

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

At 1600 Fernwood Ave.

June 15, 2020

The Council of the Village of Marble Cliff held its regular, scheduled meeting on Monday, June 15, 2020 at 7:00 pm. at Our Lady of Victory Parish Hall located at 1559 Roxbury Rd. in the Village of Marble Cliff. Those in attendance were Council Members: Marnie Hoag, Matthew R. Jolson, Jeffery Smith, Joanne Taylor, and Dow T. Voelker; Mayor, Matthew P. Cincione; Yazan S. Ashrawi, Village Solicitor; Joshua Ford, Village Engineer; Administrative Assistant, Judith Ciccone, and Fiscal Officer, Cynthia A. McKay. Visitors were present.

Mr. Voelker moved Kendy A. Troiano be excused. Mr. Jolson seconded. The motion passed unanimously.

PUBLIC HEARING

Mayor Cincione opened the Public Hearing and introduced the third reading of O-2630-20, An Ordinance adopting a Budget for the Year 2021 for the Village of Marble Cliff.

No one present rose to speak to the 2021 budget. Ms. McKay reported no comments were received at Village Hall regarding the budget for 2021. Mayor Cincione closed the Public Hearing.

Mr. Voelker moved the adoption of O-2630-20. Ms. Hoag seconded. The motion passed unanimously.

VISITORS

Mr. Ashrawi asked all in attendance who intended to offer testimony on the variance request 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.”**

Mayor Cincione introduced the first reading of O-2636-20, An Ordinance approving a use variance to Riverside LLC for 2174 W. Fifth Ave. in the Village of Marble Cliff.

Mayor Cincione introduced Robert Meyers, owner of 1275 W. Fifth Ave. and John Behal, representing Behal Sampson Dietz Architecture & Construction.

Mr. Behal explained the use variance request for 2175 W. Fifth Ave. would allow the former uninterrupted power source building to be repurposed for commercial use. The requested uses would allow the building to be used for retail, estate appraisal & sale, art gallery, and/or day care. The building faces on Fifth Ave. and was recently issued a separate address. The plan is to put an awning over the door to help identify the appropriate entrance. There are no plans to change uses in the balance of the 1600 Dublin Rd. property from those currently approved by Village code.

Mr. Behal noted the use options proposed for 2175 W. Fifth Ave. are complementary to the current use of the building. The location's busiest days would be Thursday and Friday with the highest parking concentration on Saturday and Sunday when the other offices are not occupied.

Mr. Behal stated a tenant is lined up for the building. The prospective tenant performs estate appraisals and resale/retail. However, the request for day care is included because childcare would be an excellent addition to the property if the prospective tenant closes or moves to a different location.

Ms. McKay stated that no comments in favor of or opposition to the variance request were received at the Village Hall.

Mr. Meyers stated occupancy should occur between mid-July and August 1, 2020

Mr. Jolson asked if anyone has concern regarding the increased traffic affecting the safety of the multi-purpose trail. Mr. Meyers commented that the limited hours should limit additional traffic, but said he would like to have a couple of months of operation at 2175 W. Fifth Ave. to determine if there are problems or concerns. He stated he would want to do everything necessary to protect path users.

Mr. Smith asked if the use variance will change the nature of the property. Mr. Behal stated that the building is currently vacant. The plan would change the 2800 square feet space from unoccupied into usable space. Mr. Meyers stated he has no intention of changing the use of the balance of the property from the current permitted uses. He said he is sensitive to the use of the property and spent considerable time and effort identifying a business that is a good fit to the property and the community.

Mr. Voelker moved to suspend the rules. Ms. Hoag seconded. The motion passed unanimously. Ms. Hoag moved the adoption of O-2636-20. Ms. Taylor seconded. The motion passed unanimously.

CONSENT AGENDA

- 1) Receive - Mayor's Court Report, May, 2020
- 2) Receive – Police Report, May, 2020
- 3) Receive – Fire Report, May, 2020
- 4) Receive – Building Permits Issued, May 2020
- 5) Approval - Minutes of the regular, scheduled meeting of May 20, 2020 and special meeting of June 3, 2020
- 6) Approval - Financial Statements for May, 2020
- 7) Receive - Falco Scholarship thank you note - Sterneker

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

MAYOR'S REPORT

Mayor Cincione reported he has been in regular contact with Grandview Heights Mayor Kerns regarding recent demonstration and protest activities in central Ohio. He reported the GHPD were utilized over the past few weeks.

