feet at the peak) to complement the design. Ms. McKay stated the current building is three stories and current code allows for up to 35 feet.

Mr. Sullivan reported the new apartment building in Columbus/Grandview Heights area, The Broadview, is taller than what is proposed for Marble Cliff and has a slightly larger footprint. Mr. Voelker asked for the setback information. Mr. Sullivan stated there is a 25-foot setback on W. Fifth Ave. On the sides of the building the setback varies. Final measurements would be part of a Preliminary Plan.

Mr. Cincione asked about plans to incorporate access through a property on Arlington Ave. which is owned by the same person who owns 2015 W. Fifth Ave. The 2-unit apartment building would be torn down and the driveway access to the parking would be across that property. Mr. Foster stated there will need to be discussions with the fire department to ensure adequate access. He also stated that the design added a pull off on W. Fifth Ave. which would allow for ambulance service, deliveries, drop-offs, etc.

Mr. Jolson asked if there is only one single family resident property adjoining 2015 W. Fifth Ave. Mr. Foster confirmed that 1600 Roxbury Rd. is the only single family resident property adjoining; the rest are apartments or condos. Mr. Foster commented that the proposal actually increases the amount of green space on the property.

Mr. Voelker expressed some reservations about the proposal. Mr. Cincione expressed his opinion of the importance of public comment. Ms. Troiano asked if they considered including the existing building in the development. Mr. Sullivan stated that they studied it and determined it is not economically feasible. Mr. Sullivan recommended "The Astin" in Victoria Village as an example of another project they have worked on.

Mayor Studebaker reminded Council of the need to consider the entire Village when considering redevelopment of the property. He also reminded them of the number of possibilities which have been considered and which no developer or property owner has been able to bring to fruition to date. The cost of the property and the continuing deterioration are the two most challenging issues.

Mr. Jolson asked if a rent rate has been determined. Mr. Sullivan stated that the final rents are still under consideration with an understanding that the rents must be competitive in the market. Mr. Jolson asked if the Village has adequate sewer capability. Mr. Foster stated preliminary investigation suggests that capacity is adequate.

Ms. McKay encouraged those present to submit written statements for Council consideration.

CONSENT AGENDA

- 1) Receive - Mayor's Court Report, December, 2017
- 2) Receive - Police Report, December 2017
- 3) Receive - Fire Report, December 2017
- 4) Receive - Building permits issued in December, 2017
- 5) Approval - Minutes of the regular, scheduled meeting of December 18, 2017
- 6) Approval - Minutes of the special meeting of January 1, 2018
- 7) Approval - Financial Statements for December, 2017
- 8) Receive - Village Income Tax Report - \$136,801.77
- 9) Receive - Final Holiday party Report

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

MAYOR'S REPORT

Mayor Studebaker reported a new business has moved into 2300 W. Fifth Ave. Council approved an economic incentive to assist with the cost of installing an elevator in the building to make it handicapped accessible.

Mayor Studebaker reported the Tri-Village Chamber Partnership will be holding a "Council / Chamber Meet and Greet" for the Chamber, the Cities of Upper Arlington and Grandview Heights and the Village of Marble Cliff. The event is scheduled for April 12, 2018 from 5:00 to 7:00.

. Mayor Studebaker reported he is an ex-officio member of the Grandview Heights Financial Advisory Committee. This committee is part of the school facilities redevelopment process. He also said there is an opposition group developing.

Mayor Studebaker reported he and several Council members have expressed concerns to the school superintendent regarding the male dominated make-up of the committee along with the lack of diversity of areas represented within Grandview Heights.

Mayor Studebaker introduced the first reading of O-2556-18, An Ordinance authorizing the Fiscal Officer to make a payment of \$1,500.00 to the Tri-Village Chamber Partnership to support the Business Inspires Podcast.

Ms. Troiano recused herself of any discussion or decision regarding Ordinance O-2556-18.

Mayor Studebaker reminded Council the nature of the podcast is to inform and educate businesses within the Tri-Village area which is in keeping with Village study of ways to support local businesses.

No action was taken.

