

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

At 1600 Fernwood Ave.

May 20, 2019

The Council of the Village of Marble Cliff held its regular, scheduled meeting on Monday, May 20, 2019 in the Village Hall at 1600 Fernwood Ave. at 6:30 pm. Those in attendance were Council Members: Matthew P. Cincione, Marnie Hoag, Matthew R. Jolson, Joanne Taylor, Kendy A. Troiano, and Dow T. Voelker; Mayor, Kent E. Stuebaker; Acting Village Solicitor, Thaddeus Boggs; Village Engineer, Joshua Ford; Administrative Assistant, Judith A. Ciccone; and Fiscal Officer, Cynthia A. McKay. Visitors were present.

Mayor Stuebaker welcomed Thaddeus Boggs representing Mr. Ashrawi.

## VARIANCES AND PERMITS

Mayor Stuebaker introduced the first reading of O-2603-19, An Ordinance granting a Sign Variance to Lamar Advertising of Columbus for the property at 1421 Dublin Road, in the Village of Marble Cliff.

John Williams, Real Estate Manager for Lamar Sign, explained the variance request to install a digital sign on the north side of the billboard at 1421 Dublin Rd. He stated the requested variance is identical to the two variances previously approved by Council several years ago. The company was not able to complete the installation prior to the deadline of one year attached to the previous variance approvals. Mr. Williams stated that he anticipates the digital sign will be installed within the variance time restrictions.

Council discussed ways in which the Village might be able to make use of the digital sign for Village announcements. Ms. McKay reported that the appropriate notifications were sent and she received no comments in favor of or opposition to the variance request.

**Mr. Voelker moved to suspend the rules. Ms. Troiano seconded. The motion passed unanimously. Mr. Jolson moved the adoption of O-2603-19. Ms. Taylor seconded. The motion passed unanimously.**

Mayor Stuebaker introduced the third reading of O-2596-19, An Ordinance approving a Concept Plan, Preliminary Development Plan, and amending the Village of Marble Cliff's zoning Map to rezone +/- 1.25 Acres of land located in the Village of Marble Cliff – Parcel # 143-000066-00 (Commonly known as 2015 West Fifth Avenue) from its current zoning of B-1 Central Business District with a conditional use overlay of "Live/Work" to Planned Development District, as requested by F2 Companies and Dr. Katherine Gardner pursuant to a formal application.

Ms. McKay reviewed the process for moving forward under the Village's Code of Ordinance. She stated that Ordinance O-2596-19 is the portion of the process that rezones the property to a Planned Development District. She stated the third stage is a final plan which would come to Council for administrative approval.

Mr. Cincione expressed his support for the proposal presented by F2 Companies for redevelopment of 2015 West Fifth Ave. He commented that the proposal is well thought out and considerate of the community.

Charles Matthews stated his opinion that the developer should not be allowed to tear down the existing building. Mr. Matthews stated he had spoken with people on the Columbus City Council who stated that the building is historical and should not be torn down. Mayor Stuebaker reminded Mr. Matthews that the proposal under consideration by the Village of Marble Cliff Council retains and restores the existing building and adds a three-story building over underground parking on the rear of the property. Mayor Stuebaker encouraged Mr. Matthews to review the plans that have been available on the Village's web site for three months. Mr. Matthews stated that too many apartments are under construction in central Ohio and he is concerned that the development will not be successful due to the number of apartments available at this time. Mr. Matthews stated he would be supportive of a quality development.

Brian Matthews, 1650 Arlington Ave., asked if any renovations would be done to the existing building. Mayor Stuebaker reviewed the proposal to have four living units in the existing house and to renovate the first floor for common use by the entire development including a visitor's guest suite. Mayor Stuebaker reiterated that the plans are available for review on the Village's web site. Mr. Matthews stated his concern that the development be in keeping with the Village's integrity and appearance.

Helen Miller, 1600 Roxbury Rd., asked Council members whether they had toured the property. Several said they had seen the markings for the proposed building location. Ms. Taylor stated that the information provided by the developer shows few or no other options for positioning the building on the property.

Mr. Jolson stated that the height of the building would be the most significant

issue, but that concerns could be addressed by screening. Ms. Miller stated she cannot do any screening on her property because of sewer lines and she cannot control screening on other properties.

Mr. Voelker stated it would be lovely to find someone who would invest in the property as is, but that does not appear to be a practical option. He stated that there are long-term benefits to the community of the proposed development. Mr. Voelker stated there will be a benefit to having an entire community living on the property to care for the home and the property. He stated he is in favor of the project.

Ms. Miller asked if she could have a taller fence. Mr. Voelker suggested that any request for a higher fence or other changes wait until after the work is done. Mr. Foster stated he is trying to work with Ms. Miller's next-door neighbor to address screening for Ms. Miller's property. Mayor Studebaker reminded all parties that an owner of 2015 West Fifth Ave. could build a 35-foot tall carriage house three feet from the property line without a variance and the Council and the neighbors would have no voice because it would comply with current code.