Mayor Cincione reported he participated in the Memorial Day veterans' vehicle parade from the Parks and Recreation Building to Memorial Park. The Mayors presented remarks and the Roll of Honored Dead were read. He said the service was nice despite the social distancing requirements and a light rain.

Mayor Cincione reported flags were put out throughout the Village for Memorial Day. Those flags will remain through the 4th of July holiday.

Mr. Voelker asked staff to invite the new Police Chief and new Fire Chief to a future meeting. Ms. McKay stated staff has already had a discussion with the Fire Chief and he expressed his interest in attending a Council meeting.

ENGINEER'S REPORT

Mayor Cincione stated the process for removal of the traffic light has been ongoing for several weeks starting with the posting of the "Traffic Light Under Consideration for Removal" sign then moving to a blinking light with the four way stop signs. The entire process will take several months.

Mayor Cincione stated that recently there have been discussions regarding conducting a survey for opinions regarding the removal of the traffic light. He stated his position that the process underway allows public comment and that making contact to elected officials and staff is very easy.

Mr. Ford stated 90 days is standard for a state route, but the Village has more flexibility to study the process for more or fewer days. Ms. McKay stated the light will not be removed until tree branches blocking the stop signs are cleared. Mr. Jolson suggested the stop signs have solar blinking lights added. Mr. Ford stated the surrounding trees might limit the effectiveness of the solar panels. Mayor Cincione notified the police department to monitor the intersection.

Council had a brief discussion regarding options to make Village agendas or surveys more readily available to residents through emails. Mayor Cincione and Ms. McKay commented that not everyone is on the Village's email distribution system. Mr. Voelker reviewed the legislative procedures in Ohio that is different from a survey driven or town hall process such as some traditional New England municipalities follow. Mr. Smith stated the survey process is an information gathering process not a legislative determinative process. Mr. Jolson stated that modernizing communication would help our small community remain better informed.

Ms. McKay reviewed the blast email process through Grandview Heights. The people enrolled in the program are responsible for enrolling and maintaining up to date email information. The specific enrollee information is not available to the Village.

Mr. Ford reported the 2020 sewer project is moving forward on schedule. The notice to proceed set July 6, 2020 as the start date. Under the contract, the work must be completed within 120 days.

Mayor Cincione stated that he might have Mr. Ford contact Mr. Ahlum regarding the drainage issues in Tarp Woods.

Mr. Ford left the meeting at this point.

SOLICITOR'S REPORT

Mr. Ashrawi reported there are three pieces of legislation to address the request of the property owner of 1600 Dublin Rd. for PACE Financing. PACE allows a property owner to secure loans for green improvements using self-imposed property tax for repayment of the loan. The county auditor collects the payment, remits the payment to the Village that then remits the payment to the lender. The legislation was introduced in 2018 then tabled while loan amounts and other details were negotiated. Mr. Ashrawi stated the legislation is now complete and ready for consideration by the Council.

Mr. Ashrawi reported the Village serves as a conduit in the process. The Village has some administrative functions and will be compensated annual for administrative expenses.

Mr. Meyers commented that he believes the legislation creating PACE Financing is one of the most effective programs for "green" improvement of properties.

Mr. Voelker moved to take Resolution R-2580-18, Ordinance O-2581-18, and Ordinance O-2582-18 off the table for consideration. Ms. Taylor seconded. The motion passed unanimously.

Mayor Cincione introduced sixth reading of R-2580-18, A resolution to approve the Petition for Special Assessments for Special Energy Improvement Projects Under Ohio Revised Code Chapter 1710 and Approve the necessity of acquiring, installing, equipping, and improving certain public improvements in the Village of Marble Cliff, Ohio in Cooperation with the Columbus Regional Energy Special Improvement District (1600 DUBLIN ROAD Project).

Mr. Jolson moved the adoption of R-2580-18. Ms. Hoag seconded. The motion passed unanimously.

