

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

1600 Fernwood Ave.

October 18, 2021

The Council of the Village of Marble Cliff held its regular, scheduled meeting on Monday, October 18, 2021 at 7:00 pm. in Village Hall at 1600 Fernwood Ave., in the Village of Marble Cliff. Those in attendance were Mayor, Matthew Cincione; Council President, Dow T. Voelker; Council Members: Charlotte Hickcox, Matthew R. Jolson, Bridget Sarna, Joanne Taylor, and Kendy A. Troiano; Yazan S. Ashrawi, Village Solicitor; Joshua Ford, Village Engineer; Administrative Assistant, Judith Ciccone, and Fiscal Officer, Stephanie A. Evans. No representatives of the press were present. Visitors were present.

## VARIANCES, PERMITS AND VISITORS

### CONSENT AGENDA

- 1) Receive - Mayor's Court Report, September, 2021
- 2) Receive – Police Report, not received
- 3) Receive – Fire Department Report, not received
- 4) Receive – Building Permit Report, September 2021
- 5) Approval - Minutes of the regular, scheduled meeting of September 20, 2021
- 6) Approval - Financial Statements for September, 2021

Mayor Cincione introduced the Consent Agenda and pointed out that the financial statements included in this month's report are the same as have been provided in the past, but asked Ms. Evans to share thoughts on reporting the financial statements moving forward. Ms. Evans suggested moving the approval of the financial statements out of the Consent Agenda in order to present them separately as part of the Fiscal Officer's report. Doing so will offer the opportunity to condense some of the information included in the reports and provide a more thorough review of them during Council meetings. Also suggested was aligning the financial statements with the rest of the monthly reports so that they are consistent – all would be month-end reports for the prior month. With this format, we would no longer be approving the bills due in the current month, which is an unnecessary process given the annual approval of appropriations and the obligations of the Village. Discussion over the process and the reports of importance took place and it was concluded that Ms. Evans would review the various financial statements available through the accounting system and select those most appropriate to present as part of the Fiscal Officer's report in November. Anyone with suggestions or feedback was encouraged to reach out to the office prior to the next meeting to discuss any specific requests or details.

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

### SOLICITOR'S REPORT

Mr. Cincione acknowledged Michael Ball, the visitor who was present and his interest in building a garage with a room above it. Mr. Ashrawi detailed the request and suggested that there was initially some discussion about whether a structure like this is permitted, particularly with regard to a code that defines a dwelling, and one that disallows adding dwelling units to a property. In discussions with the Mayor and Council President, the concern over the potential for short-term rentals was addressed, and it was resolved that the desire to limit that potential for short-term rentals may have been the reason that the policy regarding dwellings was put into place. It was further discussed that if the concern is really about these short-term rentals, Council should tackle that issue head-on with legislation that limits or prohibits the "business use" of these structures as opposed to the construction of them. Much discussion took place regarding existing code, recognizing that there are no specific codes to prohibit heating and plumbing in a room above a garage, or for a resident to add this type of space for their personal use. Mr. Voelker pointed out that using a space like this for a multi-family dwelling or short-term rental is a zoning violation. Every Council member either knows or has experienced a similar situation and shared their history. Ms. Sarna and Ms. Taylor shared their personal experience with this subject regarding their own homes. Mayor Cincione reviewed the circumstances and asked for consensus regarding a homeowner's ability to add a space above their garage for their own family unit, noting in particular that many Marble Cliff homes are grandfathered because these structures already exist. Mr. Ball suggested that we need to address the intent of our existing codes, and that if it is to prevent renting, then that should be addressed through zoning, noting that if a homeowner presents a plan that is to scale with their home, not

