



City Council Meeting Agenda

Tuesday, May 25, 2021

6:00 PM

- 1) **Call to Order**
- 2) **Roll Call of Members**
- 3) **Pledge of Allegiance**
- 4) **Presentations/Special Guests**
 - A) Zac Sutherland, COTA
- 5) **Public Comments**
- 6) **President's Report**
- 7) **City Attorney Report**
- 8) **Administrative Update:**
 - A) Service Department update- Andy Bashore
 - B) Police Department Update- Chief Rinehart
 - C) Recreation and Parks Update- Mike Price
- 9) **Ordinances/Resolutions with visiting presenters**
 - A) Resolution 05-21: A Resolution approving the 2021 Bicycle Friendly Bexley Plan (introduced by Richard Sharp on May 11, 2021)
- 10) **Consent Agenda:**
 - A) Ordinance 18-21, to appropriate \$50,000 from the General Fund for the purpose of paying legal fees in 2021, introduced by Mr. Markham (introduced on April 27, 2021)
 - B) Minutes from the May 5, 2021 City Council Meeting
- 11) **Third Readings:**
- 12) **Second Readings:**
 - A) Ordinance 19-21: An ordinance to amend 262.02 (c)(13), Tuition Reimbursement, in order to allow for tuition reimbursement for employees hired after January 1, 2012 (introduced by Mr. Markham on May 11, 2021)
 - B) Ordinance 20-21: An ordinance to appropriate \$175,000 from the General Fund into the

Grants Account for the purpose of paying for reimbursable costs associated with the Livingston Avenue Plan and Jeffrey Mansion HVAC upgrades (introduced by Mr. Markham on May 11, 2021)

- C) Ordinance 21-21: An ordinance authorizing participation in the ODOT road salt contracts awarded in 2021 (introduced by Troy Markham on May 11, 2021)
- D) Ordinance 22-21: An ordinance to place proposed amendments to the City of Bexley Charter for voter approval on the November 2021 ballot (introduced by Ms. Lampke on May 11, 2021)
- E) Ordinance 23-21: **An Ordinance accepting the donation of an Access Easement, Conservation Easement and 1.175 acres of real property adjacent to and east of Alum Creek to the City of Bexley (introduced by Mr. Klingler on 5/11/2021)**
- F) Resolution 06-21: A resolution to adopt the tax budget for calendar year 2022 attached hereto as "Exhibit A" (introduced by Mr. Markham on May 11, 2021)

13) First Readings:

- A) Resolution 07-21, confirming the Mayor's appointments of members to the Architectural Review Board; the Board of Zoning Appeals and Planning; the Recreation and Parks Board; the Tree and Public Gardens Commission; the Board of Health; the Civil Service Commission; the Community Reinvestment Area Housing Council; the Tax Incentive Review Council, the Board of Tax Review; the Records Commission; and the Bexley Community Improvement Corporation, Introduced by Ms. Lampke (introduced May 25, 2021)
- B) Ordinance 24-21, to award the Bexley Electricity Aggregation Program contract to AEP Energy, based upon the terms and conditions provided for in their RFP, as modified by the Board of Control, introduced by Mr. Sharp. (Introduced on May 25, 2021)
- C) Ordinance 25-21, **to amend Sections 1220.03, 1220.05, 1223.06, and 1223.08 to specify the membership, quorum, and majority vote of the Board of Zoning Appeals and Planning and the Architectural Review Board**, Introduced by Ms. Saad (introduced on May 25, 2021)

14) Tabled Ordinances:

- A) 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).

15) Recreation and Parks Committee - Matt Klingler, Chair

16) Judiciary and Strategic Committee - Monique Lampke, Chair

17) Service and Environmental Committee - Richard Sharp, Chair

18) Finance Committee - Troy Markham, Chair

19) Safety and Health Committee - Jen Robinson, Chair

20) Zoning and Development Committee - Jessica Saad, Chair

21) Public Comments (No Speaker Slip Required)

22) Adjourn

All agendas are subject to change.

City Council Policy for Correspondence:

All correspondence addressed to City Council or requested to be distributed to City Council by the sender is a matter of public record and will be placed on the City of Bexley Website (www.bexley.org) at Public Documents > City Council > Council Correspondence. If the subject of the correspondence is not on the Council Agenda, the sender may discuss the issue during Public Comments. If the subject of the correspondence is on the Council Agenda, the sender may discuss the issue at the time the issue is addressed during the Council meeting.

City Council Policy for Public Comments:

Members of the public are encouraged to provide comments to City Council at the following times:

For issues that are not on Council's agenda:

- At a designated public comment period near the beginning of the meeting

For items on Council's agenda (when speaker slip has been filled out in advance):

- During an ordinance or resolution that is being discussed
- Residents may submit up to two separate speaker slips per meeting
- Please note that the speaker slip must be filled out prior to entering Council chambers and must be promptly handed to the Council secretary

For items on Council's agenda (when a speaker slip has not been filled out in advance):

- During the public comment period after a motion has been made and seconded to adopt an ordinance or resolution (typically the third reading)
- During a designated public comment period at the end of the meeting

Time limits for public comments:

While City Council will not routinely impose time limits on either Agenda or Non-Agenda visitors who wish to address City Council, those commenting are asked to confine their remarks to approximately five (5) minutes and for Agenda items, to direct their comments to the subject matter being addressed in the legislation. This five minute limitation also applies to City Council members per 220.01 (rule 13).

Additional guidelines for public comments:

- Any speaker addressing Council shall provide his/her name and address.
- Undue interruption or other interference with the orderly conduct of remarks is not permitted.
- Defamatory or abusive remarks are always out of order.
- Violation of this policy may result in termination of the speaker's comments and/or removal from the meeting



Service Department Update Service Director Andy Bashore

May 25th, 2021

Street Department:

The Street Dept. crews are currently working on asphalt patches and some side walk replacement, and also been working on streetlight pole replacements. A crew will be starting at Schenider park this week on a cleanup project.

Water and Sewer Department:

The Water/Sewer crew are assisting a local engineering firm with preliminary utility markings for a GIS project. The project will start in mid-June and should be finished by August. The crew will be doing the annual hydrant flushing the week of June 21st.

Urban Forestry/Grounds Maintenance:

The tree crews are working on tree pruning and removals. The grounds crew are mowing and working on bed maintenance. The hanging flower baskets will be installed along Main Street at the end of the month. The city planting beds will have flowers installed this week.

2020 Sidewalk Project

The 2020 Sidewalk program has been completed.

2021 Street Projects

Vernon-Main to Livingston- The project will include water main line replacement and asphalt resurfacing. The project has started and should be finished in September 2021.

Drexel-Main to Broad-Preliminary work will begin the 1st week of June. The water main installation will begin late June. The project will include water line replacement, storm line

improvements, and asphalt resurfacing. This will be a joint project between the city and ODOT.

The 2021 annual street project will include these streets:

Caroline-from Drexel to Cassady

Charles-from Sheridan to College

Pleasant Ridge-from Main to Mound

Mound-Pleasant Ridge to Euclaire .

2021 Sidewalk Project

The project will start in late in Mid June. The project area is in the central area of the city and roughly will be between Cassady to Remington.

Service Dept. Highlights

- A painting project started this week. The project will include the painting of hydrants and street light poles.
- The back-flow preventer program is under way and inspections are taking place. So far there has been 71 inspections that residents have scheduled with the contractors.
- Two flow and level monitors have been installed in the storm and sanitary sewer system. We are waiting to receive the data back.
- Working on the city's sign inventory to prepare for a large-scale sign replacement program.
- The 2021 Bexley High School senior class banners have been installed on Main Street.



Council Update – Chief of Police

May 25, 2021

Comments from Administrative Sergeant Overly: On Thursday May 6th, the BCPAAA received a demonstration by the Human Remains Detection K9 group that our own Amy Jennings volunteers with. The alumni, after learning of some equipment needed for Amy to continue with this volunteer group, made a generous donation towards the purchase of equipment.

July 4th assignments are being planned. As in past years, all officers (except those with this regularly scheduled date off) are assigned to working.

Comments from Detective Sergeant Brickey: Our detectives have been extremely busy these past couple of weeks. Besides preparing multiple felony cases for presentation to the Grand Jury, detectives have been following up on good work done by our patrol officers. One example of good work I'd like to share is from this past weekend. Officer McCollam was working a shortage prior to the start of his normal shift and saw a man that he believed was either in some sort of crisis or he was up to some criminal shenanigans. Officer McCollam stopped to speak with the suspect, identified him, and when he had reached the point that it would be unreasonable to detain him any further, sent the suspect on his way. Later that morning, officers received a report of a victim in central Bexley that had suffered a broken windshield and items stolen from their garage. Officer Kim recalled the stop that Officer McCollam had made earlier, matched the video from the victim's home to the video from Officer McCollam's Body Worn Camera (BWC) and identified our suspect. Detective Briley later identified the suspect yet again breaking the window to a business on Main Street. Now there isn't anything exciting or exceptional about this story other than good officers on your Bexley Police Department being observant, diligent, thorough, considerate, and good communicators.

We are still getting guns, drugs, and recovering stolen cars. Detective Byrd recently solved a stolen car case which also resulted in closing a separate aggravated robbery. These were convoluted cases, but that just seems to be how things are lately. Our newest recruit, Officer Josh Davis, is receiving a solid introduction to our active 3rd shift, aka C Company. This is the shift you go to work while most others are sleeping. It truly is a different world at night. Officer Davis is learning very quickly and so far, has proven to be a very good addition to our department.

Sergeant Overly has been busy redacting BWC and Cruiser Video from 5/1/2021. She has attempted to fine tune the tedious process of redacting video going so far as to contact outside agencies that share the same software platform. While this hasn't shortened the

process significantly, Sergeant Overly has found some new methods that may provide some relief. Other departments have entire sections devoted to this task in order to redact the video requested by the public. This is just another example of how law enforcement has changed through the years. Officers are asked to wear many hats, and to carry out tasks that weren't even imagined a few years ago. I hope that we don't lose focus of the primary purpose of law enforcement as a profession.

And lastly, I'd like to take a moment to remember the sacrifices of the good men and women of our nation that chose to serve as a police officer. I failed to mention this in the last letter, I felt compelled to correct that mistake. There have been 124 line of duty deaths already this year. That number might be a bit overwhelming and have the opposite effect of what I intended by sharing this with you. I'm sharing those lost in the last 3 weeks. The complete list can be found at <https://nleomf.org/>. Please remember them.

In 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others.

Statistics:

Dates	Calls for Service	Reports	Thefts	Burglaries	Robberies	Arrests
1/1 - 5/19/2021	4492	705	83	18	7	160
1/1 - 5/19/2020	5265	557	92	25	5	162
5/19/20 - 5/19/21	11149	1710	294	78	13	377
5/19/19 - 5/19/20	14982	1645	269	75	9	443

Recreation Board Meeting:

- The Recreation Board held a special meeting on Thursday, May 20th to discuss updated COVID-19 policies for the David H. Madison Community Pool, Jeffrey Summer Camp, facility rentals and general recreation programming.
- The department made recommendations to the board based on current applicable federal, state and local orders, guidelines and recommendations, consultation with industry leaders, and consultation with the Bexley COVID-19 Task Force.

David H. Madison Community Pool – Update:

- The David H. Madison Community Pool is set to open with a revised capacity max of 550 participants at one time.
- As a result of the increased capacity, pool memberships will now be sold and are available for purchase online at www.bexleyrec.com.
- Pre-registration will no longer be required and there will not be 1.5 hr swim blocks. In an effort to limit the inconvenience of the capacity limit, we are working on the installation of a people counter to provide real-time web based capacity counts that the public can access before heading over to the pool.
- At this point in time, we will also have the pool closed during the week for 1.5-2 hours to allow for summer camp swim time. Due to contact tracing standards, we must ensure distancing from campers from the general public and other campers not in their pod. This will limit the impact on the camp program in the event of a positive test.
- All of these policies will be continuously reviewed, including consultation with local health officials and the COVID-19 Task Force. Our hope is to continue to move in the right direction toward a pre-COVID pool experience.
- As a result of the impact of some of these limitations, we made the decision to move forward with a slightly discounted pool membership of 25% of the standard 2019 rates.
- For more information, please visit www.bexley.org/pool.

Bexley Youth Activity Fair (BYAF):

- The first annual BYAF was held on Saturday, May 15th at Jeffrey Park.
- Thank you to the Bexley City Schools, Scout Troop 166, Recreation and Parks, the Bexley Community Foundation and the 15 vendors for making this event happen.
- We had over 300 participants come to the event to learn about the wide variety of activity offerings that various organizations had to offer this summer.
- Participants also participated in a number of activities facilitated by Scout Troop 166 including pinewood derby races, rocket launches, water balloon slingshots, and more.

Jeffrey Mansion Preschool Graduation:

- The Jeffrey Mansion Preschool (JMP) graduation is this week.

- Special thank you to the amazing JMP teachers that have worked so hard to provide a safe, fun, and educational experience for our wonderful students. What the staff has done in juggling COVID with a building under construction has been nothing short of a miracle.
- Thank you to the parents that have been patient and supportive through this very difficult school year.

Upcoming Events:

- Jazz in the Park – Monday, May 31st at 5p at Havenwood
- Main Event – Friday, June 4th at 6p at Capital's Front Lawn

RESOLUTION NO. 05 - 21

By: Richard Sharp

A Resolution approving the 2021 Bicycle Friendly Bexley Plan

Whereas, Bexley is a compact community with a comparatively flat topography, and a grid street system that makes biking convenient and easy, and

Whereas, Bexley has a large population of children who need outlets to safe outdoor activities in order to provide a health balance to the time children spend indoors at school, and on electronic devices; and

Whereas, Bexley residents value a healthy lifestyle that biking can contribute to; and

Whereas, Bexley residents are conscientious of environmental concerns that are exasperated by short automobile trips that could be mitigated by biking; and

Whereas, Bexley’s network of secondary streets, sidewalks, and speed control policies present a baseline pedestrian and cyclist environment that will benefit from further bicycle infrastructure and policy improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the 2021 Bicycle Friendly Bexley Plan, attached hereto as Exhibit A, is hereby approved as an aspirational guide for the City Administration to implement as street construction projects and funding sources warrant.

