



## City Council Meeting Minutes

Tuesday, February 23, 2021

6:00 PM

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**1) Call to Order**

**2) Roll Call of Members**

President Lori Ann Feibel, Troy Markham, Monique Lampke, Jen Robinson, Jessica Saad, Matt Klingler, Richard Sharp

**3) Pledge of Allegiance**

**4) Presentations/Special Guests**

**A) Tiffany Hunt - Appointee to Citizen Review Board**

Ms. Hunt introduced herself and provided a brief background of work degree and work history.

Mr. Markham asked why she wanted to be on the Citizen Review Board? Ms. Hunt said with the narrative that she was reading about Bexley, she never actually saw these issues but thinks it is important to address these issues. Council members thanked Ms. Hunt for serving her community. Mayor Kessler said when he first met with Tiffany in 2018, he was impressed with her business and process improvement skills.

**B) Glen Soden - Appointee to Citizen Review Board**

Glen Soden introduced himself and explained his background. He is the Chair of the Bexley Historical Society and is a 44 year resident of Bexley. Mediation law is his legal specialty. He wanted to become a member of the Citizen Review Board because it is an opportunity to breach the gaps of complaints. This time in history, emotions get involved and it is important to bring together people with adequate solutions. We are here not only for residents but for those traveling through Bexley. President Feibel said Mr. Soden will be very beneficial to the board and thanked him for his service.

**5) Public Comments**

President Feibel reminded everyone to please announce your name and address. You can raise your hand online. This public comment is for items not listed on the Agenda.

**Tim Madison**, 956 Pleasant Ridge Ave. - Every Council meeting that he has attended over the past 45 years, residents were able to ask questions of the Mayor, Directors or Council members. He said there has never been a resident denied the opportunity to ask questions or discuss issues until 2020 when he raised his hand to ask questions. He wants to know what happened and he found out that upon one reading. He said Council passed the approval to allow the changed. He discussed the Ethics Ordinance and said the majority of Council would not make any changes suggested by Mary Gottesman, himself and Richard Sharp. He said President Feibel red-lined some of the wording from Mr. Markham's initial proposal. He wants all the residents to know that this is not the normal procedure. President Feibel said he is well over his five minutes. Mr. Madison said the first order of business by the Mayor and President of Council was to eliminate questions from residents, debate and talk to Council during the meeting.

**Taylor Stewart**, 2700 Columbus - Ms. Stewart thinks what Mr. Madison said is very valuable information. She said she didn't understand what kind of atmosphere she was moving into here in Bexley. She said she was a victim of violence by the Bexley Police Department. She said she was unable to ask questions because she has been charged with a crime. Police officers can charge people with any charge at all. No one is listening to her or allowing her to ask questions because she has a charge against her. This is why minorities are afraid of the Bexley police. She has a non-white child at home.

**Marc Abramson**, 243 S. Stanwood Road - He would like to make comments regarding the Resolution of appointments and wanted to make sure he needed to wait until that time. President Feibel said yes that is correct, thank you for checking.

**Laurie Scoblanko**- Ms. Scoblanko said she is frustrated about the process of trying to find information about the two projects that seem to have been presented quickly. She was told to contact the builders at the last Council meeting and the information she received from them, is in direct conflict with the information received from the City and the press releases. One item that is conflicting is how the traffic on Livingston is in the process of being fixed and in reality - that could take a couple of years. This area is a death trap with weekly car accidents, including cars driving through living rooms and garages. We need to talk about things as a community again. There is so much misinformation and no opportunity to clarify any of the information. She said her husband asked at the CIC meeting if there would be Section 8 housing. The leader of the CIC group said they need employment in order to be eligible to rent. She was told that was definitely not true by Jeff Beam with Community Builders. There are minimum levels of employment such as \$18,000 for one person, etc. unless there is free space. If there is free space - then they are able to rent to anyone who is interested. She asked for comparable projects from the builders that did work successfully. Mr. Beam said these projects usually work best when an area is transitional. If the new apartment building is built in an area that is becoming run down - it can help the area to come up. If built in an area that is already doing well, it will usually bring the area down. President Feibel said you are well over your five minutes but thank you for sharing.