Mayor Cincione introduced the sixth reading of Ordinance O-2581-18, An Ordinance to determine to proceed with the acquisition, installation, equipping, and improvement of certain public improvements in the Village of Marble Cliff, Ohio in cooperation with the Columbus Regional Energy Special Improvement District.

Ms. Hoag moved the adoption of O-2581-18. Ms. Taylor seconded. The motion passed unanimously.

Mayor Cincione introduced sixth reading of Ordinance O-2582-18, An Ordinance to Levy Special Assessments for the Purpose of Acquiring, installing, equipping, and Improving Certain Public Improvements in the Village of Marble Cliff, Ohio in Cooperation with the Columbus Regional Energy Special Improvement District; and authorizing the Mayor and the Fiscal Officer to enter Into an energy project cooperative agreement and a special assessment agreement.

Ms. Hoag moved the adoption of O-2582-18. Ms. Taylor seconded. The motion passed unanimously.

Ms. Hoag agreed to serve as the Village's legislative representative to the Columbus Regional Energy Special Improvement District.

ADMINISTRATIVE ASSISTANT REPORT

Ms. Ciccone reported the Falco Park climbing structure is scheduled for installation on August 24, 2020.

Ms. Ciccone stated Mayor's Court is schedule to begin holding sessions on July 20, 2020.

APPROVAL OF BILLS

Ms. Hoag moved approval of the May 2020 bills totaling \$88,716.11. Mr. Jolson seconded. The motion passed unanimously.

Mr. Voelker moved approval of the June 2020 bills totaling \$90,039.90. Ms. Hoag seconded. The motion passed unanimously.

Mr. Voelker moved approval of the amended April 2020 bills totaling \$85,241.17. Ms. Taylor seconded. The motion passed unanimously.

FISCAL OFFICER'S REPORT

Ms. McKay reported she has reviewed the availability of Care Act Funds through the state and has concluded the Village does not have eligible costs related the health pandemic. Mr. Ashrawi stated his agreement with the Fiscal Officer's understanding of the types of expenses that would be eligible for Care Act Funds.

COUNCIL MEMER REPORTS

Ms. Taylor reported she is organizing community activities for the 4th of July weekend. Ms. Taylor stated there will be a socially distance appropriate movie in Falco Park on July 3rd.

Ms. Taylor stated that on Saturday morning, July 4, 2020 Cambridge Blvd. will be closed between W. First Ave. and W. Third Ave. The first event will be bike decorating and a bike/scooter parade. The parade will be followed with sprinklers set up for the children to run through. The event will conclude with an adult / child water gun battle.

Council approved the event. Staff will arrange for barricades to be delivered to close the roads and will notify the police and fire departments of the road closures.

OLD BUSINESS

Mayor Cincione introduced the second reading of O-2635-20, An Ordinance accepting a Proposal from Ahlum and Arbor for design and installation of the Studebaker Grove at the Tarp Woods Park.

Mr. Smith stated he met with residents, the Mayor and Chris Ahlum to discuss the proposal for Tarp Woods. He stated he likes the park the way it is and his opinion that the opinions of the residents most impacted by changes in the park should carry the most weight. Mr. Smith suggested the Studebaker Grove should be placed at the trailhead and there should be no new path installed in the park.

Mayor Cincione reported he walked the park with Mr. Ahlum to consider options. He stated the first thing to be addressed is excessive drainage and erosion. Next, the need for space to turn around on the road should be addressed. Mayor Cincione stated the residents are opposed to a path south of the Picazzo property but, he is in favor of a meandering path that someone with limited mobility could pull to a point and look at the trees. Mayor Cincione confirmed Mr. Ahlum stated that 6 or 8 trees could be added near the entrance to the trailhead. Mayor Cincione suggested the bench at the trailhead needs to be replaced.

Mr. Voelker suggested the drainage, trailhead, and bench should be addressed now along with a plan to plant some trees near the park entrance and then the other issues can be addressed later. He suggested we continue to study the grove. Ms. Taylor stated that Council did endorse the idea of the grove was to honor former Mayor Studebaker and that promise needs to be upheld, but supported the idea of further study and discussion.