Section 2. That this Resolution shall go into full force and effect at the earliest period allowed by law.

Passed _____, 2021

Lori Ann Feibel, President of Council

Attest: _____, 2021
William Harvey, Clerk of Council

Approved: _____, 2021

Benjamin Kessler, Mayor

First Reading: 05-11-2021

Second Reading:

Third Reading:

SCOPE OF WORK

May 25, 2021

To: Mayor Kessler

Organization: City of Bexley

From: Catherine Girves

Project: Bicycle Friendly Bexley

Re: Recommendations

Bexley is well positioned to become one of the most bicycle friendly communities with the highest ridership in the region.

Bexley is a manageable 2.5 square miles with relatively flat topography. The approximately 48 miles of public roadway is primarily made up of low speed neighborhood streets. It is possible for residents to get daily needs met within the city. There are preschools, public and private schools to serve students from kindergarten through high school, and Capital University. Bexley has well supported parks, recreational facilities, and a library. The business community includes numerous restaurants, grocers, and a variety of other retail establishments including a bike shop. There are many places of worship representing a variety of faith traditions. A variety of housing types are available at many different price points, including market rate home ownership and rental, subsidized rental, and group living facilities.

Employment is available within the city boundaries and one of the largest employment centers in the region, Downtown Columbus, is within an easy bike or bus ride. That area is connected to another significant employment center, the University District by way of the Olentangy Trail and high frequency transit. Healthcare, including three world class hospitals are a short bike or bus ride outside the city limits.

There are also external supports for residents of Bexley choosing to travel by bike. High frequency transit travels through the community and each vehicle has racks for 2 bicycles. The Mid-Ohio Regional Planning Commission provides a free insurance program that will pay for a cab ride, including tip, home from work up to four times/year for people commuting by bike or other sustainable means of transportation who have an unexpected emergency. AAA provides a bicycle break down service as part of its regular membership. CoGo bike share has three bike share docking stations in Bexley that connect to a larger regional network and include standard bikes and pedal assist e-bikes. CoGo bike share offers membership at a variety of levels including one that is accessible to people with low income.

Elected leadership is supportive of bicycle friendly initiatives. Volunteer community leaders advocate for the creation of a bicycle friendly community. Children lobby for more bike parking. Many regular residents, of all ages and abilities, already regularly travel by bike.

This does not mean change will be easy. Creating a bicycle friendly community in a national and regional environment built for car travel and in a culture that regularly shames people who don't drive will not be easy. But the City of Bexley has a history of bold leadership, persistently working to address impediments, and succeeding at hard tasks.

Between the fall of 2019 and the spring of 2021, amidst many distractions, leaders and residents of Bexley dedicated time and creativity to imagine and plan for a more bicycle friendly community. Clearly creating a more bicycle friendly is a priority. Bexley is well positioned to succeed at becoming one of the most bicycle friendly communities in Central Ohio with the highest ridership in the region.

Infrastructure Recommendations

Investments in infrastructure have been shown to influence the behavior of people driving, the comfort of people biking, and the real and perceived safety of all road, sidewalk, and trail users. The goal of these infrastructure recommendations is to increase safety and comfort of all who currently bike and those who are interested in biking who don't currently feel comfortable doing so.

Create Four Bicycle Boulevard Routes

Bicycle Boulevards are streets with low motorized traffic volumes and speeds, designated and designed to give people traveling by bicycle priority. Bicycle Boulevards use signs, pavement markings, and speed and volume management measures to discourage through trips by motor vehicles and create safe, convenient bicycle crossings of busy arterial streets. More information on bicycle boulevards is available here <https://nacto.org/publication/urban-bikeway-design-guide/bicycle-boulevards/>

The following routes cover approximately 8 miles (16% of Bexley streets) on low stress streets connecting residents to common destinations in Bexley including all public schools, the library, parks, affordable housing, and to travel directly to or within a short block of primary business districts.

Cassingham/Roosevelt route

- Cassingham Road from Delmar Drive to Fair Avenue
- Fair Avenue (both sides) from Cassingham Road to Roosevelt Avenue
- Roosevelt Avenue from Fair Avenue to Livingston Avenue
- Incorporates a loop around the school complex along Elm Avenue from Cassingham Road to Stanwood Road; and Stanwood Road from Elm Avenue to Fair Avenue

The Cassingham/Roosevelt route is 2.6 miles and runs the entire north/south length of Bexley. The route includes Cassingham Elementary, the Middle and High Schools, and is within a .4 mile of Broad Street destinations including Columbus School for Girls, several places of worship and an apartment complex. The Cassingham/Roosevelt route crosses Broad Street, Main Street, and Livingston Avenue at existing traffic lights. This route intersects with the Maryland route, the Sherwood route, and the Sheridan/Mound route.

Sherwood route

- Sherwood Road (entire length) from Gould Road to Drexel Avenue
- Drexel Avenue from Sherwood Road to Bryden Road
- Bryden Road from Drexel Avenue to Westland Avenue
- Westland Avenue from Bryden Road to Park Hill Drive
- Park Hill Drive to the Alum Creek Trail on ramp
- with a spur at Remington Road from Sherwood Road to Mound Street

The Sherwood route is 1.4 miles and runs the entire east/west length of Bexley. This route travels directly to Montrose Elementary, the Alum Creek Trail, and parallel to the Main Street business corridor. The addition of wayfinding signs at Parkview, Drexel, Dawson, Cassady, Cassingham, Remington, Roosevelt, and Gould would facilitate easy travel from this route to Main Street businesses. This route intersects with the Maryland route, Sheridan/Mound route and the Cassingham/Roosevelt route. This route also connects Bexley to downtown Columbus (via the Oak Street Bike Blvd); the Jewish Community Center (via the Alum Creek Trail); and regional recreational riders (via the Alum Creek Trail) to the Main Street business corridor. The Sherwood route includes crossing at the existing Main Street traffic light.

The addition of a drinking fountain/bottle fill station, bike fix-it station, and a larger wayfinding sign including a map of the Main Street business corridor placed at Park Hill would encourage Alum Creek Trail travelers to patronize Bexley businesses and accommodate residents.

The comfort of traveling this route would be improved by adding a bike lane on Drexel Avenue.

Sheridan/Mound route

- Sheridan Avenue (entire length) to Main Street
- Mound Street (entire length) from Sheridan Avenue to Chelsea Avenue
- with a connection to the Sherwood route via Main Street from Sheridan Avenue to Drexel Avenue, and Drexel Avenue from Main Street to Bryden Road

The Sheridan/Mound route is 1.8 miles and runs north/south in South Bexley and east/west parallel to the Main Street business corridor. This route travels directly to destinations at Schneider Park (shelter house, playground, community gardens and athletic fields), Capital University, Trinity Lutheran Seminary, Montrose Elementary, and five apartment complexes as well as affordable housing on Ferndale Place and Mayfield Place. The Sheridan/Mound route includes existing traffic lights at College Avenue, Drexel Avenue and Livingston Avenue.

The addition of wayfinding signs at College, Pleasant Ridge, Euclaire, Cassingham, Montrose, Remington, Vernon, Roosevelt, Grandon, and Chelsea would facilitate easy travel from this route to Main Street businesses. This route includes two CoGo bike share stations and intersects with the Sherwood route and the Cassingham/Roosevelt route.

The comfort of traveling this route would be improved by adding a bike lane on Drexel Avenue and a bike lane or sharrows on Main Street.

Maryland route

- Cassady Avenue from the Railroad tracks to Maryland Avenue
- Maryland Avenue (entire length) from Gould Road to Parkview Avenue
- Parkview Avenue from Maryland Avenue to Main Street
- Main Street from Parkview Avenue to Sheridan Avenue
- Clifton Avenue from Parkview Avenue to the Alum Creek Trail

The Maryland route is 2.5 miles and runs the entire east/west length of Bexley. This route includes the Cassady business corridor, Maryland Elementary, Commonwealth Park destinations at Jeffrey Park (Jeffery Mansion, Historical Society, swimming pool), the Alum Creek Trail, and Cassady North Apartments. This route includes the existing traffic light at Cassady and Maryland, as well as traffic lights to cross Broad Street, Main Street, and Nelson Avenue. This route includes a CoGo bike share station and intersects with the Cassingham/Roosevelt route and the Sherwood route.

It also connects to common destinations west, south, and north of the City of Bexley. Downtown Columbus is accessible via the Greenway Avenue bike lane/Mt. Vernon traffic calming/Spring Street bike lane. The Jewish

Community Center is accessible via the Alum Creek Trail. This route connects to the Nelson Road bike lanes. Connections north are coming via the City of Columbus multi use path planned for Cassady Avenue.

The comfort of traveling this route would be improved by adding a multi-use path on Cassady Avenue and a bike lane on Main Street.

Alum Creek Trail

There is a need for surface maintenance on the section of the Alum Creek Trail that runs through the City of Bexley between Broad Street and Clifton Avenue. Tree roots have destabilized the asphalt, creating trip hazards and an uneven surface. Other jurisdictions with longer components of trail in the Central Ohio Greenway system have experience with this type of maintenance and could be a resource for solutions.

Three additional BIG IDEAS also emerged related to the Alum Creek Trail.

Bicycle Pedestrian Bridge

There is interest in creating improved access from south Bexley and a better connection between the Main Street business corridor and the Alum Creek Trail. This could be achieved by investing in a bicycle/pedestrian only bridge across Alum Creek south of Main Street. The bridge would connect Bexley on the east side of the bridge to a portion of the Alum Creek Trail in Columbus on the west side of the bridge. This would require a partnership with the City of Columbus.

Underpasses at Main Street and Livingston Avenue

The Alum Creek trail has an underpass at Broad Street but crosses at the street level at both Main Street and Livingston Avenue. Both these crossings are signalized but people on bikes compete with frequent motor vehicle turning activity on each end of these wide and loud intersections. Ideal improvements would include an underpass option of these streets, though the Main Street crossing could also be improved in the short term with a better alignment. Both projects fall outside of Bexley's city limits. There is interest in supporting the City of Columbus in considering these efforts.

Main Street

Main Street is approximately 50' wide destination-rich business corridor with buildings fronting the sidewalk and street. It is also a high frequency transit route, and a U.S. Route connecting the cities of Bexley, Whitehall, Reynoldsburg, and Columbus. Main Street has one regular travel lane each direction, one parking/travel in lane each direction and medians in the center lane. The parking lane typically has at least some car parking though is rarely full. Low car travel speeds make Main Street somewhat comfortable for experienced bike riders to travel alone as well as some small groups.

Bike lanes in this corridor could dramatically improve the comfort level for people riding bikes, but the appetite to remove on street parking does not currently exist. The business community has concerns that the loss of on street car parking would reduce the number of customers. Research from other communities has found that corridors where bike lanes are added experience increases in sales, (as measured by sales tax revenue).

A few conservative first steps to improving the bike friendliness of Main Street include:

Bike Parking

Increasing bike parking in the public right of way to accommodate people already willing to travel Main Street by bike. If demand increases beyond the capacity of the sidewalk, on street bike parking is an option which allows a single on street car parking space to accommodate 10 bike parking spaces.

Sharrows and “Bike May Use Full Lane” Signs

Adding sharrows and “Bike May Use Full Lane” signs to the regular travel lane. The coupling of these tools reinforces the legitimacy of bicycle traffic on the street to motorists and recommends proper lane position for riders. Research shows sharrows also reduce sidewalk riding, encourage riders to travel in a visible and predictable lane position, reduce crashes caused by people opening car doors into the path of people on bikes, and encourage safe passing behavior. This solution sends a cue to drivers, riders, and law enforcement, that bikes belong on Main Street.

Open Streets

In intermediate step would be to test the idea that accommodating people who ride bikes increases customers to businesses. This could be done through a monthly Open Streets program for one or two seasons. Open Streets look like special events but are often led by local governments and partners to accomplish policy goals like creating a culture that supports active transportation and bringing new customers to local businesses. Partnerships with the Bexley Area Chamber and other community organizations as well as a strong evaluation tool would be important components of an Open Street program designed to test the viability of bike infrastructure. If accommodating people who bike can be shown to be beneficial for businesses in the Main Street corridor, concerns about removing on street parking to accommodate bike lanes on Main Street could greatly diminish.

Broad Street

Broad Street is approximately 50’ wide primarily residential corridor with large lots. It is also home two private school campuses, and three large places of worship. Most building setbacks fall between 50’-100’ with several buildings set back 200’ from the street. It is a high frequency transit route, and a U.S. Route connecting the cities of Bexley, Whitehall, Reynoldsburg, and Columbus. Broad Street has one regular travel lane each direction, one parking/travel lane each direction, and medians in the center lane. Sharrows are placed in the parking/travel lanes closest to the sidewalks. Broad street is lined with mature trees on both sides and young trees in the relatively newly installed medians.

The parking lane is often underutilized, and Broad Street has more capacity than it needs. These conditions induce higher travel speeds and encourage the corridor to function as a cut through particularly when traffic is reported to be congested on the freeways. Broad Street is loud and stressful for even the most experienced bike riders who typically ride in the underutilized parking lanes.

Community interest was mixed in making significant investment in the bike friendliness of Broad Street during the community engagement process. It should be noted that the street design of Broad Street is almost the same as Main Street, though land use is dramatically different. A combination of the lack of destinations and some hopelessness that anything could improve conditions for people biking may explain those with low interest. Some residents were passionate about making improvements to improve bike friendliness. Those residents indicated a preference for a multi-use path on one side of the street. If this treatment were considered, thought about how to address the many driveways in the corridor would need to be considered to address those intersections. The current sharrows are faded. If they remain, they need to be repainted and consideration should be given to moving placement those outside the parking lane to the regular travel lane and adding “Bikes May Use Full Lane” signs to the corridor. Broad Street begs for traffic calming.