President Feibel asked Mr. Fishel to explain to everyone why we are unable to communicate with some of our residents regarding these projects. Mr. Fishel said the CIC does allow an opportunity for people to speak. Ms. Lampke, Mr. Markham and Ms. Saad all sit on the CIC as well based on the committee their chair. They will not be allowed to hear any potential appeal. The other four

Council members cannot be discussing this topic because they may be hearing an appeal on the Board of Zoning Appeals and Planning's decisions on these projects. There have been some delays, so there is additional time for input from residents at appropriate meetings. President Feibel asked the Mayor to please contact Ms. Scoblanko off-line to continue this conversation.

**6) President's Report**

President Feibel thanked Ms. Lampke for organizing the City Council Retreat this Friday.

**7) City Attorney Report**

No Report

**8) Administrative Update:**

A) Finance Department Update

Mr. Harvey attached the January and February reports for 2021. The received revenue in January is less than we had previously estimated in the budget. The February revenue is actually higher than the budgeted amount - so it balances it out. For this reason, Mr. Harvey said he does not have any concerns. Mr. Sharp pointed out some corrections that needed to be made. Mr. Hale explained about the transfer of expenses difference is because it is not actually categorized on a "monthly" basis.

Mr. Markham asked about the flow of revenue and why we see these shifts. Mr. Harvey said many times it is the timing of when we receive the funds from Franklin County. He assumes income and expenses from December came in late but he is guessing that there were some issues with the income taxes throughout the year. Mr. Harvey said we lowered our anticipated budget revenue, so we should be "ok" based on what we have seen.

Ms. Lampke asked about the Cares Act money for 2020, and whether there would be any funds for 2021. Mr. Harvey said we should receive some funds in 2021. Mayor Kessler said the Cares Act was extended through 2021 so those funds will be transferred into this year's funds. Ms. Lampke asked about the State budget cuts and whether that will affect the OPWC grants. Mr. Harvey said those funds comes from the Federal government to the State. Any funds already committed should not be affected. It possibly make a difference going forward.

B) Police Department Update

Chief Rinehart said no report other than his written report. Mr. Markham asked about the unemployment fraud that is so common currently, should residents call the Bexley Police? Chief Rinehart said yes, they should contact us for a recommended course of action. President Feibel thanked Officer Byrd for speaking to the Whitehall/Bexley Rotary and was very informative.

Ms. Robinson asked about Officer Josh Davis completing his field training program and asked when we will see him in the City? Chief said best case scenario is three months. Ms. Saad suggested that perhaps we offer this more often to the seniors in our community. Chief Rinehart said he would be happy to have any topic discussed and send Officers to do that. President

Feibel said it would be very beneficial.

C) Recreation Director Update

Mr. Price said he did not have a report other than his written report. President Feibel said she is sad to hear the ice rink is melting but it certainly was wonderful to have during the cold weather.

D) Service Department Update

Mr. Bashore said the annual sidewalk project will be going out to bid soon. President Feibel thanked his staff for all their hard work keeping the streets clean and safe from the snow and ice.

E) Mayor's Update

Mayor Kessler thanked everyone for their participation in the State of the Community. He thought it was very successful and wanted to thank Sam Metcalf, our Communication Manager for his help with the technical issues. He continued to highlight items from his report.

The residential sewer remediation program will launch in a matter of days. The registration form will be live soon on our website once the City Attorney has had an opportunity to review the wording. Mayor Kessler said the Livingston Study Group will be a joint traffic and streetscape study with the City of Columbus. Mayor Kessler said the City of Columbus has been very engaged and this group is being led by them. We will be working with them and launching the steering committee in a couple of months.

Mr. Klingler asked about the feedback from the Chambers regarding the DORA. Mayor Kessler said everyone is excited about the DORA program.

9) **Consent Agenda:**

**Ms. Stewart**, Bexley resident asked about the issue of residents being allowed to ask questions or not? Are we ending the question issue or not? President Feibel said we can answer that at the end of the meeting during the Public Comment section.

