



City Council Meeting Minutes

Tuesday, March 30, 2021

6:00 PM

1) Call to Order

A) Zoom participation link: <https://us02web.zoom.us/j/201091469>

2) Roll Call of Members

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

3) Pledge of Allegiance

4) Presentations/Special Guests

5) Public Comments

6) President's Report

7) City Attorney Report

Mr. Fishel said the Municipalities won the lawsuit from the State of Ohio collecting taxes, including fees.

8) Administrative Update:

A) Finance Department

Mr. Harvey said the report shows the city income tax as being higher than budgeted. He does anticipate that we may be down in March. There is nothing to raise any concern but would be happy to answer any questions that anyone might have.

Ms. Robinson thanked Mr. Hale and Mr. Harvey for their report. She asked about the emergency warning line item of \$17,000. Mr. Harvey said this is our share of the Franklin County wide sirens for tornado warnings.

Ms. Lampke asked if this takes into account any CARES Act monies? Mr. Harvey said this does not have the "new" money from the COVID Act but some of the older funds paid to the City has been added.

B) Police Department

Chief Rinehart said he has nothing further than his written report.

Ms. Saad thanked the Chief for the wonderful report and it was very thorough. She would appreciate a reminder about the dog leash law being added to the Bexley Blast. She said we do not want to put anyone in an uncomfortable position. She also wants to encourage residents to be aware of their surroundings. Ms. Saad said arrest numbers are down but the thefts and burglaries are up. Chief Rinehart said this has been a crazy month but we try to take a look at the big picture.

Ms. Lampke said she did reach out to the Mayor and the Chief to see if there were any recommendations about potential signage on Livingston that we could advocate for to the City of Columbus.

Mayor Kessler said we have advocated in the past with Columbus for the speed signs. He does not feel like there is a lack of signage on Livingston and we cannot control the signage. Chief said he agrees with the Mayor and Ms. Lampke has offered some suggestions. Ms. Lampke said she would like to consider having something that emphasizes speeding will be enforced, slow down let our kids grow up, etc. She said sometimes when people see the same signs over and over, they tend to ignore them. She thought perhaps something new which might catch the driver's eye. Chief Rinehart said these signs could be effective, only if they are strictly enforced. As far as officers actually on Livingston on a long period of time, we haven't been able to make it happen yet. Ms. Lampke said anything that your officers think might be helpful. Mayor Kessler said we started staffing a mini shift on Livingston for overtime and during the current climate, we wanted a good presence and have received positive comments. Chief said it does seem as though we are having an impact. He said since their cars are so visible that some things are not happening as often. Some officers do make sure they are visible at the end of the street and they do feel that it is helping slow down traffic and has had a positive effect. He has seen a lot of positive statements from residents on Facebook. President Feibel said they appreciate the officers.

C) Recreation Department

Mr. Price said he has nothing to add to his written report.

Ms. Saad asked about his goal of Sunday, May 9th for the completion of the Mansion expansion. She asked about a tour for the Council members. She said they have done a wonderful job and everyone will benefit from these improvements.

D) Service Department

Mr. Bashore said he did not have anything further than his written report.

Ms. Saad asked Mr. Bashore about the beacon going up at Drexel. Mr. Bashore said the foundations were set Thursday and the beacon and signs will be installed this week. President Feibel said this will be a great addition in this area.

E) Mayor's Update

Mayor Kessler highlighted events on his report. He said for safety reasons, there will not be an Easter Egg Hunt but he will have a virtual scavenger hunt. He said Drexel is 20 mph through the business areas and around Columbus School for Girls. The Community Gardens will be completed from the garden aspect.

He did meet with some juvenile judges to discuss repeat offenders and was a good conversation that will be continued. We have several clean up programs to launch this month. Tomorrow at 5 p.m. we will have a one hour "Trash Talk".

Capital has delayed their program and asked to be credited for a fall night game. He has notified the SBNA of this request and Council will have to pass an Ordinance to allow for the additional game. He will be interested in hearing what the neighbors think about that request.

We currently have over 100 applicants for the sewer remediation project pilot program.

Mayor Kessler read a statement about the increasingly diverse community. He said many of us have watched in the past week the justified fears by Asians regarding hate crimes and racial attacks. He referred to the event that occurred in Atlanta, Georgia. He said we can not stand by in silence. We urge all residents to call out against hate and injustice. He also wants everyone to feel safe and valued. This will be posted on the website under the Mayor's office in detail.

Mayor Kessler said the American Rescue plan may provide us with some funds and we are continuing to watch that and keep you updated, infrastructure, water and sewer could be helped with these funds.

