



City Council Meeting Minutes

Tuesday, April 13, 2021

6:00 PM

1) **Call to Order**

A)

[Zoom link: https://us02web.zoom.us/j/530098538#success](https://us02web.zoom.us/j/530098538#success)

2) **Roll Call of Members**

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

3) **Pledge of Allegiance**

4) **Presentations/Special Guests**

A) COTA Representative

Elizabeth Ellman highlighted "Earth Month" Bexley and the greenbexley.org website. She discussed the activities planned including the first 100 individuals to sign up will receive a gift card for Johnson's Ice Cream. She discussed the litter pick up events and a Sustainability Survey. There is an Independent Study Challenge for all K-12 students in Bexley. She discussed the Clean Up Day on April 24th from 8 - 11 a.m. and said they are still in need of volunteers.

5) **Public Comments**

President Feibel asked any speakers to announce their name and address and keep their comments to five minutes in length.

Don Lewis, 663 Euclaire Avenue and he wanted to brag about how wonderful the Bexley Police Department is and how helpful they were when they had a small accident this weekend.

Patty Markham - Ms. Markham said she has worked with Ms. Ellman and Mayor Kessler on some

of their action groups. She wanted to take the time to thank the Mayor for his continued support and it is a great opportunity to make our community better. She appreciates all the City does to help us take steps to improve the community.

Larry Katz, 299 S. Roosevelt - He said the Housing Projects have been pushed through for low income housing and when he spoke before, he was either ignored by the CIC Meeting or answered incorrectly. He received promises someone will get back to him, information can be found somewhere - never happens. He asked specifically to the CIC about Section 8 Housing - he was told "no" but it turns out that there will be Section 8 but it just leaves it up in the air as to how much of it will be Section 8. That is still up in the air.

6) President's Report

President Feibel reminded Council members of the May 17th deadline to file their reports with the Ohio Ethics Commission. President Feibel wanted to thank members about sharing information regarding their liaison reports. She appreciates them keeping Council involved with items that relate to City business vs. day to day items.

President Feibel is grateful that we have been able to hold our meetings virtually and she thinks everyone wants to be together for the meetings. There is just one member who has not received their second shot. She would like to have the first Council meeting in May to be held in person. She asked if anyone would like to make a Motion about coming back to Council in person.

President Feibel said anyone who wants to speak or make public comments will need to come into Council Chambers beginning in May. Members of the public will be asked to wear their masks and stay 6 feet apart during the entire meeting. Mr. Sharp said anyone with medical conditions should notify prior to the meeting if they need to speak during the Council Meeting from Zoom. President Feibel agreed with Mr. Sharp. Mr. Fishel reminded everyone that they are also welcome to provide something in writing in advance of the meeting as well.

Motion to return to in person Council Meetings effective May 1st made by Mr. Sharp and seconded by Ms. Lampke. Voice vote 7-0 APPROVED

7) City Attorney Report

Mr. Fishel said in response to one of the public comments, he said the idea of using the phrase "Section 8 Housing" is used on purpose based on underlying beliefs of who should or should not live in Bexley. What City Council did approve was a ban on housing vouchers discrimination or any other type of payment. Mr. Fishel said that using these terms are inappropriate for referring to these projects.

Mayor Kessler said Section 8 Housing is usually used to refer to apartment buildings that have turned over to some other use or not properly managed. The proposal that the TCB brought to the CIC is completely different which includes investors and tax credits. This is to help with the level of quality and oversight and they are building "tax credit" housing and he wants to clarify this for anyone listening. He has toured a similar project in Dayton and it is a radically different housing option.

8) Administrative Update:

A) Finance Department

No Report

B) Police Department

Chief Rinehart said nothing beyond his written report. President Feibel asked the Chief to "brag" about Officer Byrd. Chief Rinehart said Officer Byrd was recognized by the FBI for being a skilled, knowledgeable investigator. The FBI asked if they could have Officer Byrd for one day a week for training. He is still a sworn Bexley Police Officer but this is a wonderful opportunity to have the second commission and receive some additional training at no cost to the City. Chief Rinehart said he is special officer and one of many special officers that serve our community.

C) Recreation Department

Mr. Price said nothing other than his written report. Ms. Saad asked Mr. Price to highlight the pool and the activities. Mr. Price said we are still working and planning on opening the pool with the capacity of 130 individuals a time. Our normal membership will not apply this year so we will move forward with a pre-registration system for one hour and a half time slot. It will be \$5 per person and our goal is to get in as many people as possible during the day including swim sessions limited to one per day. If guidelines change or capacity changes and can be done safely, we will keep all options on the table. Ms. Saad asked about the hiring process and whether it has started. Mr. Price said it is going on right now.