A) City Council Minutes February 9th, 2021

**Motion to approve the Consent Agenda made by Ms. Saad and seconded by Mr. Klingler. Vote 7-0 PASSED**

B) Ordinance 05-21 to unappropriate \$35,000 from the Salary & Wages line item of the Vehicle and Grounds Maintenance and Urban Forestry account and to appropriate \$35,000 into the Turf Maintenance line item of the Vehicle and Grounds Maintenance and Urban Forestry account, introduced by Mr. Markham (Introduced on 1-26-21)

**Motion to approve the Consent Agenda made by Ms. Saad and seconded by Mr. Klingler. Vote 7-0 PASSED**

10) **Ordinances/Resolutions with visiting presenters**

11) **Third Readings:**

A) Ordinance 04-21 to allow for vacation time buyouts for unused vacation time in excess of

10 days, in the instance where a staff member was unable to take vacation leave due to extraordinary circumstances in their job impacted by the City's COVID-19 pandemic response, introduced by Mr. Markham (Introduced on 1-26-21)

Mr. Markham asked if there were any questions or comments about this Ordinance. Mayor Kessler said the cost of this Ordinance is approximately \$17,000 and is a Care Funded item. This is the best estimate for the cost of this Ordinance.

**Motion to adopt by Mr. Markham Ordinance 04-21 and seconded by Mr. Klingler. Vote 7-0 PASSED**

**12) Second Readings:**

A) Ordinance 06-21 to authorize a transfer from the Road and Alley Fund of \$5,256 to the Bond retirement Fund and to appropriate \$5,256 from the Bond Retirement Fund, to appropriate \$52,559 from the Water Fund to to appropriate \$7,884 from the Sewer Fund to pay debt service related to the South Roosevelt and Ashbourne Improvement Project, (Introduced by Mr. Markham on February 9, 2021)

Mr. Markham proposed this be moved to the Consent Agenda for the next meeting.

B) Ordinance 07-21 to establish a special fund designated the South Drexel Avenue and Grandon Avenue Comprehensive Improvements Fund to record all revenue and expenses associated with the South Drexel Avenue and Grandon Avenue project, to appropriate \$5,158,807 from this fund to pay for the cost of the project and to authorize transfers from the Water, Sewer and Road and Alley Funds of \$134,181, \$31,572 and \$97,347 respectively to the South Drexel Avenue and Grandon Avenue Comprehensive Improvements Fund to pay the City's portion of the project (Introduced by Mr. Markham on February 9, 2021)

Mr. Markham said this is a great opportunity to receive help and just set up an account for these funds. He would propose this Ordinance for the Consent Agenda item for the next meeting on this Ordinance.

Mr. Sharp suggested that the next time we have guests, we may ask them to stay around in the event the public has any questions.

**Ms. Stewart** commented about the guests being sent away before we could even ask them questions. Mr. Fishel said her comment would be appropriate at the time of reading the appointments Ordinance but not related to Ordinance 7-21.

C) Resolution 01-21 confirming the Mayor's appointments of members to the Citizen Review Board, introduced by Ms. Robinson (Introduced on February 9, 2021)

Ms. Robinson said we had the opportunity to meet two of the newest members being appointed to the Citizen Review Board. She asked if anyone had any questions about this Ordinance? Ms. Saad said we need to look at the term expiration dates and maybe take the first three and set their terms first and then adjust the new members to the next section. Mr. Fishel said it makes sense to leave these five people the way they currently are and the cleanest way to do it right now. The idea is to have this up and running by July 1, 2021 with the current dates expiring in 2023.

**Ms. Stewart** - She had a question for Tiffany Hunt and asked if she was in attendance.

**Mr. Abramson** - Mr. Abramson read a statement regarding the Citizen Review Board that he applied for and was not appointed. He was surprised about receiving an email from the Mayor stating "a balance across the board and less on anyone's individual merit". He also referred to a board being "rounded out" by individuals. He submitted a public records requests which he has not received the information back. He has prepared his own due diligence and he wants to state that all individuals have stellar backgrounds but the Mayor is stating "less about the individual and more about the balance of the group". He referred to two members working for Nationwide Insurance and one member having retired from Nationwide Insurance. Four of the five applicants are all registered Democrats. He thinks appointing 80% of a board with the same political affiliation is not a good "balance of the board". He would request that Council does not approve this appointment for the two new members. Thank you for your time and consideration.