above lot coverage restrictions, etc., and is intended to add to their family space, zoning seems to be the most relevant way to limit a homeowner's ability to offer it as a rental. Ms. Hickcox noted that the pandemic has changed the landscape and that we need to acknowledge that families may need to share their space more now than in the past. Mr. Jolson noted that he didn't believe we can limit rentals; Mr. Ashrawi agreed, but specified that we are definitely able to prohibit short-term rentals such as Airbnb. Mr. Voelker summarized that as a result of the original conversation with Mayor Cincione and Mr. Ashrawi about this specific request, he asked that this topic to be brought to Council for discussion to review the whole concept, noting that adding a room above a garage is not that different than putting an addition on a house. The end result for this request is that the homeowner is moving forward with his plan, but there is a need to have a clear position on the matter. Mr. Ashrawi pointed out that in the past, requests may have been turned away as "not being allowed," but the codes are very fact intensive. Mr. Jolson asked for a summary of our existing code for everyone to think about. Mr. Ashrawi reviewed the applicable codes, one stating that no homeowner may alter their home to accommodate a greater number of families, and another stating that a residence cannot be altered to create a greater number of dwelling units. Mr. Voelker pointed out that many of the Marble Cliff homes were originally built with these structures to serve as servant's quarters. Mr. Voelker said our ordinances lean toward "no" but if we want to allow them, we need to review them. There was general consensus that we want to prohibit Airbnb-type rentals, and although we cannot prohibit general rentals, Mr. Ashrawi pointed out that rentals could be viewed as a coding violation, but hard to enforce. Mr. Jolson suggested that we take some time to consider this subject and think about what we want for Marble Cliff in the future. There was some question about whether Marble Cliff already has a code to prohibit Airbnb; some Council members thought it was previously addressed, others weren't sure about whether it was completed with a vote. Mr. Voelker circled back around to encourage Council members to really give some thought to what we want Marble Cliff to be, and how we want to view this topic moving forward.

#### MAYOR'S REPORT

Mayor Cincione shared a request for a \$500 sponsorship from the Tri-Village Chamber Partnership to support the Chamber's Business Inspires Podcast. Mr. Cincione and Ms. Troiano pointed out that the podcast has been around for several years now, and that previous episodes are archived and still available to download. Mr. Voelker added that he views this as an outreach opportunity for the Village to support our business community.

**Mr. Voelker moved to approve the \$500 sponsorship; Ms. Troiano seconded. Motion passed unanimously.**

Mayor Cincione also reported that he recently attended the Chamber's Development Download, a semi-annual event that provides an opportunity for tri-village leaders to present updates regarding economic development in each of their respective communities. The Village, along with the cities of Grandview Heights and Upper Arlington, had representatives from their municipalities, schools and libraries in attendance to give updates. Former U.S. Representative, Steve Stivers, also gave a presentation as the new CEO of the Ohio Chamber of Commerce, highlighting the auto manufacturing industry in Ohio and the shift toward electric vehicles.

Mayor Cincione also reminded Council that the final plans for the 2015 W. 5<sup>th</sup> Ave. development will be forthcoming for final approval.

Council was also reminded of the hiring and compensation plan for the new Fiscal Officer. The Fiscal Officer was hired at a salary \$38,000 with an anticipated bump to \$40,000 after 60 days. This, along with a review of the Administrative Assistant's position and salary will be brought to Council at the November meeting.

#### ENGINEER'S REPORT

Mr. Ford had no report for Council. Mr. Voelker asked about the recent water leak near 1559 Roxbury Rd; Ms. Evans reported that it was repaired today. Ms. Hickcox mentioned that she had reached out to the public utilities to get it repaired, and asked Mr. Ford about the likely cause of the leak. Mr. Ford indicated that age was likely the cause of the leak. Mr.

Ford also shared that he had talked to a resident who was concerned about the leak. Mr. Jolson asked about a timeline for renderings on the islands and street repaving for Cambridge Blvd. Mr. Ford indicated that we could put together a budget and start renderings soon, but that the results of the OPWC grant won't be known until at least Spring 2022.

#### APPROVAL OF BILLS

Ms. Evans shared the statements for the Amended bills for September but pointed out that the October bills are not on the Agenda for approval. Moving forward, monthly bill payments will be provided in financial statements reflecting the prior month's billing. Bill payment reports will be pulled directly from the UAN accounting software to reduce the opportunity for human errors.

