

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

At 1600 Fernwood Ave.

August 19, 2019

The Council of the Village of Marble Cliff held its regular, scheduled meeting on Monday, August 19, 2019 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, Joanne Taylor, Kendy A. Troiano, and Dow T. Voelker; Mayor, Kent E. Studebaker; Village Solicitor, Yazan Ashrawi; Village Engineer, Joshua Ford; Administrative Assistant, Judith A. Ciccone; and Fiscal Officer, Cynthia A. McKay. Visitors were present.

## VARIANCES AND PERMITS

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.”**

Mr. Ashrawi reviewed the guidelines for Council approval of a variance.

Mayor Studebaker introduced a request from 2150 Marble Cliff Office Park LLC to replace the existing temporary sign with a permanent sign. Mayor Studebaker noted that the temporary sign has been in place for many years. Mayor Studebaker also noted that the sign would have information regarding the businesses located at 2100 Marble Cliff Office Park

Steve Moore, representing Moore Sign Company, presented the proposed sign for Council review. Ms. McKay reported the office has not received any comments in favor of or opposition to the proposed sign. Ms. McKay reported the sign would be placed in the same location as the temporary sign. She noted the overall sign is slightly larger than the temporary sign but the portion that includes the business information is slightly smaller.

Mayor Studebaker noted that the variance includes the size of the sign as well as the “off premises” nature of the sign.

**Mr. Voelker moved approval of the request for a sign variance for 2150 Marble Cliff Office Park as presented in the variance application. Ms. Taylor seconded. The motion passed unanimously.**

Mayor Studebaker introduced a request from First Community Church for a sign variance to permit a lighted sign on their property at 1320 Cambridge Blvd. The proposed sign has static changeable copy lighted from behind. He also stated the proposed sign would be in addition to the existing sign and not a replacement for the existing sign.

Mr. Moore, representing Moore Sign Company, introduced Paul Anderson from First Community Church to explain the request. Mr. Anderson noted the property is very long and there is no signage at the south end of the property at W. First Ave. where the recently constructed “welcome center” is located. The goal is to make the welcome center the main entrance of the building during the week. Mr. Anderson also noted the existing sign does not provide any information beyond the name of the church.

Ms. Hoag asked how information is communicated currently. Mr. Anderson stated that word of mouth, the web site and social media is used. Those vehicles do not necessary reach those who are not members or actively involved.

Ms. Troiano asked why the sign would require lighting. Mr. Anderson stated the church would like to have a sign presence into the evening hours. Ms. Troiano asked if the church had discussions with the neighbors prior to the notice mailed by the Village. Mr. Anderson said, “No.”

Ms. Taylor stated she has received negative comments from most of the church’s neighbors. Ms. Troiano reported she has spoken with neighbors who are opposed to the sign. Mr. Moore asked if the opposition is to a lighted sign or to the sign in its entirety. Ms. Troiano confirmed that the people she has spoken to do not want a new sign of any sort on the property. Ms. Troiano noted that the building is in the midst of residential unlike the church’s north property in Hilliard.

Mr. Moore stated his understanding that signs up to 15 square feet are permitted. Ms. McKay explained that signs are permitted in the business districts. However, no signs are permitted in the R-1 Residential District.

Mr. Anderson asked if the existing sign were removed and the lighting was taken from the proposed sign, could they receive approval. Mayor Studebaker said an alternative would be considered. Ms. Troiano stated, based on feedback to date, she is not willing to approve a sign for the property.

Mayor Studebaker suggested that the property owner reconsider their options and

discuss the options with the neighbors. Mr. Anderson asked if such an action would be supported. Mayor Studebaker and Mr. Voelker said a meeting with neighbors would be appreciated and supported by the Village.

Jon Browning and Pam Browning stated their opposition. Mr. Browning stated that a sign does not protect the character of the residential neighborhood. He stated that he is unable to identify the "hardship" that the sign would alleviate. Mr. Voelker said that the church is also a longstanding part of the community and Council has an obligation to consider their needs as well. He stated that a discussion with neighbors is part of considering the church's needs as well as the residential concerns. Mr. Browning stated he does not want the church to have multiple discussions. He wants to know why the church needs additional signage to do their work. Mr. Browning stated he wants to see more detail.

Ms. Browning stated that a lighted sign would only add to the light pollution currently produced by the property. She stated the property is lit at all hours of the night. Ms. Browning stated "typical behavior" would be for the church to have talked to neighbors. The meeting should not be the first time neighbors hear about the process.