Ms. Lampke asked for a rough estimate of the summer camp enrollment. Mr. Price said he expects it to change throughout this week, but we are at 80% capacity with people still wanting to enroll. We are taking individuals from the wait list based on the capacity. Our maximum number is 90 per camp and the play camp is a maximum of 59. Mr. Price feels confident that we will hit our maximums for both camps.

D) Service Department

Mr. Bashore does not have anything to report other than his written report. President Feibel asked about the timeline of the project on Drexel. Mr. Bashore said we are still finalizing the dates but this project will take a couple of months.

Mr. Klingler asked about an update on the sewer mediation program. Mr. Bashore said we identified 140 participants currently and we have contractors and inspectors lined up and we are ready to pull the trigger on it.

E) Mayor's Update

Mayor Kessler wanted to thank the Bexley School District for doing such a great job on the logistics working through the pandemic.

House bill has changed the laws on the electric scooters and they are now legal in Ohio. Due to this law change, cities do have the right to make their own laws to ban them. Currently, we are waiting to take a "wait and see" approach.

Mayor Kessler provided a sewer mediation update and said the pilot program is designed to fully fund 100 households. We currently have 140 residents who have applied for this program. The total cost per household is \$3,000. If someone has at least \$2,000 eligibility in grants - the

maximum cost would be approximately \$400,000. Our recommendation is to move forward with all initial inspections and we will then come back to Council if we need further funding. Discussion continued regarding the process on inspections.

Mayor Kessler wanted to recognize the hard work Ms. Saad has done on the Bexley Artist Bike Rack Series by applying for the grant and contacting local artists. He wants to thank Council members Mr. Markham and his wife, Patty along with Mr. Sharp who have volunteered to help with the trash talks and litter pick ups.

Ms. Lampke said she is excited that Block Parties are now a "go", especially with graduation parties coming up. She asked that we include this information in the Bexley Blast and on the website.

9) Consent Agenda:

A) Minutes from 3-30-21 City Council Meeting

B) Minutes from 2-26-21 City Council Retreat Workshop

Motion to adopt the Consent Agenda made by Mr. Markum and seconded by Ms. Lampke. Vote 7-0 PASSED

10) Ordinances/Resolutions with visiting presenters

A) 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 2-23-21)

Mr. Klingler made a Motion to remove Ordinance 10-21 from the Tabled Ordinances. Motion was seconded by Ms. Robinson. Vote - REMOVED FROM THE TABLE

Mayor Kessler explained the reasoning for the DORA and how it can benefit the neighborhood restaurants. He provided highlights and specifics as to how it would help establishments, He said the DORA is governed by the State of Ohio and we can not change how this plan is administered. He has spoken with Hilliard, Powell, Dublin, Grove City, etc. who have been using the DORA and it has not turned them into "Time Square" but just provided a few more options for the restaurants. We have heard this is just another tool with no negative results with law enforcement, etc. We can pivot and adjust quickly if we do have any negative experience.

The general concerns are drinking and rowdiness; the hours and litter. This proposal has been revised slightly with the boundary of the DORA to NOT include the alleys. The other change is the hours for it to be held. We have reduced those hours to 11:00 p.m. at the latest times (and that only applies if the restaurants are staying open until 11:00 p.m.). Mr. Klingler discussed the Worthington residents who are right next to the DORA and they have not had any problems. The amendment will change the time from midnight to 11:00 p.m. and will eliminate all alleys. Ms. Lampke asked whose responsibility it is to pick up the litter from the activity? Mayor Kessler said

it would be the business' responsibility to clean up any litter in front of their property. Ms. Lampke asked if Code Enforcement would be able to enforce if a property owner does not clean up the leftover litter? Mayor Kessler said yes, we could utilize the Code Enforcement Officer and we have added more trash receptacles on Main Street and can empty them more frequently as well if needed.