Broad Street is a regional corridor and ideally would be considered in a regional context. When thought about in a regional context, Broad Street might be an ideal priority corridor for dedicated transit or bike lanes through multiple jurisdictions. This would address missing east/west connectivity for those modes for the region and assist with needed traffic calming in the City of Bexley.

Drexel Avenue

Drexel Avenue between Broad Street and Main Street is a wide corridor with traffic calming initiatives planned in the next few years. Protected bike lanes would not only accommodate people biking, they would also assist with traffic calming measures.

The case for protected bike lanes includes a dramatic improvement in how comfortable people would feel riding bikes on Drexel Avenue. There is plenty of right of way to add bike lanes without having to consider widening the street or reducing travel lanes. Bike lanes on Drexel could eventually be extended to connect to Cassady Avenue which has a multi-use path planned for construction in the Columbus portion just north of Bexley. This would connect the Main Street business corridor to a wider audience of potential customers and employees traveling by bike.

The primary case against bike lanes is the loss of on street automobile parking. It would no longer be possible to park cars on both sides of the streets. On street parking appears to be highly underutilized by residents, though the Columbus School for Girls drivers regularly use of on street parking with significant activity happening during school drop off and pick up times. Other on street parking options are available in the blocks surrounding the school. Additionally, over 200 underutilized parking spaces exist in three surface parking lots within .5 mile of Columbus School for Girls during school hours. Half a mile is a 10-minute easy walk, or a 2 to 5-minute easy bike ride. Over 150 spaces can be found at two public parks: Bexley's Jeffery Park and Columbus' Wolfe Park. A bike share station is co-located at the lot at Jeffrey Park. If the primary impediment car parking for Columbus School for Girls, one potential solution is to create shared use agreements that allow the use of idle spaces.

A temporary demonstration project may be an ideal way to evaluate the impact of protected bike lanes on Drexel Avenue. Temporary demonstration projects are an intermediate step allowing community members and leaders to understand how a new street design might work before committing permanently to the change. Temporary protected bike lanes could be installed using planters reducing the width of regular travel lanes creating a protected riding experience for people on bikes and adding beauty to the street. Those lanes could be placed one in each direction on each side of the street, or as a wider bi-directional bike lane down the center of the street. The advantages and disadvantages to each configuration need to be more closely examined

Cassady Avenue

Cassady Avenue could be considered for a multi-use path to connect bike accommodations from the City of Columbus to the City of Bexley, particularly if bike lanes on Drexel Avenue and or Main Street are considered. Beyond increasing the comfort for people traveling by bike within Bexley, this would connect the Main Street business corridor to a wider audience of potential customers and employees traveling by bike.

Corridor Planning

Transit corridor planning examining regional east/west connections is currently underway. As Bexley leadership is engaged in this process, the impact of the comfort level of people biking on or across potential corridors should be prioritized. The interaction of transit with biking as a first or last mile solution will be an important factor in determining whether Bexley residents' access to these sustainable forms of transportation or whether transit functionally passes through the community.

Bicycle Scale Wayfinding Signs

Bicycle scale way finding signs would assist residents and visitors traveling on low stress streets and trails to destinations on the Main Street business corridor. Recommended locations include a connection from the Alum Creek Trail, and connections from two of the bicycle boulevards, specifically:

- Park Hill at the Alum Creek Trail – A tailhead style map with Main Street destinations highlighting bicycle friendly businesses, public restrooms, and public locations to refill water bottles.
- Sherwood Road cross streets with Main Street destinations on either side of that cross street
 - Parkview Avenue
 - Drexel Avenue
 - Dawson Avenue
 - Cassady Avenue
 - Cassingham Road
 - Remington Road
 - Roosevelt Avenue
 - Gould Road
- Mound Street cross streets with Main Street destinations on either side of that cross street
 - College Avenue
 - Pleasant Ridge Avenue
 - Euclaire Avenue
 - Cassingham Avenue
 - Montrose Avenue
 - Remington Road
 - Vernon Road
 - Roosevelt Avenue
 - Grandon Avenue
 - Chelsea Avenue

Fix-it Stations

Fix-It Stations assist residents and visitors with minor fixes by providing tools and pressurized air. Recommended locations include:

- Schneider Park
- Bexley high school middle school complex
- Bexley library
- Bexley swimming pool
- Park Hill at the Alum Creek Trail – In addition to accommodating local residents, a fix it station at this location would give regional trail users encouragement to stop. This connected to wayfinding signage to the Main Street business district would increase patronage at local Bexley Main Street businesses.

STOP Signs and Speeding

Concerns about STOP sign and speeding behavior was frequently in the community engagement process.

There is a perception that both people driving and people biking do not comply with STOP signs. The observed behaviors might be an indication of unwarranted or too many STOP signs which have been shown to discourage good driving habits. Studies have shown that when STOP signs are overused or are located where they don't seem to be necessary, some drivers become careless about stopping at them. Further, research has shown that

STOP signs are not effective at controlling speeds between intersections. Some drivers increase speed between STOP signs making neighborhoods more dangerous. This can be especially dangerous for pedestrians and bicyclists who may have a false sense of safety from the existence of a stop sign. More information on problems related to unwarranted STOP signs can be found here:

https://safety.fhwa.dot.gov/intersection/other_topics/fhwasa09027/resources/lowa%20Traffic%20and%20Safety%20FS-%20Unsignalized%20Intersections.pdf

An overall examination of the use of STOP signs may be needed to evaluate existing STOP signs with consideration of other traffic control measures to address speeding like road diets, bump outs, or traffic circles.

Bike Parking

Increased bicycle parking was frequently requested in meetings and observed as a community need. Specifically, the need for increased availability, improved rack design, and better placement. An excellent, free, and short guide to bicycle parking can be found here <https://www.apbp.org/Publications> This link also has more detailed resources about bike parking available to purchase.

Availability

Adequate bike parking is necessary to encourage travel by bike, reduce theft, and prevent bikes from being locked to trees or other infrastructure that may be damaged. Locations reported to have inadequate bike parking include the: middle school and high school, Main Street business district, library, pool, City Hall, Jeffrey Mansion, recreation areas, and Cassady business district. As the need for bike parking increases beyond the capacity of the sidewalk, on street bike parking corrals replace a single car parking space with 10 bike parking spaces.

Design

Install bike racks that allow the frame of the bike to touch at two points. This creates a more stable position and reduces the possibility that a bike will fall into the right of way causing trip hazards, damaging bikes, and creating a messy appearance. This is particularly important for cargo bikes or other bikes that carry heavy loads like groceries or children. Racks that allow a lock to be attached to the frame (vs a tire) also improve security of a locked bike and reduce theft.

Placement

Placement – Place racks in visible, convenient locations, assure proper clearance of frame and tires, and place on stable surfaces. Travelers need to be able to predict where bike parking is to use it. Ideal locations are near entrances to buildings in locations that don't impede right of way of pedestrians, particularly people using walkers, wheelchairs, or strollers. Placing racks in a visible location can also reduce chance of theft. When placing bike racks assure appropriate clearance. Racks placed too close to walls or other street furniture inhibit the full use of the rack on one side or prevent the bike from being locked to the frame. Finally, make sure racks are placed on a stable surface. Racks placed in mulch or grass, lead to erosion creating unsafe and unpleasant muddy spots to park bikes.

Bike Parking Installation Program

Some communities have bike parking installation programs to meet public demand and assure appropriate design and placement. Business owners or residents make requests for bike rack locations. The city purchases the racks then places them on a quarterly to annual basis.

Special Event

Finally, special event bike parking should be considered to encourage people to ride to large community events like the annual Fourth of July celebration, Main Event, Harvest Festival, and Bexley High School sporting events.

Special event bike parking is temporary parking that is typically fenced and staffed to provide security. A local non-profit, Urban Scouts, can be hired to handle this, or the City of Bexley could invest in equipment and supplies and coordination of staffing.

Encouragement and Education Recommendations

Creating safe streets is important component of a bicycle friendly community but educational and encouragement campaigns also have a role to play. Educational and encouragement campaigns are effective tools for influencing community norms around what type of people ride a bicycle, what purposes they ride them for, and what locations and weather conditions are considered appropriate. To be effective, these campaigns need dedicated leaders. Programs can be operated by paid staff, interns, volunteers, or a combination, but consistency is necessary for success. Investment in equipment and supplies as well as insurance and training are other keys to program success. Education and Encouragement campaigns can also typically be instituted much more quickly than street infrastructure changes.

Children

Significant interest was shown in campaigns designed to serve children and families. The public elementary schools, the middle and high school, as well as the two private schools are within easy biking distance of every household in Bexley.

Encouragement

Encouragement ideas included campaigns to incentivize walking, skating, scooting, or riding a bike to school at least one day week. Campaigns that address parental concerns around time spent with children particularly as it relates to busy schedules will be important to the success of these programs. Parental concern about safety was also identified as a barrier to children biking. Encouragement campaigns like “biking school busses” led by parents or other adult volunteers help to assure safe passage for younger riders.

Education

Educational campaigns around safe riding practices, particularly experiential education, can be effective at increasing parents’ comfort with allowing children to ride to school and other places. Other types of educational content include dressing appropriately for various types of weather and solutions for carrying books, paper, and electronics in wet weather. This type of information assists with adoption of biking as a year-round activity. Incorporating bike rides into the school curriculum or as part of field trips is another way to model and encourage safe riding practices in all types of weather.

Policy

Setting a policy to create car free school zones for 45 minutes before and after school or no stopping zones where that is not possible, were also discussed as a way of discouraging parents from driving children to and from school. Significant culture change or charismatic leadership would be necessary for successful adoption of this type of policy to be successful at this time.

Adults

Encouragement

Encouragement campaigns give people a reason to ride and are important to creating a culture that normalizes biking to move from one place to another. Campaigns can focus on creating group experiences or incentivizing people to act on their own. Activities that community members showed interest in included:

- Fun weekly or monthly recreational bike rides that travel at an easy conversational pace accessible to people of a variety of abilities, with all types of bikes, and wearing their typical wardrobe. Ride themes, days of the week, time of day, and the demographics of leadership all influence the likely populations attracted to rides. Identify priority populations and engage people with those demographics to assist in planning and implementation to reach prioritized audiences. These types of rides provide outstanding opportunities for informal education among participating riders. They also help change cultural norms among both participating riders and those who observe them.
- Social media games like “photo tag” or “bicycle ride and seek” encourage people to ride on their own for fun. Increased solo riding helps to influence cultural norms among riders and those observing them.
- Social media campaigns like “show us your grocery trip” encourage people to try new activities by bike and learn from the experience of others.
- Movie nights with fun inspirational films curated by organizations like “Filmed by Bike” or book discussion groups can be helpful in connecting the bike-curious to others currently riding.
- A Mayor’s challenge ride could create friendly competition between communities to encourage cultural norms around biking. Who doesn’t want to see Mayor Kessler vs Mayor Maggard vs Mayor Ike vs Mayor Ginther?
- Bexley Bike Festival to celebrate all things biking and to invite bike people from outside of Bexley to see all that is great about living, working, and playing in Bexley.

Education

Educational bike rides teach safe riding practices and are effective at helping people interested in riding but concerned about safety increase confidence and competence biking under current conditions. Leaders and images that break stereotypes of who belongs on a bike are particularly effective at inviting new riders onto bicycles.

Transportation Demand Management

Transportation demand management campaigns have been led by workplaces, health departments, communities, and metropolitan planning organizations to increase biking or other forms of active transportation to regular destinations. Both the Columbus Health Department and the Mid-Ohio Regional Planning Commission are piloting transportation demand management campaigns and may offer support or resources to consider a similar campaign in Bexley.

Bicycle Friendly Business Programs

Bicycle Friendly Business programs are run by some communities to encourage bike travel by residents and to invite visitors as an economic development tool. Even low-cost simple programs can be effective at inviting new customers to businesses. Basic components include marketing through city and chamber websites, trail head signage, static clings on participating business windows, and earned media. At a minimum, participating businesses offer bike parking, water bottle refills, and access to toilet facilities. Some businesses also have tire pumps and patch kits available for people experiencing flat tires or provide discounts to people who bike.

Given the Alum Creek Trail’s proximity to the Main Street business corridor, a bicycle friendly business program has the potential to increase traffic to local businesses from regional trail users and bicycle tourists looking for places to rest and refuel. The Alum Creek Trail is an increasingly active regional attraction, part of a north/south connection from the Ohio River to Lake Erie, and part of a regional corridor being built across the United States. Installing a drinking fountain and fix it station visible from the trail along with signage that promotes local businesses could attract people using the trail into Bexley to spend money. Additional promotional opportunities are available through multiple bicycle tourism sources.

Drivers

There was little interest in campaigns targeted at driver behavior during this process. Driver behavior may be most effectively managed by addressing the street infrastructure.

Policy Recommendations

A variety of recommendations in this document could be augmented through changes in policy or code including fixed bicycle parking, special event bicycle parking, and car free school zones.

Other policies to increase bike friendliness and safety might include: 20 is Plenty, examination of snow removal policies, Idaho stop/Delaware yield, bicycle subsidies and abandoned bicycle removal policies.

Further examination beyond this document should be given to the maintenance and infrastructure in the blocks in the southwest and northeast corners of Bexley. Maintenance in the form of street sweeping and street signs are not consistent with the rest of the community. Infrastructure design separates the southwest corner from the larger community grid and sidewalks are missing in the northeast corner. Households in those blocks have bikes parked outside and may be more likely to need bikes as a mode of transportation for economic or developmental reasons. Equitable infrastructure and maintenance in these areas is necessary for these Bexley residents.