Mr. Anderson stated he was not given any instruction to talk to neighbors. Mayor Studebaker stated that the church has had enough experience with changes and variances to know that discussion with the neighbors is always recommended.

Mayor Studebaker recommended that the church meet with neighbors as a group if they intend to move forward with a sign request.

No action was taken.

Mayor Studebaker introduced a request from Alicia and Nic Gaston for a one foot side yard setback variance and a lot coverage variance for the property at 1991 W. Third Ave.

Ms. Gaston explained that the request for a one-foot encroachment into the 15-foot west side setback would allow a proposed addition to the house. She noted the existing house already encroaches approximately a foot and a half into the side yard setback.

Ms. McKay confirmed that no support for or opposition to the variance request was received at Village Hall. Mr. Jolson asked if the variance and construction had been discussed with surrounding neighbors. Ms. Gaston confirmed that she or her husband had spoken to the surrounding neighbors and no opposition was expressed.

Ms. McKay stated the addition would create lot coverage over 40%. The variance request is for 41% to allow for any construction variance.

**Mr. Voelker moved approval of the request for a side yard setback variance and a lot coverage variance for the property at 1991 W. Third Ave. as presented in the application. Ms. Hoag seconded. The motion passed unanimously.**

**Mr. Cincione moved approval of a demolition permit for 1991 W. Third Ave to allow the removal of a shed, a deck and portion of the rear of the house to accommodate an addition to the house. Mr. Jolson seconded. The motion passed unanimously.**

#### VISITORS

Ms. McKay presented information regarding the possible installation of solar panels to provide solar power to the Village Hall and the street lights in the north portion of the Village. Ms. McKay contacted EcoHouse for information. A quote has been provided. Michael Brennan from EcoHouse was present to answer questions. Ms. McKay stated she is in the process of getting additional proposals.

Ms. McKay reviewed the cost and capabilities of a system.

Ms. McKay noted that currently Grandview Heights and Marble Cliff only allow solar panels on the non-street side of properties. She also noted that there have been several inquiries from residents interested in having solar panels

Ms. McKay asked Council to provide feedback as to whether to move forward with a proposal for installation of solar power. Ms. Troiano asked about maintenance. Mr. Brennan, from EcoHouse, stated that there are no moving parts and no maintenance cost for the system. He stated the system can be monitored through an app and any anomalies can be addressed - in most cases under the warranty. Mr. Brennan stated that the system

would offset 90% of the electrical cost of the street lights.

Mr. Jolson asked what other municipalities Mr. Brennan has worked with.

Mr. Brennan stated he has worked with Delaware, Newark, Yellow Springs and Bexley. Mr. Brennan will provide a list of references. Ms. McKay also noted that damage from a storm would be covered under insurance currently carried by the Village. Ms. McKay will confirm that with the Village's insurance carrier. Ms. McKay will check municipal references. Mr. Jolson asked for staff to gather additional quotes.

Mr. Ford asked if the Village Hall would need additional structure support and whether the Village Hall would require any electrical updates. Mr. Brennan stated a structural review will be part of the process, but he does not expect there would be need for addition structure. He also stated that an electrical engineer will make a review, but based on initial review the existing electrical service is adequate. Mr. Ford asked if the roof should be replaced prior to solar panel installation. Mr. Brennan stated that his review of the roof does not indicate a need for replacement. The existing shingles are a 40 year lifetime shingle. Ms. McKay reminded Council that the roof was replaced within the last 10 to 12 years following a significant hailstorm.

Council expressed their desire for staff to gather more information and bring a proposal to Council. Mayor Studebaker also stated that staff would appreciate feedback on the current policy regarding the need for solar panels to be hidden from the street.

#### CONSENT AGENDA

- 1) Receive - Mayor's Court Report, July 2019
- 2) Receive - Police Report, July 2019
- 3) Receive - Fire Report, July 2019
- 4) Receive - Building permits issued in July, 2019
- 5) Approval - Minutes of the regular, scheduled meeting of July 17, 2019
- 6) Approval - Financial Statements for July, 2019
- 7) Receive - Village Income Tax Report June 2019 - \$151,159.34.

**Ms. Troiano moved approval of the Consent Agenda. Ms. Taylor seconded. Council unanimously approved the Consent Agenda.**

#### MAYOR'S REPORT

Mayor Studebaker reported the tax abatement request for 2015 W. Fifth Ave. is still pending before the Grandview Heights School Board. He stated the school board is waiting for the results of review and recommendation from their attorney. Mayor Studebaker reported he continues to be in discussion with the developer and school officials.