He said litter is particularly bad this Spring and would appreciate volunteers. He discussed "Love Your Alley" Month being brought back with a "green" spin.

Mr. Markham said he will be joining the Mayor this weekend to pick up some trash. He asked about the Bike Plan and if this is an action plan or strategic plan? Mayor Kessler said he will be presenting this at the next Council meeting. Mayor Kessler said he will circulate a power point to them that was presented. There are a variety of recommendations. Mr. Sharp said it will be similar to other master plans. The routes will be phased in gradually.

9) Consent Agenda:

Motion made to adopt Ordinance 06-21, 07-21 and the Minutes made by Ms. Lampke and seconded by Mr. Markham. Vote 7-0 PASSED

- A) 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)

B) City Council Minutes from 3-9-21

Motion made by Mr. Markham and Ms. Saad seconded. Vote 7-0 PASSED

10) Ordinances/Resolutions with visiting presenters

11) Third Readings:

A) **Public Hearing:** 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)

President Feibel said Council is now moving into the Public Hearing section of their meeting to discuss Ordinance 10-21 creating a Designated Outdoor Refreshment Area (DORA). Mr. Klingler and Mayor Kessler provided a presentation for this concept. Mayor Kessler thanked Mr. Klingler for his work on the application. Mayor Kessler explained what the DORA is and said they will brand it as "The Outside Patio". This allows people to walk on the sidewalks within the district while carrying their beverage. This helps restaurants and businesses and allows more options for takeout dining as well in a safe and distanced manner. This would incorporate the business areas along Main Street and to the Bed and Breakfast. Presentation continued with showing of map and list of businesses that are planning to participate. Mayor Kessler said he would like to have this Tabled tonight and incorporate any comments from the public. We could then have signage and cups ordered to be up and running by May, 2021. Mr. Klingler said the restaurants are excited about participating. This is strictly voluntary on the part of the businesses to participate.

Public Comments:

Connie Lewis, 663 Euclaire - Ms. Lewis asked if there will be plenty of trash receptacles to collect these cups. Mayor Kessler said we are going to try to get compostable trash containers with compostable cups. We need to visually walk these routes and make sure we have the proper spacing for these containers and emptied out in due order. Ms. Lewis asked if this is a trial period? Mayor Kessler said it does not call it a "trial" but it is set up as permanent with a review period and Council could terminate it at any time.

President Feibel officially ended the Public Hearing section for the DORA and we will move back into our regular Council procedures.

Mr. Sharp said his main concern is the 12:00 a.m. end to the DORA and how it would effect the resident properties behind the businesses and our noise Ordinance which begins at 11:00 p.m.

Mr. Fishel said any activity after 11:00 p.m. - if they are acting in a manner of violating the noise ordinance, then we would have to enforce our laws. Mayor Kessler said the City of Gahanna did not see any problems with the individuals or rowdiness but if that becomes the case, we can limit it or consider changing the hours now. Mr. Sharp said it may become a potential issue for residents.

Ms. Robinson said it is a good point and she asked about the restaurants being a part of the DORA if someone is over-served, she would ask what ability do staff have to shut this down or do

we have a hand in saying to our officers, when we want to have our officers out and about at 11:00 p.m. Does the restaurant have the ability to curb this type of behavior? Mayor Kessler said the Chief thinks the resources we have currently are adequate. As far as the restaurants, if it is something where someone is carrying around a cup - they would be limited in what they could do. Most concerns have not played out in other communities. Mr. Klingler explained how Gahanna handles their DORA and none of their concerns came to fruition. There were no issues with Hilliard or Dublin either.

Ms. Robinson asked how many restaurants on the list are open past 11:00 p.m. prior to the DORA. Mr. Klingler will get back with her. Ms. Saad asked if we are reaching out to residents that are in standing with the DORA? She doesn't think everyone gets the information that we hope they do so it might be good to get that concept out. Mayor Kessler asked about the water bill newsletter highlighting the DORA. He asked if they felt the water newsletter would be adequate? Mr. Fishel said everyone has "standing" here in the City. He said the zoning aspect is 200 feet from the business, and Ms. Saad confirmed. President Feibel asked if the water bill was sufficient? Mr. Sharp said he thinks it is sufficient but he is not sure if the apartment residents receive the news letter. He also asked about the university areas having a DORA. Mr. Klingler said he will research that question.

Ms. Lampke asked about the proposed DORA working with any other open container laws? Mayor Kessler said it has to be a cup purchased within a restaurant and stay within the district. Ms. Saad said this is such a great project - she agrees it is a little different set up than Gahanna. What is the cost of adding that on for the people who will be in the district and close to a business. She thinks we should be as transparent as possible, especially about this positive project.