Evaluation Recommendations

Evaluation tools are important in understanding the actual impact of most interventions. Good evaluation tools are also useful in helping the general public to understand reasons for or against investment in making temporary infrastructure projects permanent. Evaluation tools can influence private investment in educational and encouragement programming and determine whether these programs are a good use of public dollars. A component of each intervention will be well served by an evaluation tool that guides decision making and investment.

Background on the Process to Develop Recommendations

In 2017 the Mayor of Bexley and the leader of the local bike advocacy group began talking about planning for a more bicycle friendly Bexley. By the fall of 2019, the process for understanding existing conditions, researching best practices, and gathering community expertise was designed. Public involvement was prioritized as a mechanism to drive this process. The recommendations in this document are the product of those efforts.

Public involvement began at the October 30, 2019 Green Bexley's sustainable transportation event at City Hall. By January of 2020 a steering committee was convened and met four times between January and November of 2020 to guide the process. Three publicized public meetings were hosted by Mayor Kessler, one at the Bexley Public Library in February of 2020, and two virtual meetings (November of 2020 and March of 2021). Additionally, stakeholders representing a diverse set of constituencies were invited to participate in five small group bike rides. An additional community bike ride open to the public was hosted in the fall of 2020. These planned interactions were supplemented by dozens of informal conversations with people who provided valuable input into this process. All those interactions combined represent 152 unique participants

The youngest active participant was in Kindergarten, the oldest are folks in their 70's and 80's. Quite a few middle schoolers participated, but most of the feedback came from adults - parents, working people, people looking for work, and retirees. Some participants have lived in Bexley their whole lives. Others have lived in a variety of places including some of the most bicycle friendly cities in the world.

Many participants already ride bikes and represent the spectrum of riders from recreational slow rollers, fast riders who love the long hilly Pelotonia route, and everyday people who are just trying to get to the places required in daily life. Many participants want to ride bikes in Bexley but are prevented by a real or perceived barrier. Drivers

also provided input – both those who ride bikes and those who don't. A small group of participants included people not at all interested in riding.

Participants were evenly split between men and women. Most participants represent white residents of Bexley, though several Black men and women who regularly ride in or through Bexley participated and offered feedback about their experiences riding bikes in Bexley. This document includes the best thinking of all who generously engaged in this process.

These recommendations are designed to serve all who live, work and play in Bexley, though the children of Bexley and the residents of south Bexley were identified as priority populations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Girves', written in a cursive style.

Catherine Girves | Senior Planner

TOOLE DESIGN

149 N. High Street | Columbus, OH 43215

cgirves@tooledesign.com | 614.407.9122 x459

ORDINANCE NO. 18 - 21

By: Troy Markham

An ordinance to appropriate \$50,000 from the General Fund for the purpose of paying legal fees in 2021.

WHEREAS, Legal fees in 2021 are projected to exceed budget projections, due to unanticipated urgent, community-serving projects, including the advancement of a critical public nuisance case, administering an unusual volume of zoning cases in the first half of 2021, and more extensive work on the proposed community choice electrical aggregation project than originally projected;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY

Section 1.

That \$50,000 is hereby appropriated form the general fund to pay Outside Counsel expenses within the City Attorney account.

Section 2.

That this ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

Lori Ann Fiebel, President of Council

Attest: _____
William Harvey, Clerk of Council

Approved: _____, 2021

Ben Kessler, Mayor



**Bexley City Council Minutes
May 11, 2021
6:00 p.m.**

City Council Members:

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

Elected Officials:

Mayor Ben Kessler

Summary minutes are supplemented by a full audio record of meetings. To review meeting audio, please visit www.bexley.org/meetings.

1) Call to Order

Meeting was called to order by President Feibel at 6:00 p.m.

2) Rollcall

Members Present:

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

Members Absent:

None

3) Pledge of Allegiance - 6:02 p.m.

4) Discussion of City Council Appeal Case #21-21

Motion made by President Feibel that the Bexley City Council recuses itself from hearing the appeal of the Decision of the Board of Zoning and Planning in Case 20-48 upon appeal to council in appeal Case No. 21-1 due to the actual or perceived conflicts of interest of a majority of the members of council and the appearance of impropriety in a quasi-judicial

proceeding. Motion seconded by Ms. Robinson. Mr. Sharp, Ms. Lampke, and Ms. Saad discuss. **Vote 7 – 0 PASSED**

5) Presentations/Special Guests

a) Ms. Gaston from ULI Columbus shared a presentation on the Rapid5 project, a regional vision to create one park network along the region’s waterways. President Feibel and Mayor Kessler expressed gratitude and excitement.

6) Public Comments

President Feibel said this period is for public comment to be made for items not on the agenda. She asked if anyone had comments, to please state their name and address prior to speaking.

- a) **Marc Abramson, 243 S. Stanwood** - Shared document signed by 115 residents and visitors in appreciation of the Bexley Police Department.
- b) **Laurie Katz, 299 S. Roosevelt** - Discussed her experience and beliefs about Section 8 Housing.

7) President's Report - President Feibel reminded Council to complete their financial statements. She and Mayor Kessler are planning a quarterly roundtable with community leaders. She applauded the Mansion construction.

8) City Attorney Report - Mr. Fishel reminded Council that the appeal of the Decision of the Board of Zoning and Planning is still subject to pending litigation and thus Council must refrain from any public conversation concerning the development; he and President Feibel discussed this.

9) Administrative Update:

- a) Finance Department Update - Beecher Hale indicated there is no report.
- b) Police Department Update - Chief Rinehart said he had no report other than his written report. Per Mr. Kessler’s request, Chief Rinehart gave an update on the internal review process of the May 1 incident.
- c) Service Department Update - Mr. Bashore discussed the Backflow Prevention Program and the finalization of DORA signs. Mr. Sharp and Mayor Kessler discussed the Backflow Program and the Right of Way Planning ordinance.
- d) Recreation Director Update - Mr. Price said he had nothing to add to his written report. He and Mayor Kessler presented the pool concept for this year, with Council questions and comments.
- e) Mayor’s Report - Mayor Kessler provided highlights from his written report.

10) Consent Agenda:

a) April 27, 2021 City Council Minutes – Ms. Saad asked that minutes from the most recent Council meeting correctly spell “Koppes.”

Motion for adoption of the Consent Agenda by Mr. Markham, seconded by Ms. Lampke Vote 7-0 PASSED

11) Ordinances/Resolutions with visiting presenters:

12) Third Readings:

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

Mr. Klingler shared amendments, and Council discussed.

Motion to amend of Resolution 04-21 made by Mr. Klinger. Motion seconded by Mr. Sharp. President Feibel asked for further comments from Council and the public. Amy Weiner, 908 S. Roosevelt thanked Council for their time working on this. Vote 7-0 AMENDED

Motion to pass Amended Resolution 04-21 made by Mr. Klinger. Motion seconded by Ms. Robinson. Vote 7-0 PASSED

b) 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)

Motion to approve Ordinance 16-21 made by Ms. Saad. Motion seconded by Mr. Klinger. Vote 7-0 PASSED

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)

Mayor Kessler explained amendments. Council discussed.

Motion to amend Ordinance 17-21 made by Ms. Saad. Motion seconded by Ms. Robinson. Mr. Sharp, Mr. Fishel, and Mayor Kessler discussed reasonable cause and notice. Vote 7-0 AMENDED

Motion to adopt Ordinance 17-21 made by Ms. Saad. Motion seconded by Ms. Lampke. Mr. Sharp indicated a grammatical change. Vote 7-0 PASSED

13) Second Readings:

- a) Ordinance 18-21, to appropriate \$50,000 from the General Fund for the purpose of paying legal fees in 2021, introduced by Mr. Markham (introduced on April 27, 2021)

This item was placed on the Consent Agenda.

14) First Readings:

- a) Ordinance 19-21: An ordinance to amend 262.02 (c)(13), Tuition Reimbursement, in order to allow for tuition reimbursement for employees hired after January 1, 2012 (introduced by Mr. Markham on May 11, 2021)

Mayor Kessler discussed this ordinance.

- b) Ordinance 20-21: An ordinance to appropriate \$175,000 from the General Fund into the Grants Account for the purpose of paying for reimbursable costs associated with the Livingston Avenue Plan and Jeffrey Mansion HVAC upgrades (introduced by Mr. Markham on May 11, 2021)

Mr. Markham and Mayor Kessler explained this ordinance and Council discussed.

- c) Ordinance 21-21: An ordinance authorizing participation in the ODOT road salt contracts awarded in 2021 (introduced by Troy Markham on May 11, 2021)

- d) Ordinance 22-21: An ordinance to place proposed amendments to the City of Bexley Charter for voter approval on the November 2021 ballot (introduced by Ms. Lampke on May 11, 2021)

- i) Charter Review Commission Recommendations
- ii) April 27th Memo to Council
- iii) April 27th Powerpoint Presentation

Council and Mr. Fishel discussed these items and appropriate methods of discussion regarding this matter.

- e) Ordinance 23-21: An Ordinance accepting the donation of an Access Easement, Conservation Easement and 1.175 acres of real property adjacent to and east of Alum Creek to the City of Bexley (introduced by Mr. Klingler on May 11, 2021)

Mayor Kessler explained this ordinance and Council discussed.

- f) Resolution 05-21: A Resolution approving the 2021 Bicycle Friendly Bexley Plan (introduced by Richard Sharp on May 11, 2021)

This resolution was displayed on the screen and will be discussed at the next meeting. Mr. Kessler and Ms. Saad explained potential revisions to the document.

g) Resolution 06-21: A resolution to adopt the tax budget for calendar year 2022 attached hereto as "Exhibit A" (introduced by Mr. Markham on May 11, 2021)

This was discussed among Council members.

15) Tabled Ordinances:

a) 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).

No action was taken on this ordinance.

b) Amended Ordinance 14-21, to re-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 on March 30, 2021)

Motion to remove Ordinance 14-21 from the table made by Mr. Markham. Motion seconded by Mr. Klingler. Vote 7-0 REMOVED FROM TABLE

Council discussed this ordinance with Mr. Price.

Motion to adopt Ordinance 14-21 made by Mr. Markham. Motion seconded by Mr. Klingler. Vote 7-0 PASSED

16) Finance Committee Reading of Ordinances & Meetings - Troy Markham, Chair

Per Section 223.03 (d) of the City Ordinances, Mr. Fishel requested a motion to adjourn into executive session

223.03 (d) To prepare for, conduct or review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

Motion for adjournment into executive session by Mr. Markham, seconded by Ms. Lampke 7-0 ADJOURNED

Motion for adjournment from executive session by Mr. Klingler, seconded by Mr. Sharp 7-0 ADJOURNED

17) Safety and Health Committee Reading of Ordinances & Meetings- Jen Robinson, Chair

Minutes from May 11th, 2021 City Council Meeting

- a) Old Business
- b) New Business
- c) Safety Committee Report – The second part of the programming leading up to Juneteenth is on May 19th and AAPI Heritage event is Friday, May 21.

18) Zoning and Development Committee Reading of Ordinances & Meeting – Jessica Saad, Chair

Zoning and Development Committee Report – The CIC met yesterday and voted into a new property management agreement with Gilbert Square at Bexley Square. The Ferndale Properties have been demolished, leveled, and seeded, and a fence is expected to go up shortly. The City closed on the 420 North Cassady building and the CIC now owns it. Finally, the Bexley Education Foundation will hold its first post-pandemic, in person meeting on Thursday, May 20.

19) Recreation and Parks Committee Reading of Ordinances & Meeting – Matt Klingler, Chair

There is nothing to report.

20) Judiciary and Strategic Committee Reading of Ordinances & Meetings – Monique Lampke, Chair

Judiciary and Strategic Committee Report – The Bexley Community Foundation has provided \$78,000 in grants to the community. The Chamber of Commerce’s food truck festival will be at Havenwood Park on May 31st.

21) Service and Environmental Committee Reading of Ordinances & Meeting - Richard Sharp, Chair

Service and Environmental Committee Report – The ESAC and Tree and Public Gardens Committee will meet next week. The historical society working on ideas. Mayor Kessler talked about AEP aggregation and explained the Board of Control voted to recommend the aggregation with some modifications to Council and then ask Council to modify.

22) Public Comments (No Speaker Slip Required)

**23) Adjourn – Motion made by Mr. Klingler, seconded by Ms. Lampke. Vote 7 – 0
ADJOURNED**

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Minutes Approved: _____, 2021

Attest: _____
William Harvey, Clerk of Council

Lori Ann Feibel, President of Council

ORDINANCE NO. 19 - 21

By: Troy Markham

An ordinance to amend 262.02 (c)(13), Tuition Reimbursement, in order to allow for tuition reimbursement for employees hired after January 1, 2012

WHEREAS, The Tuition Reimbursement Program was modified in 2011 to apply only to employees hired prior to January 1, 2012, following the elimination of the estate tax and the reduction in the local government fund; and

WHEREAS, Financial conditions have since improved at the City of Bexley;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That Chapter 262 (c)(13) hereby amended as follows:

(13) Tuition reimbursement program.

A. Participation.

Employees ~~hired prior to January 1, 2012~~ are eligible to participate in a tuition reimbursement program. Participation shall be voluntary and available only for job-related, self-development courses taken during non-working hours. All course work must be taken in accordance with a planned program approved in advance by the employee's department head.

B. Reimbursement.

For approved courses, an employee shall be reimbursed one hundred percent (100%) of the tuition expense and expenses incurred for required textbooks, to a maximum of four thousand dollars (\$4,000) during each calendar year, provided that the employee satisfactorily completes the approved course by attaining a grade C or better, or an equivalent. No reimbursement is available for a any other expense related to course attendance. Reimbursements shall be made to an employee upon submission of official transcripts, tuition statements and receipts for textbooks.