Mayor Studebaker reported the Tri-Village Chamber Partnership is looking for support for their podcast. Mayor Studebaker reviewed the podcasts produced over the past year since the Village first provided financial support. Council discussed the benefits of the podcast including support of local businesses.

**Mr. Voelker moved The Village continue support of the Tri-Village Chamber Partnership podcast pending final approval of necessary legislation to authorize the expenditure of funds. Ms. Taylor seconded. The motion passed unanimously.**

#### ENGINEER'S REPORT

Mr. Ford reported the street project is complete including striping. He stated there are a few punch list items to be addressed.

Mr. Ford reported the sewer project is approximately half finished. Weather permitting, the project will be done in a week or two.

Mr. Ford left the meeting at this point.

#### SOLICITOR'S REPORT

Mr. Ashrawi reported the Ohio Supreme Court has agreed to hear the case involving the multiple municipality challenge to the state of Ohio's change in municipal

income tax collection.

#### APPROVAL OF BILLS

**Ms. Troiano moved approval of the August 2019 bills totaling \$116,138.54.**

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

**Mr. Jolson moved approval of the amended July 2019 bills totaling \$117,773.18.**

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

#### FISCAL OFFICER'S REPORT

Ms. McKay reported she is continuing to work with Ray Leard regarding curbside composting.

Ms. McKay presented a disposal list of obsolete and unnecessary items owned by the Village. She noted that all items will be disposed of properly or taken to Goodwill if they have value to Goodwill.

**Mr. Jolson moved approval of the August 19, 2019 Disposal List. Ms. Taylor seconded. The motion passed unanimously. (Approved list attached to minutes)**

Mayor Studebaker introduced the first reading of O-2609-19, An Ordinance authorizing the Fiscal Officer to execute a depository agreement for active, interim and/or inactive public funds with First Federal Bank for the Village of Marble Cliff.

Ms. McKay stated Larry McGraff, formerly with Huntington Bank, approached the Village to open a relationship with First Federal Bank. Mr. McGraff was involved in the refinancing the Village's bond several years ago.

Ms. McKay stated she would like to have an additional option for investing. Mr. Jolson asked if the Fiscal Officer intends to changes banking. She stated the checking accounts will remain with First Merchant Bank. A depository agreement would add a new investment option for the Village. Ms. McKay reviewed the current investment options. Ms. McKay stated the Investment Advisory Board establishes the Village's investment policies.

No action was taken.

#### COUNCIL MEMBER REPORTS

Mr. Jolson reported that a significant number of raccoons are creating a problem. Currently one of his neighbors is working with Critter Control at his own expense. Mayor Studebaker stated that the Village did contract with Critter Control at one time but discontinued the service for several reasons including cost and a concern from some neighbors that captured raccoons are euthanized.

#### OLD BUSINESS

Mayor Studebaker introduced the fifth 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.

No action was taken

#### NEW BUSINESS

Ms. McKay reported that the office has received several inquiries regarding the possible purchase of properties to be marketed as Airbnb's. One property under consideration is located in the Residential District on Arlington Ave. The other property is 1943 W. Fifth Ave. in the Central Business District.

Ms. McKay reported she discussed the requests with Mr. Ashrawi and he concurred that the current residential district zoning would not allow a property be used as a short-term rental. "Short-term" is typically defined as less than 30 days. Ms. McKay stated she and Mr. Ashrawi agreed that current zoning would not prevent a resident from offering a single room for rent while the owner maintains the property as their primary residence.

Ms. McKay noted "lodging" is a conditional use that could be allowed with the approval of Council. She reported that Upper Arlington does not allow Airbnb's in residential areas. Grandview is currently having issues with several Airbnb's in their residential area.

Ms. McKay noted that an Airbnb would eliminate income tax currently collected from individuals working at the location. However, income tax would be paid by the property owner if there is profit at the location. Council discussed options for a bed tax and/or permitting and licensing.

Mayor Studebaker noted that the Village Code lists permitted and conditional uses rather than specifying what is not permitted. Mr. Ashrawi stated that he believes the code would currently block an Airbnb or short term rental in the residential district. An Airbnb in the Central Business District would require Council Approval.

Council determined that no action is necessary at this time.

Mayor Studebaker reported the historical society's Tour of Homes on October 6, 2019. Marnie and Bobby Hoag's home and the Kukura's home will be part of the tour. Mayor Studebaker noted that volunteers would be welcomed.

ADJOURN

**Ms. Troiano moved to adjourn the meeting. Ms. Hoag seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 8:55 P.M.**

Approved by:

Submitted by:

Matthew P. Cincione  
Council President Pro Tem

Cynthia A. McKay  
Fiscal Officer