

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

1600 Fernwood Ave.

March 21, 2022

The Council of the Village of Marble Cliff held its regular, scheduled meeting on Monday, March 21, 2022 at 6:00 pm. in Our Lady of Victory Church Parish Hall, 1559 Roxbury Rd., 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 (arrived at 6:04pm), Joanne Taylor and Kendy A. Troiano; Yaz Ashrawi, Village Solicitor; Joshua Ford, Village Engineer; Fiscal Officer, Stephanie A. Evans; and Peggy Shanahan, Assistant Fiscal Officer. No representatives of the press were present. Visitors were present.

Mayor Cincione called the meeting to order.

VARIANCES, PERMITS AND VISITORS

1538 Cambridge Boulevard Solar Panels - Brent Cuyler, a representative of Blue Raven Solar Co. was present to answer questions regarding the plan for installing solar panels on the roof of the house at 1538 Cambridge Blvd. Mayor Cincione asked for confirmation that the revised plan does not include panels on the front of the house. Mr. Cuyler confirmed that panels will be on the east and south sides of the house and not on the west (front). Mr. Jolson asked about the revised placement of the panels and their ability to provide enough energy; Mr. Cuyler assured that the panels would provide the necessary energy for the home. Mr. Voelker asked if there had been any concerns or comments from the neighbors; Ms. Evans reported that there had been none. Mr. Ashrawi reviewed the guidelines and procedures as stated in the Village's Code of Ordinances.

Mr. Jolson moved approval of the solar panel installation at 1538 Cambridge Blvd. Ms. Hickcox seconded. Motion passed.

AEP Demolition permit request – Mr. Ashrawi reviewed the procedures and criteria for evidentiary quasi-judicial hearings and ran down the list of requirements to be met. Mr. Cincione asked for public prior to the start of the hearing. Mr. Bob Meyers spoke and shared his role in the process over the past year. Mr. Meyers shared that he was very vocal about his concerns when the first demolition permit was requested but that since that time, he has been very active in meetings with key players and has been involved in many conversations about landscaping and aesthetics surrounding the project. He has written multiple letters to the community to share his perspective, and while his first letter was very much opposed to the plan, his most recent one supports it. Mr. Meyers shared that he is appreciative of the teamwork that has taken place between AEP, Village leadership, and his team, and that he is very pleased with the outcome. He concluded by saying that he will support the Village in whatever decision they come to, but that he suggests approval of the demolition permit.

6:15pm – Mayor Cincione opened the evidentiary hearing; Mr. Ashrawi swore in a large group of individuals who would serve as witnesses. Mr. Jim King, an attorney at Porter Wright, and representing AEP, began his testimony by offering one correction in the application: Behind Tab B in the application it states that there will be a white vinyl fence surrounding the detention pond. This is incorrect; the fence will be black metal. Mr. King went on to say that following the denial of the demolition permit in 2021, AEP started over. They have now come back with an enhanced plan that has a smaller footprint that would demolish only one building, created a comprehensive landscaping plan, and worked closely with Village leadership and Mr. Meyers and his team during the process. Mr. King went on to talk about the Hot Wires Act, a statute that provides a safe harbor for utility companies to build structures if they have made a sincere effort to comply with a community's building code. AEP believes those conditions have been met.

Mr. Jon Williams of AEP spoke next, acknowledging that AEP fell short in its responsibility in the previous application process, but that they have worked hard in the last year to come back with a much-improved plan. He introduced the topics and speakers for the evening, and indicated that a slide show of images pulled from the application will be used to aid in the presentation.

Mr. Nate Bronder of AEP explained the need for the upgrade, including a review of the outdated existing equipment and the importance of moving customers closer to the load from the substation. The project is expected to start in summer 2022 and be completed at the end of 2023.

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Mr. Jonathon Schultis of AEP/Jacobs reviewed the siting study, sharing that nine sites were evaluated in all, but this one was chosen because it strikes the balance that is needed with regard to location and supply needs. This report is in Tab H of the application.

Mr. Brad Hughes of Porter Wright brought forth Mr. Ryan Weller of Weller & Associates to answer questions regarding his report on the culture and history, archaeological tests and architectural review of the site. Mr. Weller's report is included in Tab I of the demolition application, and a copy of his Ohio Historic Preservation office report is in Tab J.

Mr. Michael Fackler of AEP showed before-and-after slides of the substation and landscape renderings. Mr. Williams added that AEP will work with Marble Cliff to select final trees, etc. for the landscaping. He also confirmed AEP's commitment to selling the building at 2200 W. Fifth Ave. but pointed out that the existing station will have to remain even if the permit is denied. For AEP, this is *the* site, but they want it to be aesthetically pleasing.

Mr. King brought forward Mr. Tom Horner, a commercial real estate appraiser at OREC. Mr. Horner shared that he visited and researched the property as if he were doing an appraisal, and that it is his opinion that the proposed project would have a positive impact on both commercial and residential property with its improved visual appeal. His affidavit is in Tab K of the demolition application.