Mr. Jolson commented that a great deal of give and take has occurred leading up to this point. He noted the developer has addressed many of the concerns raised. Mr. Jolson stated he understands the concerns, but believes that some can be addressed moving forward. Mr. Jolson stated he supports the development with some reservations regarding the CRA based tax abatement.

**Ms. Troiano moved the adoption of O-2596-19. Mr. Cincione seconded. The motion passed unanimously.**

#### CONSENT AGENDA

- 1) Receive - Mayor's Court Report, April 2019
- 2) Receive – Police Report, April 2019
- 3) Receive – Fire Report, April 2019
- 4) Receive – Building permits issued in April, 2019 – None Issued
- 5) Approval - Minutes of the regular, scheduled meeting of April 21, 2019
- 6) Approval - Financial Statements for April, 2019
- 7) Receive - Village Income Tax Report April 2019 – \$117,000.00

**Mr. Cincione moved approval of the Consent Agenda. Ms. Hoag seconded. Council unanimously approved the Consent Agenda.**

#### MAYOR'S REPORT

Mayor Studebaker reported he and Ms. Ciccone will be attending a web presentation at Grandview Heights where the recent Ohio ACLU report on Mayor's Courts will be reviewed and discussed.

Council discussed the ACLU report which is critical of Mayor's Courts in general. Mr. Jolson reported he had seen some specifics in the report on Marble Cliff that are critical. Mr. Jolson said he plans to attend the webinar. Mayor Studebaker stated he received the general report but no specifics on Marble Cliff. Mr. Jolson said he will send the information to the Village.

Mr. Cincione stated he has served as a magistrate for over 20 years and appeared in many Mayor's Courts in representation of clients. He stated the Grandview and Marble Cliff Mayor's Courts are professional and well run. Mr. Boggs commented that ending Mayor's Courts would overload the municipal courts.

Ms. McKay noted that the Village would not be able enforce local code without a Mayor's Court. Municipal Court would not be an effective venue for enforcing local code such as noise restrictions. She commented that, without Mayor's Court, a small municipality might as well abandon local code.

#### ENGINEER'S REPORT

Mayor Studebaker introduced the second reading of R-2600-19, A Resolution, and declaring the necessity to repair certain sidewalks, gutters and driveway aprons in the Village of Marble Cliff and confirming the costs of such repairs to be charged to the owners of properties located at 1334 Arlington Ave., 1406 Cambridge Blvd., and 1885 W. Fifth Ave. in accordance with Section 92.03 of the Codified Ordinances and the Sidewalk

Policy of the Village of Marble Cliff adopted by Village Council on October 15, 2012, and declaring an emergency.

Mr. Ford explained that the resolution allows the Village to assess the costs for sidewalks and aprons to commercial properties and 50% of the cost of aprons to residential properties as permitted under the existing sidewalk policy. The figures provided are calculated based on the formula designated in the sidewalk policy.

**Mr. Jolson moved to suspend the rules. Ms. Hoag seconded. The motion passed unanimously. Ms. Hoag moved the adoption of R-2600-19. Ms. Troiano seconded. The motion passed unanimously. Ms. Troiano moved Resolution R-2600-19 be passed as an emergency for the health and safety of residents and visitors. Mr. Cincione seconded. Roll Call: Mr. Cincione, yes; Ms. Hoag, yes; Mr. Jolson, yes; Ms. Taylor, yes; Ms. Troiano, yes; Mr. Voelker, yes. The motion passed unanimously.**

Mr. Ford left the meeting at this point.

#### SOLICITOR'S REPORT

Mayor Studebaker introduced the second reading of R-2601-19, A Resolution accepting sanitary sewer infrastructure and maintenance responsibility of the same from Franklin County, Ohio.

Mr. Boggs reported that the Franklin County Commissioners have not yet acted on the resolution required to release the Franklin County Main Sanitary Sewer to the Village.

No action was taken.

Mr. Boggs reported the attorneys representing the proposal for PACE Financing for the owners of 1600 Dublin Rd. are moving forward. He anticipates a request for the Village to adopt the necessary legislation will be forthcoming.

Mr. Boggs stated his firm has filed a notice of appeal of the decision regarding the state collection of net profit taxes. The state has 30 days to respond. Then, in 45 to 60 days the Supreme Court will decide if they will hear the case.

#### ADMINISTRATIVE ASSISTANT REPORT

Ms. McKay reported discussions are ongoing with Ray Leard of Innovative Organics.

Ms. McKay reported she contacted SWACO to investigate the availability of grant funds for curbside composting. The SWACO representative stated they have spoken with Grandview Heights about a program. He informed Ms. McKay that Marble Cliff would not be eligible for funds independent of Grandview Heights. Ms. McKay commented that she has not had any contact from Grandview Heights regarding curbside composting.