Mayor Kessler said he would not mind addressing some the questions raised. He has the utmost respect for Mr. Abramson but disagrees with him. It was not about "who is your employer" but rather "who you are". He does not look up someone's political references, nor would he ever. We are a non-partisan office and City. ever. He feels especially secure because he had support with this process by having additional eyes and ears involved with the process.

**13) First Readings:**

A) Ordinance 08-21 to certify special assessments for the repair of sidewalks where the work was not done by the owner after being ordered by the City in accordance with Bexley Code Section 1490.15(b)(4)A or Bexley Code Section 1492.04(b)(1) and it was necessary to do the work and assess the owner, introduced by Mr. Sharp (Introduced on 2-23-21)

Mr. Sharp asked the Mayor about addressing the history of the sidewalk assessments and the fact that they made a mindful decision to finance this improvement. Mayor Kessler said due to COVID-19 we held off on billing for this service until there was more stability in the economy. This looks like singular single assessments and we have some residents with corner lots and we wanted to spread those costs over three years. This is not a wall of shame, this is an alternative for residents to fund their sidewalk improvements. Further discussion was held regarding this Ordinance.

B) Ordinance 09-21 to unappropriate \$86,971 from the Urban Redevelopment Tax Increment Equivalent Fund more commonly known as the City Hall TIF Fund, introduced by Mr. Markham (Introduced on 2-23-21)

Mr. Markham said we need to pass this Ordinance since we under-estimated the TIF Fund requests.

- C) Ordinance 10-21 creating a Designated Outdoor Refreshment Area in a specified portion of the Main Street District and enacting regulations and declaring an emergency, introduced by Mr. Klingler (Introduced on February 23, 2021)

Mr. Klingler asked the Mayor to speak on the DORA. The updates include the branding, map been revised slightly to include the Bed and Breakfast and the final block by Montrose Elementary. We may want to have that conversation. The restaurants so far that have been approached by the DORA, Brassica, Kitty's, among others are very interested. There is a safety plan to be included for a DORA application. He would like to have a presentation on March 30th to discuss this issue. Signage is part of this as well and he provided some examples. The proposed hours have not changed. We are looking for compostable cups and find a way to have them composted.

The application is presented to City Council and the Ordinance is the way to solicit your response. If approved, it goes to the State Division of Liquor Control. We are hoping for a May, 2021 effective date.

Mayor Kessler said Piada has a license and Bexley Pizza Plus has a license. We need to contact these two local businesses. Bexley Pizza Plus does not have a ton of "on sight" business but he will be reaching out to those business owners. Ms. Saad asked about the boundaries and how we came up with this flow from Drexel Ave. to Main Street? What is the thought process to such a large boundary. Mayor Kessler said it was incorporating the sit down restaurants and there is no reason we can't expand it down the road. He was not feeling that Montrose Elementary should be included in this area. Further discussion regarding the requirements by the State. Ms. Saad asked about the costs of cleaning up and officers? Mayor Kessler said it is not putting a burden in Gahanna on their officers but he will let the Chief speak to that issue. As far as litter and trash, he is hoping to find a way to collect and dispose of cups only with extra composting and volume then we currently have. It would be from more business and hoping to support the restaurant users and safely distance. She asked if we have restaurants open at midnight? Mayor Kessler said there is not a super, lively night scene in Bexley but the time is one of the many things open for discussion. Further discussion regarding potential burdens to the areas.