C. Tuition Reimbursement Repayment.

If an employee, within two years of receipt of tuition reimbursement, leaves City employment for any reason other than to commence regular or disability retirement, the employee shall repay the City any and all tuition reimbursement received during the two-year period prior to leaving City employment.

D. Annual Tuition Reimbursement Cap.

The City shall cap **overall** tuition reimbursements **based on annual appropriations** ~~to a total of \$10,000 per year~~, with reimbursements provided on a "first come, first served" basis.

Section 2.

That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed _____, 2021

Lori Ann Feibel, President of Council

Attest: _____, 2021
William Harvey, Clerk of Council

Approved: _____, 2021

Benjamin Kessler, Mayor

First Reading:
Second Reading:
Third Reading:

ORDINANCE NO. 20 - 21

By: Troy Markham

An ordinance to appropriate \$175,000 from the General Fund into the Grants Account for the purpose of paying for reimbursable costs associated with the Livingston Avenue Plan and Jeffrey Mansion HVAC upgrades.

WHEREAS, The Joint Livingston Avenue Plan is a joint project between the City of Columbus and the City of Bexley; and

WHEREAS, The City of Bexley is administering the payment of the contractor for the plan, and will be reimbursed by the City of Columbus for half of the cost of the plan; and

WHEREAS, The Grants Account is used to pay reimbursable expenses for special projects;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY:

Section 1.

That \$75,000 is hereby appropriated from the general fund into the Grants Account, in order to pay for costs associated with the City of Columbus' portion of the Joint Livingston Avenue Plan.

Section 2.

That \$100,000 is hereby appropriated from the General Fund into the Grants Account, in order to pay for reimbursable costs associated with relocating and upgrading HVAC equipment at Jeffrey Mansion.

Section 3.

That this ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

Lori Ann Fiebel, President of Council

Attest: _____
William Harvey, Clerk of Council

Approved: _____, 2021

Ben Kessler, Mayor

Ordinance 21 – 21

By: Troy Markham

Authorizing participation in the ODOT road salt contracts awarded in 2021

WHEREAS, the City of Bexley (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the road salt contract; and
- d. The Political Subdivision’s electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract’s effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than June 11th. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

NOW, THEREFORE, be it Ordained by the Council of the City of Bexley, Ohio:

Section 1.

That this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract.

Section 2.

That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed: _____, 2021

Lori Ann Feibel President of Council

Attest: _____
William Harvey, Clerk of Council

Mayor Ben Kessler

ORDINANCE NO. 22 - 21

By: Monique Lampke

An ordinance to place proposed amendments to the City of Bexley Charter for voter approval on the November 2021 ballot

WHEREAS, the City of Bexley created a Charter Review Commission (CRC) in October 2019; and

WHEREAS, the CRC met regularly from November 2019 through January 2021 to review and consider potential changes to the City Charter; and

WHEREAS, the CRC presented its recommendations to Bexley City Council in February 2021; and

WHEREAS, the Bexley City Council appointed a committee of three council members to review the CRC's recommendations and to make recommendations to City Council on changes to the City Charter based on those recommendations; and

WHEREAS, the City Council committee has made recommendations to City Council concerning the proposed changes to the City Charter that should be placed before the voters;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That the attached proposed changes to the Bexley City Charter attached hereto be placed on the ballot for the general election scheduled for November 2, 2021 for consideration of the voters of the City of Bexley.

Section 2.

That the Mayor, City Attorney and City Auditor/Council Clerk take the necessary steps to seek approval from the Franklin County Board of Elections to place these proposed changes to the Charter on the November 2, 2021 ballot.

Section 3.

That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed _____, 2021

Lori Ann Feibel, President of Council

Attest: _____, 2021
William Harvey, Clerk of Council

Approved: _____, 2021

Benjamin Kessler, Mayor

First Reading:

Second Reading:

Third Reading:

The following proposed changes are set forth in the packages that will be voted on separately based on the approval of the Franklin County Board of Elections.

1st BUNDLE:

SECTION 1. Recognition and Intent

The City of Bexley recognizes that institutional racism and discrimination exist and have a painful, historic legacy in our community and in this country, the effects of which continue to place the health and well-being of minority residents at risk. The City of Bexley rejects, discourages, and condemns all forms of racism, discrimination, anti-Semitism, and all hate-based conduct. The City seeks to embrace diversity and to cultivate a welcoming and inclusive environment for all persons. It is the intent of the City of Bexley to work together with community groups, organizations, and individuals to confront racism and discrimination in order to promote diversity, equity, and inclusion.

SECTION 2. Non-Discrimination and Citizen Participation

In the exercise of its powers or in the performance of its duties, the City of Bexley and all of its departments, boards, commissions, committees, and employees shall strive to ensure that no person or group engaged in the conduct of official business or seeking to do business with the City is discriminated against based on race, sex, sexual orientation, gender identity or expression, color, religion or non-religion, ancestry, national origin, age, disability, and familial status or military status. The City's Strategic Plan shall incorporate and maintain strategies to eliminate institutional racism and discrimination, increase the diversity of the community, and to create a welcoming and inclusive environment within the City. Bexley Mayor's Court shall ensure defendants' appearances by the least restrictive means possible in accordance with the Ohio Rules of Criminal Procedure. Bexley encourages citizens to attend public meetings and when appropriate to offer insights, suggestions, comments, or questions to public officials to provide our City government with the richness that can come from the respectful exchange of ideas and urges citizens to be mindful of the needs of government officials to regulate discussion to sustain the orderly, productive work of governing the City.

SECTION 3. Diversity in Hiring and Contracting

The City of Bexley shall commit to actively recruit qualified individuals, including minority and women candidates, for employment in all levels of City government with the goal of reflecting a diverse workforce. When issuing all contracts, the City shall give due consideration to individuals and firms owned or controlled by women and minorities by establishing and maintaining programs and policies which promote fairness and equity.

SECTION 4. Interpretation of Ordinances

The ordinances of the City shall be interpreted consistent with the City's values as set forth in this Section. Specifically, the ordinances of the City shall be interpreted to avoid discriminatory impact on any person on the basis of that individual's race, sex, sexual orientation, gender identity or expression, color, religion or non-religion, ancestry, national origin, age, disability, familial status or military status and to ensure fair and equitable treatment of individuals in their interaction with the City.

Gender Neutral Pronouns and Terminology

The Charter of the City of Bexley shall be amended so that, where applicable, all male and/or female pronouns or terminology in the various sections of the Charter shall be replaced with a gender neutral pronoun or terminology.

2nd BUNDLE:

SECTION 5. Citizen Review Board

The City Council shall provide by ordinance for a Citizen Review Board for the purpose of examining complaints regarding the conduct or policies of the City of Bexley or its employees and shall grant the Citizen Review Board subpoena powers necessary to conduct its work. The Citizen Review Board shall report to City Council at least annually regarding its work and may make recommendations for action by the City.

3rd BUNDLE:

SECTION 13. Appointment of Other Officers.

The Mayor shall have the power to appoint, subject to confirmation by Council, the following officers, to-wit:

- (a) City Attorney.
- (b) Chief of Police.
- (c) Members of the Civil Service Commission.
- (d) Members of the Board of Health.
- (e) Members of city planning and zoning boards, committees, or commissions as established by Council.
- (f) Members of other boards, committees, and commissions, if any, established by Council.
- (g) All other officers, superintendents and heads of administrative departments, whose positions may be created by Council, and for whose appointment no other provision is made.

Unless otherwise provided by this Charter or by ordinance, all appointments made under this subdivision shall be at the pleasure of the Mayor.

No person shall be appointed as a member of any board or commission created by this Charter or by ordinance unless notice of the vacancy to be filled was published at least thirty days prior to the submission of such appointment by the Mayor to Council. Except as otherwise provided by the laws of the State of Ohio or as necessary to establish staggered terms, the term of office for members of all boards and commissions created by this Charter or by ordinance shall be three years, each commencing July 1, provided that a vacancy during the term of any member shall be filled for the unexpired term of such office. In the case of newly appointed boards or commissions or cases in which the staggering of appointments needs to be restored the Mayor, with the concurrence of Council, may appoint terms shorter than three years.

SECTION 51. Composition; Terms, Vacancies; Powers and Duties.

The Board of Health shall be composed of five members who shall serve without compensation. Their term shall be for three years. To create staggered terms, the Mayor, with the consent of Council, can appoint members for less than three years. The members of the existing Board of Health shall continue in office for the terms for which they were appointed. The Board shall elect one of its members as President.

The Board of Health shall have such powers and perform such duties as may be prescribed by ordinance of Council and by statutes governing boards of health in cities not in conflict with such ordinances.

SECTION 52. Composition; Terms; Compensation; Officers.

The Civil Service Commission shall consist of three electors of the City. The term of each member shall not exceed three years. To create staggered terms, the Mayor, with the consent of Council, can appoint members for less than three years. They shall receive no compensation for their services. One of the members shall be chosen by the Civil Service Commission as chairperson, and a secretary shall be appointed by the Civil Service Commission members.

SECTION 58. Creation; Composition; Terms.

Council by ordinance shall create one or more boards, committees, or commissions to administer the City zoning code and perform other planning and zoning duties as determined by ordinance of Council. Each such board, committee, or commission shall consist of electors of the City who shall serve without compensation and who, with the concurrence of Council, shall be appointed by the Mayor for terms of three years. To create staggered terms, the Mayor, with the consent of Council, can appoint members for less than three years.

4th BUNDLE:

SECTION 14: Removal Power of Mayor

The Mayor, with the concurrence of Council, may at any time remove the City Attorney. The Mayor, with the concurrence of council, may at any time remove any officer, member of any board or commission so appointed under authority of paragraphs (c), (d), (e), or (f) of Section 13 hereof, for inefficiency, neglect of duty, or malfeasance in office, having first given such official a copy of the charges and an opportunity to be heard in person or by counsel in the official's own defense, before Council, and such removal shall be final.

5th BUNDLE:

SECTION 24: Meetings, President of Council

The four -year term of office for City Council Members will begin on January 1, following their election and shall go until December 31 in the fourth year of their term of service. At 7:00 pm on the first Monday in January following a regular Municipal election, or on the succeeding day if the first Monday is a legal holiday, Council shall meet at the usual place of holding its meetings, and Council shall elect one of its members President, who shall preside at meetings of the Council and perform such duties as presiding officer as may be imposed by Council. In the absence of the President at any meeting, Council shall elect a President Pro Tempore. Thereafter, Council shall meet at such times as may be prescribed by ordinance or resolution, but shall meet at least twice a month, except that Council may designate one month in the summer season for vacation. The Mayor, President of Council, or any four members thereof, may call special meetings of Council upon written notice provided at least six hours in advance of the special meeting. Written notice may be provided electronically via email or similar electronic means commonly used for Council notifications provided the member acknowledges receipt or delivered personally to the member, or left at the member's place of residence. Any request for a special meeting and the notice calling the same shall state the subjects to be considered , and such meeting shall be limited to a consideration of such subjects.

SECTION 66: Time for Holding Elections

Regular Municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years and shall be conducted and the results canvassed and announced by the regular election authorities. Any matter which by the terms of this Charter or ordinance of Council may be submitted to the electors of the City shall be submitted to the electors at the next regular Municipal election if one shall occur not less than sixty nor more than 120 days after its passage or the submission of the required petition or at the next regular State election if one shall occur not less than ninety nor more than 120 days after its passage or the submission of the required petition: otherwise it shall submit the amendment, initiative, or referendum at a special election to be called and held not less than sixty nor more than 120 days after its passage or the submission of the required petition.

SECTION 77: Amendments

Amendments to this Charter may be submitted to the electors of the City by a two-thirds vote of the Council, and shall be submitted by Council upon a petition signed by ten percent of the electors of the City, setting forth any such proposed amendment. The ordinance providing for the submission of any such amendment shall require that it be submitted to the electors in accordance with Section 66 of this Charter.

Notice of any proposed amendments shall be given in one of the following ways:

- a) Not less than thirty days prior to the election at which the amendments are to be submitted to the electors, the City Clerk shall mail a copy of the proposed amendments to each elector whose name appears upon the poll of the last regular Municipal or general election.
- b) The full text of the proposed amendments shall be published electronically by the City on whatever available platform or platforms the administration determines reasonably appropriate to reach the greatest number of residents within the City, once a week for not less than two consecutive weeks, in an electronic mailing published by the City, on the City web page if available, and on a platform or platforms the City considers appropriate to distribute the information broadly to the electors, with the first publication being at least fifteen days prior to the election at which the amendments are to be submitted to the electors.
- c) Any other procedure authorized by the general laws of the State applicable to cities.

If such proposed amendments are approved by a majority of the electors voting thereon, they shall become part of the Charter.

ORDINANCE NO. 23-21

By: Klingler

An Ordinance accepting the donation of an Access Easement, Conservation Easement and 3.167± acres of real property adjacent to and east of Alum Creek to the City of Bexley.