**Ms. Troiano moved approval of the Amended September 2021 bills totaling \$92,221.47. Ms. Hickcox seconded. The motion passed unanimously.**

#### FISCAL OFFICER'S REPORT

Ms. Evans shared a letter to Council from a resident regarding off-leash dogs, noted that the office is transitioning to new email addresses, and reminded everyone of the election on November 2 for four Council seats. Ms. Evans also reviewed her activities over the prior month, including updating technology in the office, researching best practices for checks and balances within the office, reviewing policies and procedures, reading Code of Ordinances, seeking online training through the Auditor of State, and looking into the UAN payroll module or other options for streamlining the process. Also discussed was her suggestion to simplify some of the financial statements, pull them out of the Consent Agenda, and present them in the Fiscal Officer's Report instead. Police and Fire Reports have not been received for a couple of months, but will be sought out and included moving forward. Mr. Voelker also suggested inviting the Police and Fire Chiefs to a Council meeting for introductions. Ms. Evans shared that she has been reviewing the responsibilities and compensation for the Administrative Assistant position and that this position needs attention so that the job description is updated and the compensation is competitive. Mayor Cincione and Ms. Troiano shared some historical information regarding the position and agreed that a review is in order. Mr. Voelker showed concern that the position and pay are recorded in the Code of Ordinances and suggested we address it. Ms. Evans will reach out to Ms. Troiano for follow up and will come back to Council with suggestions regarding both job description and compensation, ideally in November. Mayor Cincione also reminded Council about the increase in pay due to the Fiscal Officer under the terms of her hiring.

#### COUNCIL MEMBER REPORTS

Mayor Cincione reported that Ms. Taylor has officially been appointed to the Grandview Heights Parks and Recreation Advisory Board.

#### OLD BUSINESS

It was agreed that we will move forward with a Holiday Party, and after much discussion, concluded that it would be a modified version as compared to previous years. Ultimately it was decided that the format will be an Open House rather than a potluck dinner party, and will include a visit with Santa, cookies, goodie bags for the kids, and poinsettias. OLV is reserved, Santa is scheduled, poinsettias and cookies need ordered, and bottles of water and juice boxes need purchased. Ms. Ciccone will inventory the current supplies. Ms. Taylor offered to help. Ms. Troiano suggested increasing the appropriations currently allotted for the party to accommodate increased costs. If needed, this will take place at the November Council meeting. Mayor Cincione asked for a motion to approve the cost of the contract with Ahlum & Arbor for \$8,820 to hang the holiday lights, and to authorize him to sign it.

**Mr. Voelker moved to approve the contract with Ahlum & Arbor for \$8,820, and to authorize the Mayor to sign it. Ms. Troiano seconded. Motion passed unanimously.**

#### NEW BUSINESS

None

Ms. Ciccone left at this point

EXECUTIVE SESSION

**Ms. Troiano moved that Council move into Executive Session as allowed by Ohio Revised Code Section 121.22(G)(3). Ms. Hickcox seconded. Roll Call: Mr. Voelker, yes; Ms. Hickcox, yes; Mr. Jolson, yes; Ms. Sarna, yes; Ms. Taylor, yes; Ms. Troiano, yes. The motion passed unanimously to move into Executive Session at 8:44pm.**

**Mr. Jolson moved Council adjourn from Executive Session and reconvene in the public meeting. Ms. Troiano seconded. The motion passed unanimously and Council reconvened in the public meeting at 8:55pm.**

Prior to adjourning, Mayor Cincione shared that there is discussion occurring about the possibility of the railroad tracks being vacated and the options that may be available for them.

ADJOURN

**Ms. Troiano moved to adjourn the meeting. Ms. Hickcox seconded. The motion passed unanimously. Mr. Cincione adjourned the meeting at 8:59 P.M.**

Approved by:

Submitted by:

Dow T. Voelker  
Council President

Stephanie Evans  
Fiscal Officer