**14) Tabled Ordinances:**

- A) Ordinance 36-20 amending Bexley Codified Ordinance 648.09 Mayor's Emergency Powers, introduced by Mr. Sharp (Introduced on 8-25-20) Tabled on 9-22-20 until February 9th, 2021

**Mr. Sharp made a Motion to remove Ordinance 36-20 off the Table for discussion. Motion was seconded by Mr. Klingler. Vote 7-0 REMOVED FROM TABLE**

Mr. Sharp said this Ordinance has nothing to do with the way the Administration or their advisors have handled the pandemic that we have been living through this year. This is in the event that our current Mayor is no longer here. He reviewed his amendments including the time restraints for Council to have the authority to end an emergency or make changes for any future emergency and the Mayor at that time makes decisions that Council does not approve of. Council could get into an argument about the emergency and use the current year as a

precedent. He explained his amendment changes and the color codes used. He is more than willing to give everyone additional time to ponder these changes. He will be proposing to amend the Ordinance. Mr. Sharp said he believes he and the Mayor have reached an agreeable compromise. President Feibel would like to hear from our City Attorney and then the Mayor.

Mr. Fishel said Mr. Sharp made this much more readable from a legal standpoint. Mayor Kessler agrees that the revised version would be better because it clearly communicates those checks and balances and provides clarity. He appreciates Mr. Sharp working with him on this Ordinance. Mr. Markham asked Mr. Fishel what "effectively" does this change? Mr. Fishel said it does not change anything but it certainly makes it clear for the Mayor and Council of their rights during emergency orders. Ms. Lampke wanted to thank Mr. Sharp for re-visiting this and be willing to engage into a discussion regarding this topic. We are so fortunate that all branches of our government collaborate so well and appreciates Mr. Sharp being so diligent. Ms. Robinson echoes what Ms. Lampke said and appreciates Mr. Sharp re-visiting this issue as well. President Feibel agreed with everyone's comments and said Mr. Sharp also made sure it would be updated as well.

Mr. Markham asked for the additional time to review the Ordinance and it's revision. He will support it but thinks it would be prudent to have a review period.

President Feibel asked if anyone from the attendees had a questions?

**Ms. Stewart** asked about the wording and thinks it is further infringing on our Constitutional Rights. Can someone explain that wording? Mr. Fishel said this is not a broad based Ordinance that simply allows law enforcement or City officials to tell people what to do. This certainly cannot interfere or take away someone's Constitutional Rights.

**Mr. Abramson** asked if there were laws already enforceable relating to these issues? Mr. Fishel said he was correct, there are these laws in force, but this refers to certain Executive Orders applied by the Mayor without the approval of a City Council member. This only applies when Emergency Orders are declared by the Mayor.

Ms. Robinson hopes this will be a point of clarification. Mayor Kessler has been Mayor for years and this is the first time an Emergency Order was issued. The current orders are listed on City website under Public Documents, COVID-19 resources talking about restaurant patios, etc. We can still prohibit service from those individuals not wearing masks. Temporary testing facilities such as CVS is another example.

**Mr. Sharp proposed Amending Ordinance 36-20 as reflected on the screen. Mr. Markham seconded the Amendment. Vote 7-0 AMENDED**

Mr. Sharp said he would like to take additional questions from the attendees.

**Mr. Abramson** - Based on a prior slide, he has a question for Mr. Fishel if this will prohibit the Mayor from prohibiting sales of fire arms? Mr. Fishel said this would be in the case of a strict emergency only and this wording is already in the current law.



**Ms. Stewart** - She said when our first amendment rights are violated, this will be at least a year to mitigate or play out in the courts. We have yet to limit the harm that the police has inflicted on our residents. She does not know why this is needed. Mr. Sharp explained that we have an existing law already, he is making it clear that if there is overreach by the Mayor, we have the authority to revoke the Mayor's Executive Orders by Council vote. These changes clear up any potential overreach by a future Mayor.

**Mr. Sharp made a Motion to Table Amended Ordinance 36-20. Mr. Markham seconded. Vote 7 -0 TABLED**

**15) Service and Environmental Committee - Richard Sharp, Chair**

Mr. Sharp said the ESAC is rolling out a program for compost with commercial businesses. They will be adding to the "Love Your Alley" program competition. Mayor Kessler said New Fangled will also be participating in our commercial composting program.

**16) Finance Committee - Troy Markham, Chair**

Mr. Markham said a forum was held last week with the South Bexley Neighborhood Association and it was a very candid conversation. They are open to future opportunities to discuss these projects as well.

