

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

At 1600 Fernwood Ave.

November 18, 2019

The Council of the Village of Marble Cliff held its regular, scheduled meeting on Monday, November 18, 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

Mayor Studebaker introduced a request for a Conditional Use Variance from Matthew Mnich, owner of 1450 Dublin Rd.

Mr. Mnich stated he had recently signed a lease with Inquiry Systems. Inquiry Systems performs warehousing and fulfillment services for various clients. The business was previously located in Grandview Heights. Mr. Mnich stated that warehousing is a Conditional Use under the Village Code of Ordinances and requires a variance approved by Council.

**Mr. Voelker moved approval of a Conditional Use Variance for the property at 1450 Dublin Road to permit warehousing by Inquiry Systems. Ms. Taylor seconded. The motion passed unanimously.**

Mayor Studebaker introduced a request from Beth Hanson, owner of 1980 W. Third Ave., to permit the installation of solar panels on the south facing roof of the house on the property. A proposal was included documenting the necessity of placing the solar units on the street facing side of the roof. Ms. McKay confirmed the panels would be all black without white edging. Ms. McKay also confirmed the request is in keeping and compliance with the solar panel legislation currently under consideration by Council.

**Mr. Cincione moved approval of the request for solar panel installation on the street side roof of the property at 1980 W. Third Ave. in the Village of Marble Cliff as presented in the application. Ms. Hoag seconded. The motion passed unanimously.**

Mayor Studebaker introduced the first reading of O-2621-19, An Ordinance granting a lot split to Riverside 10 LLC for Parcel Number 143-000152 In the Village of Marble Cliff.

Mayor Studebaker reminded Council the development proposal for the new parcel was presented at the October Council meeting. The ordinance would allow the corner of 1600 Dublin Rd and West Fifth Ave. to be split off from the current parcel for sale and development.

Mayor Studebaker noted that the necessary survey and parcel description have been attached to the ordinance as well as the ingress / egress plan for the new parcel.

Mr. Ashrawi stated the Village must approve the request that is then approved and recorded by Franklin County. Mayor Studebaker stated that Council will have another opportunity to review construction on and use of the property.

**Ms. Troiano moved to suspend the rules. Mr. Voelker seconded. The motion passed unanimously. Mr. Jolson moved the adoption of O-2621-19. Ms. Troiano seconded. The motion passed unanimously.**

## OLD BUSINESS

Mayor Studebaker introduced the eighth 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 reviewed the developer's original request for a 100% tax abatement that was sent to the Grandview Heights School Board for review as required by state law. The school board, after six months of review, rejected the request for a 100% tax abatement and countered with a request for a 55% tax abatement to be accompanied by several payments in lieu of taxes over the fifteen-year abatement period.

Mayor Studebaker reported the developer determined the school proposal was unacceptable and revised their request to a 50% abatement over fifteen years. A 50% abatement does not required school board approval. However, the school board was notified of the revised request as required by state law. Mr. Ashrawi reviewed the necessary amendments to the ordinance.

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 hearing will be the truth and the whole truth and nothing but the truth?”** Those standing responded **“Yes.”**

Ms. Taylor asked if the change in the abatement will affect the quality and size of the development. Mr. Foster, F2 Companies, stated they have brought an additional investor into the project that will allow them to move forward with the project as presented and approved with the lower tax abatement.

Ms. McKay stated the office has not received any response from the Grandview Heights School Board regarding the notification of the change in the amount of abatement.

Council discussed that the school would see increased tax revenue from the property based on the estimated value of the sale.

Mr. Cincione asked Mr. Foster to explain the need for the abatement. Mr. Foster explained the tax abatement helps the development be competitive with other residential development in nearby communities. Additionally, the Village's decision to reduce the number of units and maintain the original house on the property makes the development significantly more expensive and the tax abatement eases the impact of the decision to save the existing house.

Mr. Voelker stated his opinion that the house on the property is worth the cost of the tax abatement to maintain and improve. Ms. Taylor concurred that the house is a value to the community and worth maintaining.

Mayor Studebaker recognized Eric Bode, member of the Grandview Heights School Board. Mr. Bode thanked Council for their discussion and consideration of the request for tax abatement. He stated the revised request was discussed at the most recent board meeting and the school board is pleased with the outcome.

**Mr. Cincione moved O-2602-19 be amended to remove the seventh “Whereas” referencing action by the Grandview Heights School District Board of Education and changing all references to a 100% abatement to a 50% abatement. Ms. Troiano seconded. The motion passed unanimously. Mr. Voelker moved the adoption of O-2602-19 as amended. Ms. Taylor seconded. The motion passed unanimously.**

#### CONSENT AGENDA

- 1) Receive - Mayor's Court Report, October, 2019
- 2) Receive – Police Report, October, 2019
- 3) Receive – Fire Department Report, October, 2019
- 4) Receive – Building Permits Issued, October 2019
- 5) Approval - Minutes of the regular, scheduled meeting of October 21, 2019
- 6) Approval - Financial Statements for October, 2019
- 7) Receive - Income Tax Report for October, 2019 - \$193,232.02
- 8) Summary of staff actions October 21-November 16, 2019

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

#### MAYOR'S REPORT

Mayor Studebaker reported he met with Brad DeHays, owner of 1400 Dublin Rd., to discuss the future of his companies at 1400 Dublin Rd. Mr. DeHays plans to move some of his staff to a new downtown location. However, he is maintaining offices in the Village – including his personal office – for the near future.