ENGINEER'S REPORT

Mayor Studebaker introduced the first reading of O-2557-18, An Ordinance to codify the new annual Registration Maintenance Fee for Occupancy of Village Rights of Way.

Mr. Ford explained Ordinance O-2557-18 and O-2558-18 are required to maintain the fees related to the Village's Comprehensive Rights of Way codified legislation. The fees are required of all utilities who occupy the Village Rights of Way.

Ms. Troiano moved the rules be suspended. Mr. Jolson seconded. The motion passed unanimously. Ms. Troiano moved the adoption of O-2557-18. Mr. Voelker seconded. The motion passed unanimously.

Mayor Studebaker introduced the first reading of O-2558-18, An Ordinance to codify the 2018 fees for construction permits issued for work in Village rights of way.

Mr. Ford recommended the construction fee be set at \$750. Ms. McKay concurred with Mr. Ford's recommendation. The proposed fee is unchanged from 2017.

Mr. Voelker moved the rules be suspended. Mr. Cincione seconded. The motion passed unanimously. Mr. Cincione moved the adoption of O-2558-18. Mr. Voelker seconded. The motion passed unanimously.

Mr. Ford reported the bid package for the Cardigan Ave. roadway improvements (west of the railroad tracks) will be completed in the next few weeks and the project will be bid in late February. Staff has met with representatives of businesses on Cardigan Ave. to answer questions and to address concerns about the impact of construction on traffic flow.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi reported that Frost Brown Todd has filed its brief regarding the legal challenge by multiple municipalities to House Bill 49 as it allows the state to collect municipal income tax from businesses. The state will file its brief next week and a preliminary injunction hearing is scheduled for February 12th and 13th. The Village of Marble Cliff pays a 1.35% of tax revenue to the City of Columbus for tax administration.

Mr. Ashrawi said he is in conversation with representatives of Paul Falco's estate to determine if there is an opportunity to turn over the administration and investment of the Falco Scholarship to the Columbus Foundation. Mr. Falco's attorney expressed a preliminary opinion that the Columbus Foundation management would be in keeping with the intention of Mayor Falco. Mayor Studebaker is also investigating whether others may be able to make contributions to the Falco Scholarship Fund.

Regardless of any move to the Columbus Foundation, a Falco Scholarship Committee will need to be formed. Grandview Heights schools will need to be notified of the change in chairmanship of the Falco Scholarship Committee.

ADMINISTRATIVE ASSISTANT'S REPORT

Ms. McKay explained the landscaping agreement with Environment Maintenance Inc. approved last year was a two-year agreement. There will be no changes in 2018.

Ms. McKay reported Kay Rieve has been hired as a temporary employee to handle Mayor's Court and other administrative assistant responsibilities. Ms. Rieve has experience in government administrative functions. She will work three days a week and be responsible for Mayor's Court.

Mayor Studebaker reported that the Administrative Assistant job was offered to a qualified candidate who declined the offer due to the lack of benefits. The search will be reopened in the second quarter of this year.

APPROVAL OF BILLS

Mr. Cincione moved approval of the January 2018 bills totaling \$114,638.28. Mr. Voelker seconded. The motion passed unanimously.

Ms. Troiano moved approval of the amended December 2017 bills totaling \$467,765.78. Mr. Voelker seconded. The motion passed unanimously.

FISCAL OFFICER REPORT

Ms. McKay reported all year-end procedures and filings have been completed.

Ms. McKay provided Council a history of the cost of Grandview Heights Service Contract and billables as well as the projected costs based on the 10-year contract agreed to in 2016.

Ms. McKay reported she is working toward expanding the forms and documents created and maintained electronically. She asked Council for concurrence of her recommendation that she be allowed to apply electronic signatures for the Mayor, President of Council, Fiscal Officer and Solicitor to ordinances approved at Council meetings. Council concurred

OLD BUSINESS

Mayor Studebaker introduced the third 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

Ms. Troiano moved the adoption of O-2550-17. Ms. Taylor seconded. The motion passed unanimously

ADJOURN

Mr. Voelker moved the meeting be adjourned. Ms. Troiano seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 9:05 P.M.

Approved by:

Submitted by:

Matthew P. Cincione
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer