

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

1600 Fernwood Ave.

May 20, 2024

The Council of the Village of Marble Cliff held its regular, scheduled meeting on Monday, May 20, 2024, at 7:00 pm. in Village Hall, 1600 Fernwood Ave., in the Village of Marble Cliff. Those in attendance were Mayor, Matthew Cincione; Council Members: President, Dow T. Voelker; Matthew R. Jolson, Bridget B. Sarna, Joanne C. Taylor, Kendy A. Troiano, and Marcia A. Thomas; Yaz Ashrawi, Village Solicitor; Joshua Ford, Village Engineer; Stephanie Evans, Fiscal Officer; and Peggy Shanahan, Assistant Fiscal Officer. No representatives of the press were present. Visitors were present.

Mayor Cincione called the meeting to order at 7:00 pm.

## VARIANCES, PERMITS AND VISITORS

Arlington #10 SID – Mr. Kevin Butler was present via Zoom to share updates regarding the Arlington #10 Special Improvement District and the necessary next steps. Mr. Butler reminded Council that this is a process to allow homeowners at Arlington #10 to assess themselves to make the necessary improvements to address erosion problems in their development. Mr. Voelker was present but abstained from the discussion.

Mr. Butler stated that the first order of business is to appoint board members to establish the organization.

Ms. Barbara Baresi stated that appointing board members and approving the resolution and the ordinance tonight would allow for them to establish the non-profit, of which she will serve as president. Two other residents at Arlington #10 will also serve on the board; one who lives on the ravine and one who does not live on the ravine. All financing must run through the non-profit. Acting now will give them the opportunity to convene as soon as possible.

**Mayor Cincione stated that he will serve on the board in his role of Mayor.**

**Ms. Taylor moved to appoint Marble Cliff resident, Mr. Roger Allman, to serve on the board as a representative of Council. Ms. Troiano seconded. Mr. Voelker recused himself. Motion passed by the 5 voting members.**

Mr. Butler stated that the next step is for Council to hear the Resolution of Necessity to permit the process, and then to hear the ordinance that will certify the payments.

Mayor Cincione brought forth Resolution R-2670-24, A Resolution Declaring it Necessary and Determining to Proceed with acquiring, constructing, installing, equipping, improving, maintaining and repairing improvements necessary for making improvements to abate erosion along properties within the Village included within the Marble Cliff Erosion Control Special Improvement District, together with all necessary appurtenances thereto, and declaring an emergency, for its first reading.

**Ms. Troiano moved to suspend the rules; Mr. Jolson seconded. Mr. Voelker recused himself. Motion passed by the 5 voting members.**

**Ms. Troiano moved to approve R-2670-24 as an emergency; Ms. Taylor seconded. Mr. Voelker recused himself. Motion passed by the 5 voting members via roll call: Mr. Voelker, recused; Mr. Jolson, yes; Ms. Sarna, yes; Ms. Taylor, yes; Ms. Troiano, yes; Ms. Thomas, yes.**

Mayor Cincione brought forth Ordinance O-2715-24, An Ordinance levying special assessments for acquiring, constructing, installing, equipping, improving, maintaining, and repairing improvements necessary for making improvements to abate erosion along properties within the Village included within the Marble Cliff Erosion Control Special Improvement District, together with all necessary appurtenances thereto, and declaring an emergency, for its first reading.

**Ms. Troiano moved to suspend the rules; Mr. Jolson seconded. Mr. Voelker recused himself. Motion passed by the 5 voting members.**

**Ms. Troiano moved to approve O-2715-24 as an emergency; Ms. Taylor seconded. Mr. Voelker recused himself. Motion passed by the 5 voting members via roll call: Mr. Voelker, recused; Mr. Jolson, yes; Ms. Sarna, yes; Ms. Taylor, yes; Ms. Troiano, yes; Ms. Thomas, yes.**

Mr. Butler left the meeting at this point and indicated he would follow up as needed.

Mr. Don Plas, a resident on Village Court asked to speak before Council to share concerns about an aggressive dog on his street. Mr. Plas stated that this dog, a male Belgian close to 100 lbs., has a history of aggressive behavior and has attacked neighbors, delivery people and mail carriers. Most recently, a neighbor witnessed this dog attacking an Amazon delivery person. Mr. Plas reported that he visited the police station to ask about actions that neighbors may take but was told that unless or until the delivery person files a report, there is nothing they can do. Mr. Plas asked about the possibility of a meeting with the dog owner that would be mediated by Council. The neighbors would like to air their concerns to the dog owner in a more formal setting. Council members asked questions and another resident, Mr. Matt Sarich, shared pictures of injuries his dog sustained in an attack by the same dog. Mr. Ashrawi stated that the Village has a code against animals running at large. He suggested that residents gather evidence of the dog running at large via photos and videos and take them to the police. Residents stated that some of the attacks happen within the dog owner's own yard; for example, the delivery person was in the yard, leaving the porch. After hearing these concerns, Council members felt that a mediated meeting would likely not be beneficial. Residents were encouraged to call the police every time they witness an event, and document and record as much as possible. The Village office will reach out to the police to be sure they are aware of the issues and reiterate that there is a problem on this street.