WHEREAS, Howard Belford, Trustee of The 361 North Parkview Trust dated January 31, 2006 (“Trustee”) is the owner of two adjacent parcels of real property located in the City of Bexley being Franklin County Auditor’s Parcel No. 020-000115 adjacent to Alum Creek with a street address of the rear of 361 N. Parkview Avenue (Exhibit 1 Parcel Two) and approximately 1.39± acres of real property being Franklin County Auditor’s Parcel No. 020-001971 adjacent to Parkview Avenue with a street address of 361 N. Parkview Avenue (Exhibit 1 Parcel One), all as shown on Exhibit 1; and

WHEREAS, Trustee has offered to donate and convey to the City of Bexley a Conservation Easement on approximately 3.167± acres of the western portion of its land adjacent to Alum Creek to be used for the protection and preservation of the natural habitat and protection and maintenance of riparian rights associated with Alum Creek (the “Conservation Easement”), as shown in the Conservation Easement attached as Exhibit 2; and

WHEREAS, Trustee has also offered to donate and convey to the City of Bexley title to the 3.167 acre vacant western portion of its land adjacent to Alum Creek by deed to the City as shown in the deed attached as Exhibit 3 (the “Property”); and

WHEREAS, Trustee has also offered to donate and convey to the City of Bexley an Access Easement for access from North Parkview Avenue over Trustee’s remaining adjacent property to the Conservation Easement area and real property being donated at the rear of 361 N. Parkview as shown on Exhibit 1 and shown and described in the Access Easement attached as Exhibit 4 (the “Access Easement”); and

WHEREAS, Trustee’s remaining 1.175 acre eastern portion of Trustee’s Parcel Two described in Exhibit 5 shall be combined with Trustee’s adjacent Parcel One being Franklin County Auditor’s Parcel No. 020-001971 comprised of 1.39± acres including Lots 1 and 2 and a strip of thirty feet (30’) on the north side of Lot 1 of Block 1 of the Bullitt Park plat recorded in Plat Book 4, Page 416 (Instrument No. 19000101000762), to create a combined tract of land comprised of 2.565± acres located at 361 N. Parkview Avenue in the City of Bexley that is adjacent to Parkview Avenue and improved with a single family residence; and

WHEREAS, Trustee is required to receive the approval of Bexley Board of Zoning and Planning prior to the conveyance of a portion of an existing tract of real property (the western portion of Parcel Two) and the combination of remaining parcels of Trustee’s real property (the

eastern portion of Parcel Two and all of Parcel One) into a single tract of land as provided in the Bexley codified ordinances; and

WHEREAS, it is in the interest and benefit of the City of Bexley and public at large that the City accept the donation of such Conservation Easement, Real Property and Access Easement to each.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bexley, County of Franklin, State of Ohio, that:

Section 1. The City of Bexley accepts donation of a 3.167± acre easement from Howard Belford, Trustee of The 361 North Parkview Trust dated January 31, 2006 to the City of Bexley at the rear of 361 North Parkview and adjacent to Alum Creek for conservation purposes as and for public use, by a Conservation Easement in a form substantially similar to the Conservation Easement attached hereto as Exhibit 2.

Section 2. The City of Bexley accepts donation of 3.167± acres of real property from Howard Belford, Trustee of The 361 North Parkview Trust dated January 31, 2006 to the City of Bexley, by Deed in a form substantially similar to the Fiduciary Deed attached hereto as Exhibit 3. The Trustee shall pay, and be responsible for the payment of, any and all real property taxes and assessments that are, or that may become due, if any, on the land being deeded to the City herein, up to the time the deed is recorded with the Office of the Franklin County Recorder.

Section 3. The City of Bexley accepts donation of an easement for access to the Conservation Easement and real property being donated from Howard Belford, Trustee of The 361 North Parkview Trust dated January 31, 2006 to the City of Bexley in a form substantially similar to the Access Easement attached hereto as Exhibit 4.

Section 4. The proposed subdivision and combination of parcels proposed by Howard Belford, Trustee must be reviewed and approved by the Bexley Board of Zoning and Planning as provided in the codified ordinances of the City of Bexley before any donation of real property to the City is recorded.

Section 5. The Mayor is authorized to do all acts and to execute all agreements and instruments appropriate or necessary to facilitate and carry out the donation and acceptance of the property and property interests identified in this ordinance, and to make any minor modifications to the instruments attached to this ordinance that are necessary to carry out the intent of this ordinance and the recording of the deed and easements.

Section 6. This Ordinance shall become effective from and after the earliest period provided by law.

Passed _____, 2021

Lori Ann Feibel, President of Council

Attest: _____
William Harvey, Clerk of Council

Approved: _____, 2021

Ben Kessler, Mayor

First Reading:
Second Reading:
Third Reading:
Passed:

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CONSERVATION EASEMENT

For no consideration and solely as a charitable donation of a partial interest in real estate constituting a "qualified conservation contribution" as defined under §170(f)(3)(B)(iii) of the Internal Revenue Code of 1986 (the "Code") to an organization constituting a "qualified organization" as defined under §170(h) of the Code, HOWARD BELFORD TRUST ("Grantor"), as owner of the real property described on Exhibit A (the "Property"), does hereby grant and convey to the CITY OF BEXLEY, a municipal corporation ("Grantee"), a perpetual, exclusive easement upon the Property for the exclusive purpose of advancing the Conservation Purpose described below (that easement, the "Conservation Easement"). The Conservation Easement empowers Grantee to block activities, uses, and improvements inconsistent with the Conservation Purpose.

1. **Conservation Purpose.** The objectives of the Conservation Easement are to protect and preserve natural habitat for wildlife and plants native to the area and to maintain and protect riparian rights associated with Alum Creek by allowing the Property to grow fallow (the "Conservation Purpose"). In connection with achieving the Conservation Purpose, (i) Grantee may introduce native plant species on the Property, (ii) construction of any new improvements on the Property and the surface exploration, development, mining, or extraction of soil, sand, gravel, mineral, oil, gas, or other substance from the surface of the Property is prohibited, (iii) no fencing or similar barriers may be erected on the Property except that fencing on the date this Conservation Easement is recorded may be repaired or replaced with similar fencing, and (iv) no signage may be installed on the Property except for "no trespassing" signs, signs identifying the Property as a conservation easement, and other signs that may be required by law, and any such permitted sign shall be no larger than that required to serve its intended purpose and consistent with the Conservation Purpose.

2. **Maintenance.** Grantee may trim or remove trees and other vegetation on the Property the condition of which poses a safety hazard to residences abutting the Property or to mitigate disease or invasive species. Grantee may also mow or cause to be mowed grass within the Property as Grantee deems necessary so long as the Conservation Purpose is in all other respects maintained. Grantee shall prohibit access to the Property except in connection with the exercise of such maintenance rights.

3. Federal Tax Items. This Conservation Easement has been donated by Grantor and the donation of the Conservation Easement by this grant is intended to qualify as a "qualified conservation contribution" for purposes of §170(f)(3)(B)(iii) of the Code and applicable Treasury Regulations related thereto (the "Regulations"), and this Conservation Easement shall be construed and applied accordingly.

a. Grantor represents that no person has retained a qualified mineral interest in the Property of a nature that would disqualify the Conservation Easement for purposes of §1.170A-14(g)(4) of the Regulations. From and after the date hereof the grant of such an interest is prohibited and Grantee has the right to prohibit the exercise of such a right or interest if granted in violation of this provision.

b. To the extent required for compliance with §1.170A-14(g)(5)(ii) of the Regulations Grantor agrees to notify Grantee before exercising any reserved rights that may have an adverse impact on the conservation interests associated with the Conservation Easement.

c. In accordance with §1.170A-14(g)(6) of the Regulations, Grantor agrees that (i) the grant of the Conservation Easement gives rise to a real estate right immediately vested in Grantee that entitles Grantee to compensation upon extinguishment of the easement; (ii) the fair market value of the easement shall be determined in accordance with the Regulations; and (iii) extinguishment for unexpected changes that make impossible or impractical the continued use of the Conservation Easement for conservation purposes (as defined in the Regulations) can only be accomplished by judicial proceedings and Grantee's proceeds (as determined under the Regulations) from any sale or exchange of the Conservation Easement must be used by Grantee in a manner consistent with the Conservation Purpose.

d. If the Conservation Easement is transferred, the transferee must commit to hold the Conservation Easement exclusively for the Conservation Purpose.

e. No goods or services were delivered to Grantor in consideration of this grant and this grant is not conditioned upon the availability or amount of a deduction, credit or other benefit under applicable law.

4. Transferees; No Merger. In support of the Conservation Purpose, Grantee will not transfer this Conservation Easement or otherwise assign its rights or responsibilities under this grant to any person or entity other than a "qualified organization" under §170(h)(3) of the Code committed to upholding the Conservation Purpose. Subject to the foregoing, this Conservation Easement shall run with the land. In the event Grantee or any future holder of this Conservation Easement shall obtain the remaining fee interest in the Property, this Conservation Easement shall not merge with such fee interest.

IN WITNESS WHEREOF, this Conservation Easement shall become effective on the date this instrument is recorded in the real property records of Franklin County, Ohio.

GRANTOR:

HOWARD BELFORD TRUST

By: _____

Name: _____

Title: _____

GRANTEE:

CITY OF BEXLEY

By: _____

Name: _____

Title: _____

STATE OF OHIO
COUNTY OF FRANKLIN

This instrument was acknowledged before me on _____, 2021, by
_____, Trustee of the Howard Belford Trust.

Notary Public in and for the State of Ohio

STATE OF OHIO
COUNTY OF FRANKLIN

This instrument was acknowledged before me on _____, 2021, by
_____, _____ of City of Bexley, a municipal
corporation, on behalf of said corporation.

Notary Public in and for the State of Ohio

This instrument was prepared by:
Glen A. Dugger
Smith & Hale LLC
37 West Broad Street, Suite 460
Columbus, OH 43215
614-221-4255

belford-conservation.eas (nct)
4/26/21 S:Docs

EXHIBIT A

PROPERTY

Description of 3.167 acres

Situated in the State of Ohio, County of Franklin, City of Bexley and being a part of Half Section 16, Section 16, Township 5, Range 22, Refugee Lands, and being 3.167 acres out of an original 3.82 acre tract as described in a deed to Howard Belford, Trustee of the 361 North Parkview Trust Dated January 31, 2006, as recorded in Instrument No. 200604260078145, Franklin County Recorder's Office, said 3.167 acre tract being more particularly described as follows:

Beginning for reference at a found $\frac{3}{4}$ " iron pipe located at the southeast corner of Lot 2 in Block No. 1 of Bullitt Park as recorded in P.B. 4, Pg. 416, said iron pipe being in the west line of North Parkview Ave. (80' wide), said iron pipe being the northeast corner of Lot 3 of said Bullitt Park as described in a deed to Melanie Schottenstein as recorded in Instrument No. 201307120117099 (1.640 acres by deed), said iron pipe being located S $03^{\circ}42'56''$ W 230.34' from a found $\frac{3}{4}$ " iron pipe in the centerline of former Maryland Ave. (60' wide, Atchison St. per said plat of Bullitt Park) as vacated by Ordinance No. 997, Village of Bexley dated 12/11/1926;

Thence N $85^{\circ}55'30''$ W, 487.95' (passing a found 2" iron pipe at the southwest corner of said Lot 2 at 264.83'), along the south line of said Lot 2, the north line of said Lot 3, the south line of said 3.82 acre tract, and being the north line of said Schottenstein 1.640 tract, to a found $\frac{3}{4}$ " iron pipe, said iron pipe being the northwest corner of said 1.640 acre tract and being the northeast corner of a 0.460 acre tract as described in a deed to Jane P. Doerr-Robinson & Timothy C. Robinson as recorded in Instrument No. 20190960115280, said iron pipe being the True Place of Beginning for the herein described 3.167 acre tract;

Thence N $86^{\circ}04'43''$ W, 711.89' (passing a found $\frac{3}{4}$ " iron pipe at 622.06'), along the south line of said 3.82 acre tract, being the north line of said 0.460 acre tract and being the north line of a 2.047 acre tract as described in a deed to City of Bexley as recorded in Instrument No. 201908290111439, to a point in the centerline of Alum Creek, said point being in the east line of Nelson Park being a part of Lot 1 of the Nelson Heirs' Partition, Franklin County Court of Common Pleas Complete Record 28, page 454 conveyed as an 11.71 acre tract to the City of Columbus in D.B. 525, pg. 454;

Thence N $34^{\circ}59'24''$ E, 3.50', along the centerline of said Alum Creek, being the west line of said 3.82 acre tract, the east line of said Nelson Park, and said 11.714 acre tract, to a point;

Thence N $48^{\circ}31'15''$ E, 319.22', continuing along the centerline of said Alum Creek, the west line of said 3.82 acre tract, the east line of said Nelson Park and said 11.71 acre tract and the east line of the balance of a 1 acre tract described in a deed to the City of Columbus in O.R. 27883 D02, and the west line of a 35' wide strip as described in a deed to City of Columbus as recorded in Deed Book 573, Pg. 200, to a point, said point being the northwest corner of said 3.82 acre tract, being the southwest corner of a 30' wide strip of land as described in a deed to Frank K. Brown

& Blythe M. Brown as recorded in Instrument No. 200907080099780, said point being the northeast corner of said City of Columbus 35' wide strip and being the southeast corner of a 6.56 acre tract as described in a deed to City of Columbus as recorded in Deed Book 924, Pg. 203, said point being in the centerline of said former Maryland Ave.;

Description of 3.167 acres continued

Thence S 86°00'14"E, 486.44', (passing at set iron pin at 75.00'), along the north line of said 3.82 acre tract, being the south line of said Brown tract, being the centerline of said former Maryland Ave., to a ¾" iron pipe found with cap stamped "MYERS 6579";

Thence S 04°02'45"W, 229.66', crossing said 3.82 acre tract, along a new division line, to the True Place of Beginning, having an area of 137962 Square Feet, 3.167 Acres, being all out of Auditor's Parcel No. 020-000115.

Bearings are based on the west of said North Parkview Ave, as being N 03°42'56" W based on GPS observations using the State of Ohio Department of Transportation VRS System, the State Plane Coordinate System, Ohio South Zone, North American Datum, of 1983, also known as NAD83 (2011 Adjustment). All iron pins set are 5/8" rebar, 30" long with yellow plastic cap stamped "J & J Surveying". All references to documents are recorded in the Franklin County Recorder's Office. This description is based on an actual field survey performed by J & J Surveying under the direction of John W. Wetherill, P.S. 7811, in October 2020.

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, HOWARD BELFORD TRUST, (hereinafter "Grantor"), hereby grants, with limited warranty covenants, all its right, title, and interest in and to the CITY OF BEXLEY, OHIO, an Ohio municipal corporation, whose tax mailing address is : 2242 East Main Street, Bexley, Ohio, 43209, the following real property:

Being the premises more particularly described in "Exhibit A" attached hereto and by reference made a part hereof.