President Feibel reminded the attendees to state their names, address and limit their comments to 5 minutes:

Andrew Lenobel, 2390 Sherwood Road - He and his family reside in Bexley and he thanks the City for sending the letter and wanted to thank the Mayor for returning his call so quickly. He understands that this is a nuance and is meant to help restaurants. He said Bexley is very unique so he does not see a place on Main Street that people would order a beer to go (with no limit of cups). His biggest concern is drunk driving and he knows the Mayor said there have not been issues with other communities - why give someone a chance to drive drunk in our community? He thinks we do not need to be like every other community. The proposal of other places do it and it will bring traffic to Bexley is the wrong approach. He thinks it is also not as easy to revoke it as you think. He would not have it at all and would keep Bexley a special place. On the website Mr. Klingler states he is focused on keeping bikers and walkers safe so it is ironic to have him introduce this legislation. He does not think it is good to have our kids see adults walk around with a beer, whether you are drinking responsibly or not. Maybe we can attract business for our restaurants and shops in other creative ways.

Trever Web, Sherwood Road - He is not as opposed to this as the previous speaker, but he agrees that we need less hours. He would request 10:00 p.m. vs. 11:00 p.m. and thanks that would be more responsible. He thanked the City for sending out the letter because otherwise he would have no way to have known about this issue.

Joseph Kahanes, 2415 Sherwood Road - His property abuts the property at Sherwood and Main Street. He wants to thank the Mayor for returning his call the same day and really appreciates him making the change to eliminate the alleys. His kids grew up here and he has been here for 28 years. He is worried about the parking lot near AAB and the gym that tables could be placed there to expand outdoor seating. He said just the noise that occurs normally with people dining and having a good time. When windows and doors are open in warmer weather, etc. He can hear the noise just from people walking and talking through the alley. Another concern is parking on Sherwood. He said from 5 pm to 11 pm, Monday through Sunday that parking and traffic would be a problem. If people start this at 5 pm to 11 pm, this is when kids are playing and outside and lots of beautiful Bexley life happening. He said we have some sense of this during the Bexley Market once a week, but that is ok. He can't imagine something like that 5 days a week and would alter the quality of our lives. How will this effect property values as well if there is this additional traffic Saturday through Sunday which are traditionally family time. He wonders if anyone would want to live on Sherwood. He would ask that Council consider some of these concerns and how it will impact the residents on Sherwood.

Don Lewis, 663 Euclaire Ave. - He thinks it is interesting that Bexley compares to other cities which are different in terms of demographics. He said Bexley is a condensed area with a lot of people. His concern is the students. We are already dealing with lots of trash, litter, etc. many

students don't use the trash containers.

President Feibel said she heard a lot of suggestions to change the times and perhaps look at week days differently from the weekends.

Further discussion took place regarding the DORA with Council members sharing suggestions that might make the DORA more community friendly. We do want to make sure our residents are comfortable with this addition and wants the residents to know they are being heard and addressed. Thank you Ms. Saad for insisting that we send out letters to the residents.

Mayor Kessler said he would recommend that we get some legal analysis about a range or changes we might want to make without having full on notices in the Dispatch. He would like to get more legal advice on the process.

**Motion to table by Mr. Klingler and seconded by Ms. Saad. Vote 7-0
TABLED**

11) Third Readings:

- A) Ordinance 11-21, 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 explained that this is a change for an accessory structure. Our next Council meeting will have a public hearing on this at our next meeting on April 27th. She will be asking to Table this Ordinance.

Motion to Table by Ms. Saad and seconded by Ms. Robinson. Vote 7-0 TABLED

- 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 we were going to have our attorney consultant appear to discuss this aggregation. Mayor Kessler asked the Board of Control is still meeting regarding this Ordinance.

**Mr. Sharp made a motion to Table Ordinance 12-21. Motion was seconded by Mr. Klingler.
Vote 7-0 TABLED**

12) Second 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)

To be placed on the Consent Agenda for the next meeting.

- B) Ordinance 14-21 to appropriate \$180,000 from the Recreation Fund, and to appropriate \$350,000 from the Unencumbered General Fund and an additional \$150,000 from the Recreation Fund to pay for expenses related to the Jeffrey Mansion expansion, introduced by Mr. Markham (Introduced on 3/30/21)

Motion to Amend Section 1 - \$330,000 as shown on the screen by Mr. Sharp. Motion seconded by Ms. Lampke

Vote 7-0 AMENDED

- 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 explained this is an appropriation to move some funds to pay for a project we have already done.

Let's place this on the Consent Agenda.

- 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)

No Action

Mr. Klingler said he would like it on the Consent Agenda.