Ms. McKay met with Patrick Bowman at Grandview Heights and learned that they are not very far down the line with plans. However, Grandview Heights is considering combining curbside compost pick-up with existing city pick-up programs rather than working directly with Innovative Organics.

Ms. McKay reported she has spoken with Bexley and they are pleased with the program. Innovative Organics does provide statistics on the volume of waste (by ton) removed from the landfill under the agreement with Bexley.

#### APPROVAL OF BILLS

**Mr. Cincione moved approval of the May 2019 bills totaling \$82,839.03.**

**Mr. Jolson seconded. The motion passed unanimously.**

**Mr. Cincione moved approval of the amended April 2019 bills totaling \$113,843.09.**

**Ms. Troiano seconded. The motion passed unanimously.**

#### FISCAL OFFICER'S REPORT

Ms. McKay reported she is working with representatives of the 2020 Census to ensure the Village residents are counted accurately. A Census 2020 representative has offered to make a presentation to Council to educate them on the Census 2020 processes and procedures. Council asked Ms. McKay to coordinate and let the representative know

that Council has decided to forgo a presentation. Ms. Taylor suggested that the FAQ with answers be added to our web site.

Mayor Studebaker introduced the first reading of O-2604-19, 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 stated she will have renewal premium information for the June meeting.

No Action was taken.

Ms. McKay reported she attended a seminar on deer control. She reported she learned a great deal. She reported that the experts agree a bow hunting control program is the most effective control is reducing the size of the herd.

Ms. McKay reported she is working with a consultant to identify options to install an electric vehicle charging station. She reported that there are funds available to offset the cost of a station. Ms. McKay stated that there are a number of options for charging costs to users including offering the service for free to residents and charging others. She will report back to Council.

Ms. McKay presented the signs for the multi-purpose trail and reported they are being made and should be ready for installation in the near future.

Mayor Studebaker introduced the first reading of O-2605-19, An Ordinance adopting a budget for the year 2020 for the Village of Marble Cliff.

Ms. McKay provided the budget estimates for Council review. Ms. McKay also reported that this would be the time to increase the Village's inside millage. Council did not express an interest in increasing the inside millage.

No action was taken.

Ms. McKay reported that, under the new transportation budget from the state, jurisdictions may increase their portion of the Permissive Tax by \$5. The Permissive Tax funds the street and highway funds. Ms. McKay did not recommend increasing the Village's Permissive Tax at this time. She stated that an increase could be enacted at any time in the future. Council concurred with the recommendation

#### COUNCIL MEMBERS REPORTS

Ms. Troiano had no report from the Parks and Recreation Board.

Mr. Voelker had no report from the Growing on Tradition Task Force.

Mayor Studebaker reported the Blue Star Mothers Program will take place in Memorial Park in Grandview Heights on the Thursday before Memorial Day.

Mayor Studebaker reported the Marble Cliff Mile run will take place on Friday night of Memorial Day weekend

#### OLD BUSINESS

Mayor Studebaker introduced the second reading of O-2602-19, An Ordinance authorizing the Mayor to execute the Community Reinvestment Area Agreement between the Village of Marble Cliff and F2 Companies.

Mayor Studebaker stated the Grandview Heights City School Board has not reviewed the request. The board has sent the request to its Finance Committee for review prior to presentation of the request and the committee's recommendation to the entire board.

Mayor Studebaker stated the Council is to address what is good for the Village and allow the school board to determine what is good for the school district. Mayor Studebaker has made himself available to the school board Finance Committee to answer questions or provide additional information.

Ms. McKay provided a copy of a letter received by Mr. Jolson from a Village resident regarding the proposed abatement. Mr. Jolson expressed his concerns about the amount of the tax abatement offered under the CRA. Mr. Jolson stated he has reviewed Mr. Foster's "numbers". Mr. Jolson stated, and Mr. Foster confirmed, the project is not "doable" without the tax abatement. Mr. Jolson said he understands that the property is in need of improvement. In talking with residents, he confirms that residents are in favor of the project, but some are not in favor of a tax abatement.

Mayor Studebaker reminded Council that the tax abatement does not affect individual residents. He also noted that the property continues to be reduced in value by the county (at the request of the current owner) which negatively affects all recipients of property taxes. Mayor Studebaker noted that Grandview Heights has not given 100% abatements to residential development in Grandview Yard because the schools have been compensated by the City of Grandview Heights through the significant increase in payroll taxes collected by Grandview Heights.

Mayor Studebaker stated the developer has offered some PILOT payments (Payment in Lieu of Taxes) that would hold the schools tax receipts at their current – 2019 – level. The Village is not a party to PILOT agreements. Mayor Studebaker also noted that renovation of the existing building allows a 12-year abatement and the new construction would be 15 years.

Ms. McKay stated she is available to answer questions from residents or provide additional information to Council members.

ADJOURN

**Ms. Troiano moved to adjourn the meeting. Ms. Hoag 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