#### CONSENT AGENDA

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| <ol style="list-style-type: none"><li>1) Approval – Minutes of the regular, scheduled meeting, April 15, 2024</li><li>2) Received – Fire Report, April 2024</li><li>3) Received -- Police Report, April 2024</li><li>4) Received – Permit Report, April 2024</li><li>5) Received – Logo &amp; Brand Standards Guidelines</li><li>6) Received – OSU Student CRP Route Corridor Plan</li></ol> |
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Mayor Cincione introduced the Consent Agenda and asked if any items need pulled out for discussion. No items were pulled out for discussion, however the Mayor highlighted the OSU Dublin Road Corridor Plan.

**Ms. Troiano moved to approve the Consent Agenda; Ms. Taylor seconded. Motion passed unanimously.**

#### MAYOR'S REPORT

Mayor Cincione shared that he and Ms. Evans met with Grandview leadership to discuss updating the current service contract as we look to extending it. The proposal includes maintaining the current pricing structure through the life of the current contract and then a reset occurs for an additional 8 years.

#### ENGINEER'S REPORT

Mr. Ford reported that he has been in communication with E.P. Ferris Engineers regarding the Arlington #10 ravine project and has been working with Columbia Gas regarding gas line work. He also shared that water permits for 2015 W. Fifth Ave. have been approved. He continues to work on the GIS system for the Village and expects to have an update on Cambridge Boulevard improvements at the June meeting. Mr. Voelker asked about the utility poles on Arlington Ave. and stated that they may be leaning. Mr. Ford said they may need reinforcement, and he will look into it.

Mr. Ford left the meeting at this time.

### SOLICITOR'S REPORT

Mr. Ashrawi shared that the flavored tobacco legislation was ruled unconstitutional and that appeals are likely to come. He also shared that he was unable to add Marble Cliff to the lawsuit; if Marble Cliff would like to be added, the Village will have to hire outside counsel. Mr. Voelker stated that the Village was not actually defending anything, but rather joining as a matter of principle. Council can revisit if the opportunity to join comes up again.

### STAFF REPORT

Ms. Evans shared the financial report for April 2024, including the monthly bank reconciliation, fund summary, and tax receipt report.

**Mr. Voelker moved to approve the April finance report; Ms. Taylor seconded. Motion passed unanimously.**

The mayor brought forth O-2713-24, An Ordinance Adopting a budget for the year 2025 for the Village of Marble Cliff, for its second reading.

The mayor brought forth O-2714-24, 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, for its first reading.

Ms. Evans shared that she recently attended a meeting with the Grandview Police and Fire Chiefs and representatives from FEMA, to discuss the condition of Marble Cliff's emergency tornado siren.

Ms. Shanahan shared that the fountain opening party is scheduled for Thursday, May 23<sup>rd</sup> at 5:30pm, rain or shine.

She also reported that she has coffee and doughnuts lined up for the morning of the Memorial Day parade and asked for volunteers to work.

### COUNCIL MEMBER REPORTS

None.

### OLD BUSINESS

Mr. Ashrawi shared a document he drafted as a starting point for a Zoning Overlay District. He described each item's purpose and shared with Council the areas where decisions must be made. He pointed out that key items for Council to consider are the standards. Mr. Ashrawi reminded Council that this is just a framework, and that they decide what to regulate. Mr. Jolson stated that he has concerns about the direction this is going. Mr. Ashrawi suggested that Council members consider what they want to accomplish. If it is maintaining character, then how do we do it? The answers to these questions may help guide their decisions. Mayor Cincione suggested that this could be viewed as a guideline for now and consider legislation for it down the road. Mr. Voelker suggested everyone review the Design Guidelines take some time to process their thoughts on a zoning overlay, and Council can pick up discussion again at the next meeting.

The Mayor introduced R-2669-24, A Resolution imposing a seventeen-month moratorium on the cultivation, processing, and retail dispensing of adult-use and medical marijuana in the Village of Marble Cliff, for its first reading.

Mr. Ashrawi reviewed the option of a moratorium while waiting for the state to clarify the rules regarding dispensaries. Ms. Shanahan stated that the office has received a couple of calls from people doing their due diligence as they consider options for space to do business. There was discussion about this idea, and whether to act now or give it more time to consider. Ms. Troiano stated that she is concerned about not being prepared as businesses prepare to open in September. Ultimately, Council held this legislation at its first reading and did not take further action.

The Mayor introduced O-2716-24, An Ordinance to authorize the Mayor and Fiscal Officer to enter into an Agreement with The Compost Exchange to establish a Village-sponsored community-wide Curbside Compost Collection program for its first reading.

Ms. Shanahan reported that 20 residents have shown interest in participating in the composting pilot program. Door hangers promoting the free pilot program will be distributed this week. Council will give this further consideration as the pilot program gets underway.

**NEW BUSINESS**

None.

**ADJOURN**

**Ms. Troiano moved to adjourn the meeting; Ms. Taylor seconded. Motion passed unanimously. Mayor Cincione adjourned the meeting at 8:44pm.**

Approved by:



Dow T. Voelker  
Council President

Submitted by:



Stephanie A. Evans  
Fiscal Officer