Mayor Studebaker reported he spoke with development representatives of Grandview Heights and Upper Arlington regarding the proposed AEP expansion of electrical facilities at the intersection of Dublin Rd. and W. First Ave. Mayor Studebaker commented that the larger community is not as well informed about the project and encouraged Council members to continue to educate others about the proposed development.

### ENGINEER'S REPORT

Mr. Ford reported the project to "lift and grind" sidewalks in the Village is complete.

Mayor Studebaker introduced the first reading of O-2619-19, An Ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Burgess & Niple, Inc. for professional engineering services for the 2020 Sewer Rehabilitation Project for the Village of Marble Cliff.

Mr. Ford explained the proposed work will be part of the ongoing efforts to fully maintain Village storm and sanitary sewers.

**Mr. Jolson moved to suspend the rules. Ms. Troiano seconded. The motion passed unanimously. Ms. Hoag moved the adoption of O-2619-19. Ms. Taylor seconded. The motion passed unanimously.**

Mr. Ford left the meeting at this point.

### SOLICITOR'S REPORT

Mr. Ashrawi had no report for Council.

EXECUTIVE SESSION - ORC Section 121.22(G)(2), Purchase or Sale of Property and ORC Section 121.22(G)(3), Pending or Imminent Court Action

**Mr. Cincione moved that Council move into Executive Session as allowed by Ohio Revised Code Section 121.22(G)(2) and 121.22(G)(3). Mr. Voelker 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. Cincione moved Council adjourn from Executive Session and reconvene in the public meeting. Mr. Jolson seconded. The motion passed unanimously.**

### ADMINISTRATIVE ASSISTANT REPORT

Ms. Ciccone reported she met with Chris Ahlum from Ahlum & Arbor for direction and suggestions for designing a walking path in Tapy Woods that would provide an opportunity for planting of trees in memory or honor of individuals. Mr. Ahlum stated his support for the idea and will develop a plan for review by staff and Council.

Ms. McKay and Ms. Ciccone reviewed a recent Mayor's Court case involving a dog that attacked and seriously injured another dog. Ms. McKay reported the case has been continued as the legal and financial issues are addressed between the involved parties and the court. Staff is also looking at options for strengthening Village code.

The incident has revealed a number of problems with this dog for neighbors, postal carriers, and paper delivery personnel regarding this particular dog. However, none of the previous problems were elevated to a filed complaint through the police department.

### APPROVAL OF BILLS

**Ms. Hoag moved approval of the November 2019 bills totaling \$367,031.64. Ms. Troiano seconded. The motion passed unanimously.**

**Ms. Troiano moved approval of the amended September 2019 bills totaling \$89,358.38. Ms. Hoag seconded. The motion passed unanimously.**

### FISCAL OFFICER'S REPORT

Ms. McKay reported plans are being finalized for the electrical vehicle charging stations at Village Hall. Ms. McKay stated she believes the stations will be operational by the end of the year.

Mayor Studebaker introduced the second reading O-2614-19, 2020 Annual Appropriation Ordinance.

No action was taken.

OLD BUSINESS – Cont.

Mayor Studebaker introduced the second reading of O-2615-19, An Ordinance adding section 154.065 – Solar Panels – to the Code of Ordinances of the Village of Marble Cliff, Ohio.

Council recommended staff modify the language to include a requirement for notification of property owners within 100 feet of the property applying for solar panels as described in the proposed legislation.

No action was taken

Mayor Studebaker introduced the second reading of O-2616-19, An Ordinance authorizing an agreement with Charles Kelsey to provide Mayor's Court Magistrate Services for a one-year period from January 1, 2020 Through December 31, 2020.

No action was taken

Mayor Studebaker introduced the second reading of R-2617-19, A Resolution adopting the Franklin County Natural Hazards Mitigation Plan.

No action was taken.

NEW BUSINESS

Mayor Studebaker introduced the first reading of O-2620-19, 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, 2020 through January 31, 2021.

Ms. McKay stated there would be no increase over 2019 in professional legal fees.

No action was taken

ADJOURN

**Ms. Troiano moved to adjourn the meeting. Ms. Taylor seconded. The motion passed unanimously. Mayor Studebaker adjourned the meeting at 9:35 P.M.**

Approved by:

Submitted by:

Matthew P. Cincione  
Council President Pro Tem

Cynthia A. McKay  
Fiscal Officer