13) First Readings:

- A) Ordinance 16-21 to amend the Capital Stadium Lights Planning Approval Conditions in light of pandemic-based changes to Capital University's athletics schedule, in order to allow for two night-time licenses in 2021 to operate stadium lighting in which the lights are on past the hour of 9:30 pm but off prior to the hour of 11:00 pm, introduced by Ms. Saad (Introduced on April 13, 2021)

Ms. Saad said it is important to take into consideration that due to the pandemic, Capital University was not able to hold their minimum number of activities. Capital did not use their night time license and would like to carry over this minimum number to provide them an additional event to be held at night. Mayor Kessler said the SBNA is in favor of allowing them to use the permit to have two events for their next season.

- B) Resolution 04-21 approving the 2021 Havenwood Park Landscape Plan, introduced by Mr. Klingler, (Introduced on 4-13-21)

Mr. Klingler said the Havenwood Park has been serving as a neighborhood park. This will allow for resident feedback and guidance with the landscape plan to bring it back to its original beauty. Ms. Andrews will provide a presentation with another option due to resident feedbacks concerning the hardscape feature. The attachment today is 48 pages with some great historical information. President Feibel said she did meet with a resident who enjoys the green of the park and she wants to thank Mayor Kessler for listening to the residents concern.

Mr. Sharp said he would like to thank Elena Andrews for her hard work on this plan and thinks the residents will appreciate the change of the hardscape feature which was considered the "stage" area. He appreciates that consideration because he had heard concerns about that as

well.

Mayor Kessler wanted to clarify that it is being referred to as a "stage" but it was meant to be a place for wheel-chair bound individuals and a little of a vista and a small set for a Jazz Band. It is designed to be a multi-functional hardscape, not just a "stage". She will present some additional options.

C) Ordinance 17-21 to amend Chapter 1476, Unsafe Buildings, to include provisions for unsafe sites, introduced by Ms. Saad (Introduced on 4-13-21)

Ms. Saad said the current nuisance Ordinance protects residents from unsafe conditions but not unsafe structural conditions and unsafe sites. This Ordinance would add the definition to the Bexley Codified Code under Chapter 1476 Unsafe Buildings and Sites. This chapter was added in 1969 originally and of course we have had some changes as to what is safe. This is to encourage some contamination clean up on sites with hazards and unsafe conditions for humans.

14) Tabled Ordinances:

15) Service and Environmental Committee - Richard Sharp, Chair

Mr. Sharp would like to reiterate his thanks to the ESAC, Tree and Garden Commission, Bexley Library and the Mayor for putting together such a robust Arbor Day celebration. He also wanted to thank the residents who came out on Saturday to help clean up the bike trail on Alum Creek and making our entry much cleaner.

16) Finance Committee - Troy Markham, Chair

No report.

17) Safety and Health Committee - Jen Robinson, Chair

Ms. Robinson said in recent months, acts of physical and verbal violence against people of Asian heritage have occurred across our country. These attacks are deplorable and heartbreaking, demonstrating again the racism that exists in our society. In this moment, it is important that we stand together against the racism and violence directed at the Asian and Asian-American members of our community, as well as their family members and loved ones.

Ms. Robinson asked for a Motion to approve this statement by City Council. Motion seconded by Mr. Klingler.

President Feibel applauds Ms. Robinson for writing this statement and asked that it be placed in an appropriate place for display. Mr. Sharp thanked Ms. Robinson for her hard work in crafting this statement and making it so inclusive for everyone. Mayor Kessler will add the Council statement in addition to his statement on the website.

Vote - 7-0 APPROVED

18) Zoning and Development Committee - Jessica Saad, Chair

Ms. Saad wanted to thank the woman who have contributed their arts to this project. She is looking forward to sharing these pieces with us and we are using image infusion so the art is timeless and a unique way to showcase some local artists. Thank you to the Community Foundation for supporting this project.

4-27-21 Revision: Ms. Saad wanted to thank our local Bexley artists: A.J. Oshi, Anna Sokol, and Dalia Koppes for Contributing their Artwork to be showcased in the Bexley Artists bike Rack Series.”

19) Recreation and Parks Committee - Matt Klingler, Chair

Mr. Klingler thanked the residents for their feedback on the DORA. President Feibel thanked Mr. Klingler for his hard work on this project.

20) Judiciary and Strategic Committee - Monique Lampke, Chair

Ms. Lampke said April 21st at 7:00 p.m. will be the next Sub-Committee Meeting to discuss the Charter Review suggestions.

21) Public Comments (No Speaker Slip Required)

No public comments.

22) Adjourn

**Motion by Mr. Klingler to adjourn. Motion was seconded by Ms. Robinson.
ADJOURNED at 9:20 p.m.**