**17) Safety and Health Committee - Jen Robinson, Chair**

Ms. Robinson said March 20th will be the next pop-up COVID testing site and it is forecasted for 55 degrees so will be held outside.

The Ohio Highway Safety Patrol is offering a free courses and those are listed on the website under Recreation as well as in the Bexley Blast. They are going to teach safety driving tips as well as how to change your own tire. These classes are open for anyone 15 years or older, get them registered so they can be self-sufficient.

Stay safe and continue social distancing and wearing your mask.

**18) Zoning and Development Committee - Jessica Saad, Chair**

Ms. Saad said the Bexley Education Foundation will be holding a virtual event called "Gratitude Event". They will spend the evening recognizing our teachers and educators. Congratulations to Dr. Joy Walker who is now a new Bexley School Board Member.

The Architecture Review Board has been working on new garage zone changes. The Board of Zoning Appeals and Planning meeting is Feb. 26th and they will be discussing variances and additions to our wonderful Bexley homes. The next Architectural Review Board meeting will be Thursday, March 11th at 7:00 p.m. and is a once a month meeting.

Mr. Sharp said that South Bexley Neighborhood Association is meeting March 4th via Zoom to discuss the community feelings about the proposed SHEETZ business just outside of Bexley. The Mid-East Commission Meeting will be holding a meeting as well (includes the Berwick and East Columbus areas) regarding their recommendations on the SHEETZ business.

Lastly, Mr. Sharp said it might be worthwhile to consider a separate public meeting with Community Builders outside an approval board to help explain and main stream the information to everyone. This is just a suggestion for the administration and Community Builders.

**19) Recreation and Parks Committee - Matt Klingler, Chair**

Mr. Klingler said the Recreation Department is working on a Jeffrey Care update with all models moving back inside to the before and after care program.

Maple Syrup Workshop is Saturday at the Jeffrey Mansion Park and the Bexley Activities Book Club starts tomorrow at 2:00 p.m.

**20) Judiciary and Strategic Committee - Monique Lampke, Chair**

Ms. Lampke said she met with Rachel Armstrong, the new Middle School Principal regarding diversity and inclusion.

The retreat is Friday for City Council from 9:00 a.m. to noon. We had a great first meeting as the Sub-Committee for the Charter Review. We are hoping to bring our final suggestions to Council on May 11th, 2021. We will make sure everyone is kept informed.

**21) Public Comments (No Speaker Slip Required)**

**Ms. Laurie Scoblanko** - There is a crisis with residents feeling that information is hidden. The Community Builders do not have accountability to the residents but the City does. She hopes there is some consideration for Marc Abramson. She was shocked that so many people from the same company were appointed and she hopes it is revisited. The Board of Zoning Appeals and Planning Agenda has too much information and the visuals are bad. Ms. Scoblanko hopes the Board of Zoning Appeals and Planning have their own meeting on these projects so they don't have to stay late hours into the night.

**Ms. Stewart** - She asked about the questions being asked. President Feibel said there are two places for public comments and we have had opportunity at each and every level of legislation. Ms. Stewart said no one is answering her questions about police reform? When is she allowed to ask questions about that subject and get an answer? She has been asking since Feb. 12th and still not receiving an answer. President Feibel said this is such a big conversation to have with you that it would not provide justice for you to try to answer that question during a Council meeting.

Mr. Fishel said it was clear that there were questions answered tonight at this meeting, so the fact that someone says we don't answer questions is simply not true. Mr. Fishel said Ms. Stewart currently has 8 criminal charges against her. Ms. Stewart has pending charges made by the police department currently against her. Those charges are being held in Franklin Court and up to this point, she is asking very specific questions concerning her arrest and those should not be topics of specific conversation during these charges. She has also filed three complaints against the City of Bexley and has legal representation. City Council is not the time to discuss these matters. City Council is not the time to debate whether or not the City has met expectations or what we are doing to meet expectations about police reform. President Feibel thanked Mr. Fishel for his point of order.

**22) Adjourn**

**Motion by Ms. Saad to adjourn meeting. Motion was seconded by Mr. Klingler. Vote 7-0  
ADJOURNED at 9:00 P.M.**