Ms. Robinson said she knows it will be more work for the City, but she agrees with Ms. Saad. We want to make sure no one is blind-sided by such a great project. Mayor Kessler said he will send out a letter for those within 200 feet to the residents.

Motion by Mr. Klingler to Table Ordinance 10-21 and seconded by Mr. Sharp - Vote 7-0 TABLED

B) 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 said the Ordinance has been changed to break out the three years and one years, etc.

Mr. Sharp made a Motion to Amend Ordinance 8-21. Motion was seconded by Ms. Robinson. Vote 7-0 AMENDED

Motion to pass Amended Ordinance 8-21 by Mr. Sharp and seconded by Ms. Robinson. Vote 7-0 PASSED

12) **Second Readings:**

- A) Ordinance 11-20, to amend Amended Chapter 1230, Definitions; Chapter 1252.15, Accessory Uses and Structures; and Chapter 1223.05, Demolition; in order to provide for additional regulations and criteria related to the construction and demolition of accessory uses and structure in the City, introduced by Ms. Saad (introduced on March 9, 2021).

Ms. Saad this provides for additional materials for accessory uses was discussed in length by our city staff and board members. Mayor Kessler provided a broad overview on what this Ordinance actually covers. Board of Zoning and Appeals will provide their feedback at their meeting next April. April 27th will be a Public Meeting. This has been developed by resident comments concerning codes for the garages with honor the letter of the law but not the concept of the law. Architects are very clever and have come up with designs that meet the technical requirements but really does not meet the intent of a true two-story concept. It creates additional criteria if you want a dormer on the second floor of your garage, it applies maximum sizes and prevents them from being over-bearing. It also allows for larger garages on larger lots. It provides protection from overly large projects that leer over a neighbors yard. It also addresses demolition of old garages. If you are going to demolish a garage, you need to have a replacement plan. We think we will have a lot of garages demolished in the coming decade. You get more exposed parking and a totally different interface in your backyard and your alley with more open parking. President Feibel thanked Mayor Kessler for this clarification and she is pleased that this will eliminate some of the concerns we have had in past decisions.

Mr. Sharp asked if a garage is built as an addition to a house (not a separate structure) then there would be more of an elaborate zoning requirement? Mayor Kessler said yes, those are handled differently with the set back numbers. It does not change the code with attached garages.

President Feibel said BZAP meets in April after our first meeting in April. We will read this one more time and then we will Tabled this Ordinance. On April 27th, we will have a public meeting and discuss any feedback from BZAP.

No comments from the attendees.

- B) Ordinance 12-21, to adopt and approve the City of Bexley Electric Aggregation Plan of Operation and Governance, and to declare an emergency, introduced by Mr. Sharp (introduced on March 9, 2021).

Mr. Sharp said the Board of Control has met a couple of times regarding the request for proposal. Mayor Kessler said the RFP response showed AEP as being the most responsive. The numbers seem to be a little higher that was previously communicated to us. There are a lot of variables we are working through and have a meeting coming up and will ask AEP for information to better understand their product. He said as far as the plan of governance, this is something Brickler & Eckler developed and he has not had a chance to review that in detail. Mr. Fishel said it does not need to be approved before the Board of Control meeting. Mayor Kessler said they were told that it does not require a public hearing. He would recommend that we have them present at the next Council meeting.

President Feibel asked if there were any comments or questions from the attendees. There were

none.

13) First Readings:

- A) Ordinance 13-21 to appropriate \$8,089.45 from the Unencumbered General Fund to pay for replacement of a Jeffrey Park stage and tent that were destroyed during a storm in 2020, introduced by Mr. Markham (Introduced on 3-30-21)

Mr. Markham said this is an insurance payment in order to get the tent and stage replaced.

- B) Ordinance 14-21 to appropriate \$180,000 from the Recreation Fund to pay for expenses related to the Jeffrey Mansion expansion, introduced by Mr. Markham (Introduced on 3/30/21)

Mr. Markham explained part of this appropriation is grant money and some will be coming from the Recreation Fund. Mayor Kessler said the majority need for this additional funding is for the porch which was discovered needing repaired during the expansion. The \$150,000 amount is coming from new money to help with the porch supports. The soil under the walls failed so they had to build up all of the support walls after removing the failed supports.