This conveyance is made subject to all previous easements, conditions, and restrictions of record, if any, and is further subject to taxes and assessments, if any, now a lien, and further subject to the following restriction: as a condition of this conveyance, this property shall subject to and perpetually be used consistent with the provisions of that Conservation Easement conveyed from Grantor to Grantee in Official Instrument # _____, dated _____, 2021 of record in the office of the Recorder for Franklin County, Ohio

Prior Instrument Reference: _____
Parcel Number: split out of 020-000115

IN WITNESS WHEREOF, the said HOWARD BELFORD TRUST, Grantor, by _____ its Trustee, has caused his name to be subscribed on this _____ day of _____, 2021.

Signed and acknowledged
In the presence of:

HOWARD BELFORD TRUST

by: _____
Its: Trustee of the Howard Belford Trust

STATE OF OHIO
COUNTY OF FRANKLIN, SS

BE IT REMEMBERED, that on this _____ day of _____, 2021, before me, the subscriber, a Notary Public in and for said county, personally came _____ the Grantor in the foregoing Limited Warranty Deed, by _____ its Trustee, who acknowledged the signing thereof to be his voluntary act and deed on behalf of the Grantor.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

This instrument was prepared by:
Glen A. Dugger
Smith and Hale, LLC
37 West Broad Street
Columbus, Ohio 43215
(614) 221-4255

Notary Public

EXHIBIT A

Description of 3.167 acres

Situated in the State of Ohio, County of Franklin, City of Bexley and being a part of Half Section 16, Section 16, Township 5, Range 22, Refugee Lands, and being 3.167 acres out of an original 3.82 acre tract as described in a deed to Howard Belford, Trustee of the 361 North Parkview Trust Dated January 31, 2006, as recorded in Instrument No. 200604260078145, Franklin County Recorder's Office, said 3.167 acre tract being more particularly described as follows:

Beginning for reference at a found $\frac{3}{4}$ " iron pipe located at the southeast corner of Lot 2 in Block No. 1 of Bullitt Park as recorded in P.B. 4, Pg. 416, said iron pipe being in the west line of North Parkview Ave. (80' wide), said iron pipe being the northeast corner of Lot 3 of said Bullitt Park as described in a deed to Melanie Schottenstein as recorded in Instrument No.

201307120117099 (1.640 acres by deed), said iron pipe being located S $03^{\circ}42'56''$ W 230.34' from a found $\frac{3}{4}$ " iron pipe in the centerline of former Maryland Ave. (60' wide, Atchison St. per said plat of Bullitt Park) as vacated by Ordinance No. 997, Village of Bexley dated 12/11/1926;

Thence N $85^{\circ}55'30''$ W, 487.95' (passing a found 2" iron pipe at the southwest corner of said Lot 2 at 264.83'), along the south line of said Lot 2, the north line of said Lot 3, the south line of said 3.82 acre tract, and being the north line of said Schottenstein 1.640 tract, to a found $\frac{3}{4}$ " iron pipe, said iron pipe being the northwest corner of said 1.640 acre tract and being the northeast corner of a 0.460 acre tract as described in a deed to Jane P. Doerr-Robinson & Timothy C. Robinson as recorded in Instrument No. 20190960115280, said iron pipe being the True Place of Beginning for the herein described 3.167 acre tract;

Thence N $86^{\circ}04'43''$ W, 711.89' (passing a found $\frac{3}{4}$ " iron pipe at 622.06'), along the south line of said 3.82 acre tract, being the north line of said 0.460 acre tract and being the north line of a 2.047 acre tract as described in a deed to City of Bexley as recorded in Instrument No. 201908290111439, to a point in the centerline of Alum Creek, said point being in the east line of Nelson Park being a part of Lot 1 of the Nelson Heirs' Partition, Franklin County Court of Common Pleas Complete Record 28, page 454 conveyed as an 11.71 acre tract to the City of Columbus in D.B. 525, pg. 454;

Thence N $34^{\circ}59'24''$ E, 3.50', along the centerline of said Alum Creek, being the west line of said 3.82 acre tract, the east line of said Nelson Park, and said 11.714 acre tract, to a point;

Thence N $48^{\circ}31'15''$ E, 319.22', continuing along the centerline of said Alum Creek, the west line of said 3.82 acre tract, the east line of said Nelson Park and said 11.71 acre tract and the east line of the balance of a 1 acre tract described in a deed to the City of Columbus in O.R. 27883 D02, and the west line of a 35' wide strip as described in a deed to City of Columbus as recorded in Deed Book 573, Pg. 200, to a point, said point being the northwest corner of said 3.82 acre tract, being the southwest corner of a 30' wide strip of land as described in a deed to Frank K. Brown & Blythe M. Brown as recorded in Instrument No. 200907080099780, said point being the northeast corner of said City of Columbus 35' wide strip and being the southeast corner of a 6.56 acre tract as described in a deed to City of Columbus as recorded in Deed Book 924, Pg. 203, said point being in the centerline of said former Maryland Ave.;

Description of 3.167 acres continued

Thence S 86°00'14"E, 486.44', (passing at set iron pin at 75.00'), along the north line of said 3.82 acre tract, being the south line of said Brown tract, being the centerline of said former Maryland Ave., to a ¾" iron pipe found with cap stamped "MYERS 6579";

Thence S 04°02'45"W, 229.66', crossing said 3.82 acre tract, along a new division line, to the True Place of Beginning, having an area of 137962 Square Feet, 3.167 Acres, being all out of Auditor's Parcel No. 020-000115.

Bearings are based on the west of said North Parkview Ave, as being N 03°42'56" W based on GPS observations using the State of Ohio Department of Transportation VRS System, the State Plane Coordinate System, Ohio South Zone, North American Datum, of 1983, also known as NAD83 (2011 Adjustment). All iron pins set are 5/8" rebar, 30" long with yellow plastic cap stamped "J & J Surveying". All references to documents are recorded in the Franklin County Recorder's Office. This description is based on an actual field survey performed by J & J Surveying under the direction of John W. Wetherill, P.S. 7811, in October 2020.

EASEMENT

For and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Howard Belford Trust, (“Grantor”), as owner of the real property described in Exhibit A, does hereby grant and convey to The City of Bexley, an Ohio municipal corporation, (“Grantee”), as owner of a Conservation Easement donated from Grantor to Grantee over the Grantor’s property more particularly described in Exhibit B (the “Conservation Easement Area”), a perpetual non-exclusive easement over the portion of Grantor’s property more particularly described on Exhibit C (the “Easement Area”) for ingress and egress of pedestrian and vehicular traffic to and from the public right of way by Grantee over and to the Conservation Easement Area (the “Easement Purpose”). The Easement Purpose shall further include trimming and removing trees and other vegetation the condition of which poses a safety hazard to Grantee’s use of the Easement Area and for mitigating disease or invasive species thereon and repairing, replacing or removing any permitted fencing on Grantor’s property (other than any fencing as permitted below), all subject to the following conditions and restrictions: (i) no motorized vehicles shall be permitted in the Easement Area except for maintenance utility vehicles used solely for the maintenance of the Easement Area; (ii) Grantee shall provide Grantor with at least 48 hours notice prior to entering the Easement Area; (iii) Grantee shall promptly restore any damage to Grantor’s property resulting from Grantees use of the Easement Area; (iv) Grantee shall use all reasonable effort to minimize noise and disruption caused by its use of the Easement Area; (v) except in the case of emergency, Grantee shall limit its use of the Easement Area to weekdays between the hours of 9:00 a.m. and 4:00 pm; and (vi) Grantee is prohibited from using the Easement Area to transport equipment or materials that are not necessary to accomplish the Easement Purpose, being the Grantee’s use and maintenance of the Conservation Easement Area.

Grantor reserves the right to construct fencing across any portion of the Easement Area and along the boundary line along the boundary of the Easement Area provided Grantor incorporates gating sufficient to allow Grantee’s reasonable use of the Easement Area to access the Conservation Easement Area as provided herein. Grantor shall provide Grantee with keys to any locks on such gates. To the extent any obstruction exists within the Easement Area, Grantee may deviate from the Easement Area into Grantor’s property during ingress and egress only to

the extent necessary to move around such obstruction and shall immediately return to the Easement Area.

The covenants contained herein shall run with the land and shall be binding upon and inure to the benefit of the parties hereto and their respective successor and assigns. The easement granted herein is solely for the benefit of the Grantee as owner of the Conservation Easement, and as such is an appurtenant easement. This Easement may not be modified or amended without the prior written approval of the Grantor and Grantee. The provisions of this Easement are not intended to create, nor shall they be construed as creating, any rights in and for the benefit of the general public.

IN WITNESS WHEREOF, the parties have executed this agreement as of this ____ day of _____, 2021.

GRANTOR:

Howard Belford Trust,

BY: _____

David Belford, Trustee

STATE OF OHIO::

COUNTY OF FRANKLIN::

This instrument was acknowledged before me on _____, 2021 by David Belford, Trustee of the Howard Belford Trust.

Notary Public in and for the state of Ohio.

This instrument prepared by Glen A. Dugger, 37 West Broad Street, Columbus, Ohio. 43215

EXHIBIT B

(THE CONSERVATION EASEMENT AREA)

Description of 3.167 acres

Situated in the State of Ohio, County of Franklin, City of Bexley and being a part of Half Section 16, Section 16, Township 5, Range 22, Refugee Lands, and being 3.167 acres out of an original

3.82 acre tract as described in a deed to Howard Belford, Trustee of the 361 North Parkview Trust Dated January 31, 2006, as recorded in Instrument No. 200604260078145, Franklin County Recorder's Office, said 3.167 acre tract being more particularly described as follows:

Beginning for reference at a found $\frac{3}{4}$ " iron pipe located at the southeast corner of Lot 2 in Block No. 1 of Bullitt Park as recorded in P.B. 4, Pg. 416, said iron pipe being in the west line of North Parkview Ave. (80' wide), said iron pipe being the northeast corner of Lot 3 of said Bullitt Park as described in a deed to Melanie Schottenstein as recorded in Instrument No. 201307120117099 (1.640 acres by deed), said iron pipe being located S $03^{\circ}42'56''$ W 230.34' from a found $\frac{3}{4}$ " iron pipe in the centerline of former Maryland Ave. (60' wide, Atchison St. per said plat of Bullitt Park) as vacated by Ordinance No. 997, Village of Bexley dated 12/11/1926;

Thence N $85^{\circ}55'30''$ W, 487.95' (passing a found 2" iron pipe at the southwest corner of said Lot 2 at 264.83'), along the south line of said Lot 2, the north line of said Lot 3, the south line of said

3.82 acre tract, and being the north line of said Schottenstein 1.640 tract, to a found $\frac{3}{4}$ " iron pipe, said iron pipe being the northwest corner of said 1.640 acre tract and being the northeast corner of a 0.460 acre tract as described in a deed to Jane P. Doerr-Robinson & Timothy C. Robinson as recorded in Instrument No. 20190960115280, said iron pipe being the True Place of Beginning for the herein described 3.167 acre tract;

Thence N $86^{\circ}04'43''$ W, 711.89' (passing a found $\frac{3}{4}$ " iron pipe at 622.06'), along the south line of said 3.82 acre tract, being the north line of said 0.460 acre tract and being the north line of a 2.047 acre tract as described in a deed to City of Bexley as recorded in Instrument No. 201908290111439, to a point in the centerline of Alum Creek, said point being in the east line of Nelson Park being a part of Lot 1 of the Nelson Heirs' Partition, Franklin County Court of Common Pleas Complete Record 28, page 454 conveyed as an 11.71 acre tract to the City of Columbus in D.B. 525, pg. 454;

Thence N $34^{\circ}59'24''$ E, 3.50', along the centerline of said Alum Creek, being the west line of said

3.82 acre tract, the east line of said Nelson Park, and said 11.714 acre tract, to a point;

Thence N 48°31'15"E, 319.22', continuing along the centerline of said Alum Creek, the west line of said 3.82 acre tract, the east line of said Nelson Park and said 11.71 acre tract and the east line of the balance of a 1 acre tract described in a deed to the City of Columbus in O.R. 27883 D02, and the west line of a 35' wide strip as described in a deed to City of Columbus as recorded in Deed Book 573, Pg. 200, to a point, said point being the northwest corner of said 3.82 acre tract, being the southwest corner of a 30' wide strip of land as described in a deed to Frank K. Brown & Blythe M. Brown as recorded in Instrument No. 200907080099780, said point being the northeast corner of said City of Columbus 35' wide strip and being the southeast corner of a 6.56 acre tract as described in a deed to City of Columbus as recorded in Deed Book 924, Pg. 203, said point being in the centerline of said former Maryland Ave.;