Mr. King, in his closing remarks, stated that AEP is committed to doing what they say they will do, and is open to conditions regarding the landscaping plan and its maintenance, and their obligation to complete the plan as proposed. He asked that the application and exhibits, along with the letter dated March 17, 2022 from Mr. Meyers, be included in the record.

Mayor Cincione thanked everyone who participated in the process, and thanked Council for their attention to it, especially as the time commitment picked up.

AEP closed their presentation, and Mr. Ashrawi offered an opportunity for Council to have private deliberation to discuss the matter.

Mr. Voelker moved to go into private deliberation; Ms. Taylor seconded.

Roll Call vote: Mr. Voelker, yes; Ms. Hickcox, yes; Mr. Jolson, yes; Ms. Sarna, yes; Ms. Taylor, yes; Ms. Troiano, yes. Motion passed and Council moved into private deliberation at 7:06 p.m.

Mr. Voelker moved to leave private deliberation; Ms. Hickcox seconded. Motion passed and Council left private deliberation at 7:34 p.m.

Returning from private deliberation, Mr. Voelker stated that he does not believe that two of the three requirements have been met for Council to necessarily approve the permit, however, with the following conditions, moved to approve the demolition permit for 2300 W. Fifth Ave. These conditions are as follows:

1. Agreement with the Village regarding the landscaping maintenance
2. Substantial conformance with the demolition application
3. A good-faith effort by AEP to divest in or sell the building at 2200 W. Fifth Ave.
4. Work with Village regarding the proposed sign at the corner
5. Provide Village information regarding tax information for the site

Ms. Troiano seconded.

Roll Call vote: Mr. Voelker, yes; Ms. Hickcox, yes; Mr. Jolson, yes; Ms. Sarna, yes; Ms. Taylor, yes; Ms. Troiano, yes. Motion passed with written decision to follow.

Mayor Cincione called for a brief recess at 7:39 p.m.
The meeting was reconvened at 7:48 p.m.

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CONSENT AGENDA

- 1) Receive – Police Report, February, 2022
- 2) Receive – Fire Department Report, February, 2022
- 3) Approval - Minutes of the regular, scheduled meeting of February 22, 2022

Mayor Cincione introduced the Consent Agenda and asked if any items need to be pulled out for discussion. No individual items were pulled out.

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

MAYOR'S REPORT

Mayor Cincione reported that ODNR has now decided to pause on building an archery range at their site on Dublin Road.

ENGINEER'S REPORT

Mr. Ford reported that the drone footage is ready and will be shared with Council for review. He also shared that they will be patching more potholes on W. Fifth Ave. when the temperatures are more consistent. Any news about the OPWC small government grant is still a month or two out.

Mr. Ford left the meeting at this time.

SOLICITOR'S REPORT

Mr. Ashrawi shared that he will draft Council's decision regarding the demolition permit, and will work with AEP's attorney regarding the conditions.

FISCAL OFFICER'S REPORT

Ms. Evans shared the financial reports for February 2022, including the monthly bank reconciliation, fund summary, and tax receipt report.

Ms. Troiano moved to approve the February 2022 financial statements. Ms. Sarna seconded. Motion passed.

Ms. Evans introduced O-2684-22, An Ordinance Authorizing the Mayor and the Fiscal Officer to Enter into an Agreement for Audit Services with Keith Faber, Auditor of State, and Charles E. Harris and Associates, for the fiscal periods January 1, 2020 through December 31, 2025; First Reading

Ms. Hickcox requested more information regarding past audit costs and why the state auditor's office has decided to enlist an independent public accounting firm to perform the audit. Ms. Evans will review past audits and provide additional information to Council.

COUNCIL MEMBER REPORTS

Ms. Troiano shared that the Garden Club is looking for a project and has suggested planting hydrangeas on the Arlington Avenue island. The Club would plant and maintain them. Mr. Voelker and Mayor Cincione suggested that the Garden Club submit a plan; Ms. Troiano will follow up.

Ms. Troiano also reported that the Falco Scholarship committee will be meeting on March 25th to review the 6 applications that were submitted. Ms. Shanahan will share the criteria with Council; Ms. Taylor will make the award video and submit it to the school.

Ms. Taylor reported that she attended a meeting of the Grandview Parks and Recreation Board where they shared their vision for the new municipal buildings. The plan includes relocating the Parks and Rec department to a new building at McKinley Park, and the other departments moving to the campus at Goodale Blvd. and Grandview Ave., where the senior center and former service department are currently located. Stay tuned for more to come.

Mayor Cincione shared that he, Ms. Shanahan and Ms. Evans attended the MORPC annual State of the Region luncheon.

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OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURN

**Ms. Hickcox moved to adjourn the meeting; Ms. Taylor seconded. Motion passed.
Mr. Cincione adjourned the meeting at 8:30 pm.**

Approved by:



Dow T. Voelker
Council President

Submitted by:



Stephanie Evans
Fiscal Officer