Mr. Markham said Section 2 is the \$350,000 being given to us by the Bexley Community Foundation. The \$180,000 appropriation is from 2020 and he wants to know why that was not spent? Mr. Price said the reason why it was not spent in 2020 is because of the Recreation Fund and loss in programs from COVID, we decided not to spend this amount at that time. We wanted to see how we were doing with the Recreation Fund. The Cares Act has helped the Recreation Fund with those losses. The \$150,000 from the Recreation Fund was discussed with Mr. Hale and he did feel comfortable that we could use this at this time. It should not be an issue this year and hopefully we can get back to net positive.

President Feibel asked if any Council members had questions. Mr. Klingler asked if we need to suspend and adopt this Ordinance? Mr. Price said no, we can wait for the three readings. He is trying to avoid having a suspension and adoption. President Feibel said she appreciates Mr. Price working with us because we make a strong attempt to allow Council members to have all the Ordinances on Friday to review over the weekend but we try to remain flexible.

Mr. Sharp asked if they could have a summary of the original proposal and what has been done differently? He would like a reconciliation of the project as a whole at the third reading.

President Feibel asked if any attendees had questions, there were none.

- C) Ordinance 15-21 to appropriate \$15,700 from the Water Fund to pay for waterline reconstruction in conjunction with the 2021 street reconstruction project, introduced by Mr. Markham (Introduced on 3-30-21)

Mr. Markham said this is an appropriation to help pay for some of the work we are doing. Mayor Kessler said the estimate for the waterline work was in our street bid under Caroline. What we did not catch, we didn't have a line item in the water fund. The water fund has been accruing money for projects just like this.

President Feibel asked for questions from the attendees. There were none.

D) Resolution 03-21 to confirm the Mayor's appointments of Clare Ceballos to the Recreation Board, introduced by Matt Klingler (introduced on March 30, 2021)

Mr. Klingler said this confirms an appointment to the Recreation Board. Mayor Kessler said this was advertised in late 2020 and we did receive a couple of applicants. We had a fresh set of candidates to fill the first seat and now we have another seat available. Mayor Kessler said Clare is an active user of our Recreation services and the term expires this June because that is the seat that became available. She will be attending Council for the next meeting or one after prior to passage.

No Questions.

14) Tabled Ordinances:

15) Service and Environmental Committee - Richard Sharp, Chair

Mr. Sharp wanted to share an update from the ESAC Committee - They are encouraging residents to celebrate "Earth" month. All information will be listed on the Green website as well as the City's website.

Mr. Sharp would like Council to plan a review meeting regarding prioritize the options that those funds can be spent. He wants to make sure Council is on the same page prior to the money becoming available. He wanted to share his sympathy for the families loss from the events in Atlanta. There are forces trying to divide us and resist that temptation and treat everyone as humans with kindness.

16) Finance Committee - Troy Markham, Chair

No report.

17) Safety and Health Committee - Jen Robinson, Chair

Ms. Robinson said the Bexley Minority Parents will be holding their Circle Event. There are 9 spots left in the upcoming Citizens Police Academy. Ms. Robinson will be learning all sorts of new information as she participates. She was asked about the progress of June 19th and there are some great things in the works for this event. One of the programs will be a City wide event with Dr. Hill, Oklahoma Professor. He will be doing a presentation on the massacre one hundred years ago.

18) Zoning and Development Committee - Jessica Saad, Chair

Ms. Saad announced upcoming CIC, BZAP meetings. She discussed the BRAVO event on April 21st which will be virtual.

19) Recreation and Parks Committee - Matt Klingler, Chair

Mr. Klingler provided an update for the Bexley Activities Club.

20) Judiciary and Strategic Committee - Monique Lampke, Chair

Ms. Lampke said April 7th at 7:00 p.m. will be the next Sub-Committee for Council to discuss Charter Review. She is also working with Mayor Kessler for coming up with some activities for Pride Week.

Mayor Kessler said last week, he visited a Community Builders Development in Akron that was 15 years old. He found that to be a very positive experience and verified through the

recommendations of the CIC. If you have the opportunity to look at this project, it was very helpful.

21) Public Comments (No Speaker Slip Required)

Ms. Connie Lewis, She asked when building would be permitted on the lots at Ferndale and Mayfield. Mayor Kessler said they have not been remediated, and it currently cannot occur unless all of the properties are remediated at once. There will be additional fill but those sites will be fenced until proper remediation. There is contamination in at least 8 of the neighboring properties located at Ferndale and Mayfield. Council will be seeing a new Ordinance listing "contamination" as a nuisance. Mayor Kessler said we would have to engineer all properties and it would take years. Mayor Kessler said the Franklin County Landbank funded the demolition and there are no constraints.

22) Adjourn

Motion to adjourn by Mr. Klingler and seconded by Ms. Saad. Vote was 7-0 ADJOURNED
Adjourned at 8:16 p.m.