Mr. Picazzo stated his understanding that some neighbors are opposed to adding more paths. He said it would be strange to have a path right next to the road. He stated his understanding there have not been requests for paths rather there are requests for trees. He said there is agreement that the trailhead needs to be improved. Mr. Picazzo stated that the six trees that have been requested can be planted at the trailhead. Then handicapped needs can be addressed by allowing handicapped parking in the no parking zone because no one will have a problem with handicapped individuals parking in a no parking zone. Other requests for trees can be addressed at a later date. Mr. Smith suggested that Mayor Studebaker could have a bench or a big stone. Ms. McKay stated that Mr. Studebaker has already asked that a tri-color beech be planted in his honor.

Ms. McKay expressed her concern that the Village already has requests for 6 or 8 trees and so the next requests will have Council back at the table having the same discussion and meeting the same resistance. Ms. McKay also stated that by the end of 2020 the Village will have spent \$2,000,000 plus significant interest to purchase the Tarp Woods Park for the benefit of the entire community. She stated her opinion that the addition of a path and trees does not alter the nature of the passive park. Ms. McKay expressed her opinion that the use of the park is being restricted by the opinions of a handful of residents.

Mr. Voelker stated his opinion that options are not being restricted, but rather the plans are evolving.

Mayor Cincione stated there are many good ideas that need to be considered. He stated that use of the park is a good thing. He suggested the immediate needs be addressed. Mr. Picazzo stated that open green space without a path is a good thing too.

No action was taken.

Mayor Cincione introduced the second reading of O-2633-20, An Ordinance to amend Ordinance O-2614-19 (2020 APPROPRIATION ORDINANCE) to increase the Appropriation of the Park Fund by \$20,000 from \$15,000 to \$35,000.

No. action was taken.

Mayor Cincione introduced the second reading of O-2631-20, 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.

No action taken

NEW BUSINESS

Ms. McKay explained the request from the Franklin County Commissioners to extend Village participation in the Franklin County, Ohio Department of Housing & Urban Development (HUD) Entitlement Program. Ms. McKay explained the Village has participated in the program for many years. The most recent resolution provided the opportunity for communities to continue participation without authorizing a new resolution.

Ms. Taylor moved approval of the extension of the Village's participation in the Franklin County, Ohio Department of Housing & Urban Development (HUD) Entitlement Program. Mr. Voelker seconded. The motion passed 4 in favor, 0 opposed.

Mr. Jolson abstained from discussion of and voting on the resolution citing a conflict of interest.

Mayor Cincione introduced the first reading of R-2637-20, A resolution to declare racism a public health crisis and to ask the Governor to establish a working group to promote racial equity in Ohio.

Ms. McKay reported two Council Members requested staff to create a resolution for consideration. Ms. McKay reported she used the resolution currently under consideration in the Ohio Senate as a template. Mr. Jolson stated there was a widely attended rally in Grandview Heights where one speaker spoke passionately about the slights and insults experienced growing up and living in Grandview Heights and Marble Cliff. Mr. Jolson stated the importance of taking seriously the concerns of racial discrimination raised.

Ms. Hoag moved to suspend the rules. Ms. Taylor seconded. The motion passed unanimously. Mr. Jolson moved the adoption of R-2637-20. Ms. Taylor seconded. The motion passed unanimously.

EXECUTIVE SESSION

Mr. Voelker moved that Council move into Executive Session as allowed by Ohio Revised Code Section 121.22(G)(3). Ms. Hoag seconded. Roll Call: Mr. Voelker, yes; Ms. Hoag, yes; Mr. Jolson, yes; Mr. Smith, yes; Ms. Taylor, yes. The motion passed unanimously.

Mr. Jolson moved Council adjourn from Executive Session and reconvene in the public meeting. Ms. Taylor seconded. The motion passed unanimously.

ADJOURN

Mr. Voelker moved to adjourn the meeting. Ms. Hoag seconded. The motion passed unanimously. Mayor Cincione adjourned the meeting at 9:30 P.M.

Approved by:

Submitted by:

Dow T. Voelker
Council President Pro Tem

Cynthia A. McKay
Fiscal Officer