Description of 3.167 acres continued

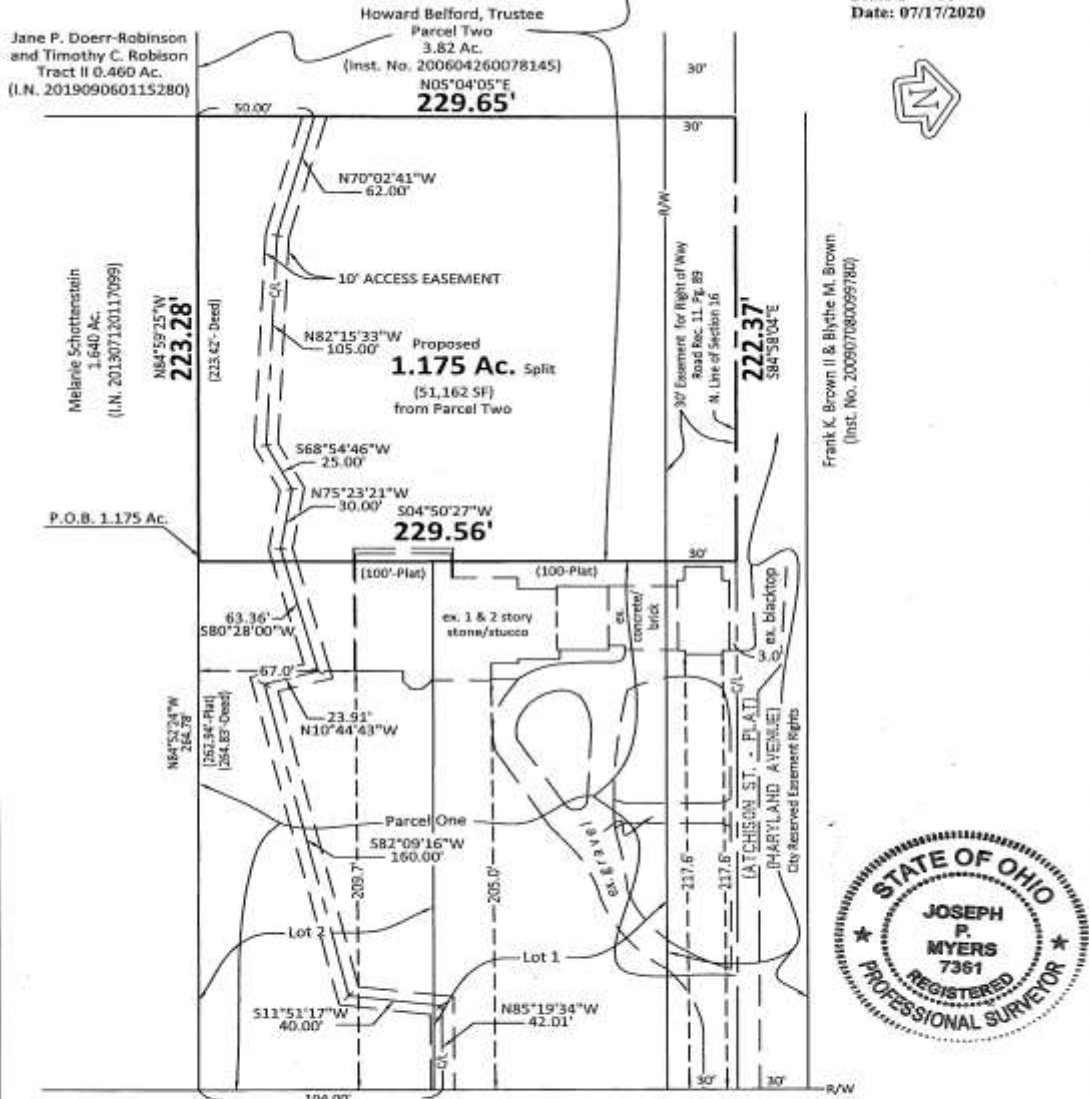
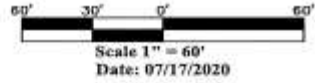
Thence S 86°00'14"E, 486.44', (passing at set iron pin at 75.00'), along the north line of said 3.82 acre tract, being the south line of said Brown tract, being the centerline of said former Maryland Ave., to a ¾" iron pipe found with cap stamped "MYERS 6579";

Thence S 04°02'45"W, 229.66', crossing said 3.82 acre tract, along a new division line, to the True Place of Beginning, having an area of 137962 Square Feet, 3.167 Acres, being all out of Auditor's Parcel No. 020-000115.

Bearings are based on the west of said North Parkview Ave, as being N 03°42'56" W based on GPS observations using the State of Ohio Department of Transportation VRS System, the State Plane Coordinate System, Ohio South Zone, North American Datum, of 1983, also known as NAD83 (2011 Adjustment). All iron pins set are 5/8" rebar, 30" long with yellow plastic cap stamped "J & J Surveying". All references to documents are recorded in the Franklin County Recorder's Office. This description is based on an actual field survey performed by J & J Surveying under the direction of John W. Wetherill, P.S. 7811, in October 2020.

EXHIBIT C
(THE EASEMENT AREA)

Legal Description: Situated in The State of Ohio, County of Franklin, City of Bexley, Being Part of Parcels One and Two as conveyed to Howard Belford, Trustee (I.N. 200604260078145)
Posted Address: 361 N. Parkview Avenue, Bexley, Ohio



N. PARKVIEW AVENUE 80'

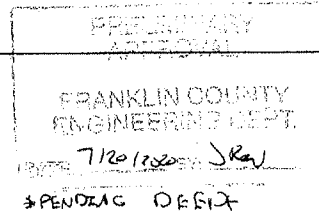
Myers Surveying Co., Inc.
By *Joseph P. Myers*
Professional Surveyor

PLAT FOR TEN (10) FOOT WIDE ACCESS EASEMENT. Basis of bearings is the north line of 1.640 acre tract (I.N. 201307120117099)

Myers Order No.-1-03/19/2021	Rec.	Field <i>om</i>	DWG.	Ltr.	Ck.
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2740 East Main Street
Bexley, Ohio 43209-2577
(614) 235-8677
Telefax 235-4559
Email: info@myerssurveying.com

1.175 Acres



Situated in the State of Ohio, County of Franklin, City of Bexley, located in Half Section No. 16, Section No. 11, Township 4, Range 22, Refugee Lands and being part of Lot Number One (1) which was set off and assigned to Anne Eliza Nelson by the Court at Common Pleas of Franklin County, Ohio in the case of John J. Nelson, et al, against Charles Eldridge and Catherine Eldridge and as designated on the plat of partition case as recorded in Complete Record 20, Page 458 and being part of the 3.82 acre, part of Parcel Two conveyed Howard Belford, Trustee of The 361 North Parkview Trust dated January 31, 2006 shown in record in Inst. No. 200604260078145, Franklin County Recorder's Office, and being more particular described as follows:

Commencing at a found 1" dia. pipe with a cap inscribed "RD Zande & Assoc. on the west right at way line of N. Parkview Ave. (80 feet wide), being the northeast corner of Lot 8 of the Resubdivision of Lot Numbers 1, 2, 5 and 6 of Walter Jeffery Addition, as shown and delineated upon the recorded plat thereof, of record in Plat Book 84, Page 67, also being the southeast corner of a 1.640 acre tract conveyed to Melanie Schottenstein (Inst. No. 201307120117099);

Thence, along the west right of way line of N. Parkview Ave., the east line of said 1.640 acre tract, North 04° 47' 00" West, 146.20 feet to a found a 1 1/2" dia. iron pipe at the northeast corner at said 1.640 acre tract, the southeast corner of Lot 2, Block 1 of Bullitt Park (P.B. 4, P. 416)

Thence, along part of the north line of said 1.640 acre tract, along the south line of said Lot 2, North 84° 52' 24" West, 264.78 feet to a found 2" dia. iron pipe at the southwest corner of said Lot 2, an angle point in the north line of said 1.640 acre tract, the southeast corner of said 3.82 acre tract, and being the **TRUE POINT OF BEGINNING**:

Thence, along part of the south line of said 3.82 acre tract, along part of the north line of said 1.640 acre tract, North 84° 59' 25" West, 223.28 feet to a found 1" dia. iron pipe at the northwest corner of said 1.640 acre tract, the northeast corner of a 0.460 acre tract (Tract II) conveyed to Jane P Doerr-Robinson and Timothy E Robinson (Inst. No 201909060115280)

Thence, across said 3.82 acre tract, along the east line of said 0.460 acre tract extended northerly across said 3.82 acre tract, North 05° 04' 05" East, 229.65 feet to a set iron pipe on the north line of said 3.82 acre tract, being the north line at said Half Section, and being on the south line of a twenty (20) foot in width strip of land conveyed to Frank K. Brown, II and Blythe M. Brown (Inst No 200907080099780);

Thence, along the north line of said Half Section, along part of the north line of said 3.83 acre tract, along part of the south line of said twenty (20) foot in width strip of land, South 84° 58' 04" East. 222.37 feet to a found 1" dia. solid iron pin at the northeast corner of said Half Section, the northwest corner of a strip of land thirty (30) foot in width adjoining Lot 1, Block 1, of said Bullitt Park on the north, said strip being formerly known as Maryland Ave., vacated by Ord. No. 977 in December 11 1928 (repealed) and vacated by Ord. No. 2-50 (City retained easement rights) on February 14 1950, being referenced by an 1" dia. iron pipe found South 84°58' 04" East, 264.11 feet therefrom;

Thence along part of the east line of said Half Section, along the west line of said thirty (30) foot strip, along the west line of said Lots 1 and 2 of Block 1, South 04° 50' 27" West, 229.56 feet to the place of beginning **CONTAINING 1.175 acres (51,162 sf)** subject, however, to all legal highways, easements, leases, restrictions of record and of records in the respective utility offices. Iron pipes set are 1" (O.D) by 30" long with an orange plastic cap inscribed MYERS PS 6579. Basis of bearing is a north line of the 1.640 acre tract held as North 84°52'24" West. The foregoing description was prepared from a boundary survey by Myers Surveying in July 2020

 7/17/2020

Joseph P. Myers, P.S 7361
Myers Surveying Co., Inc.

JPM/qp
8061820 legal



Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio

614-235-8677

FAX: 614-235-4559

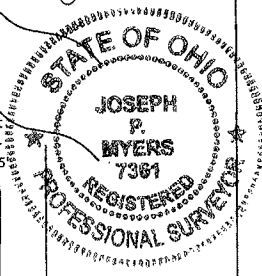
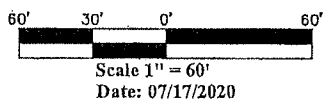
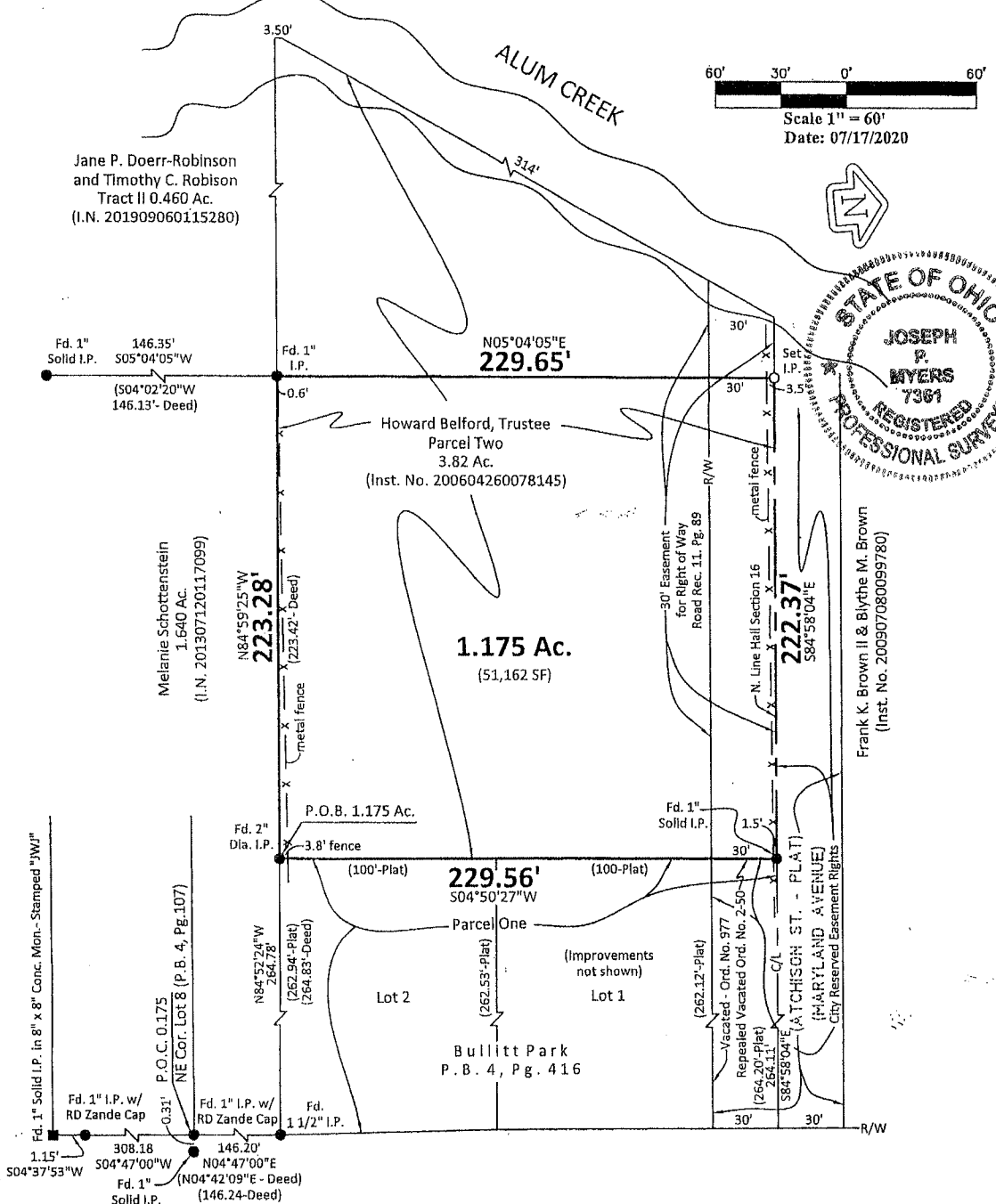
A Boundary Survey prepared for and certified to:

David A Belford

Legal Description: Situated in The State of Ohio, County of Franklin, City of Bexley, Being 1.175 Acres, Part of a 3.82 Ac. Tract, Plat Book 4, Page 416

Applicant:

Posted Address: 361 N. Parkview Avenue, Bexley, Ohio



N. PARKVIEW AVENUE 80' Myers Surveying Co., Inc

We hereby certify that the foregoing Boundary Survey was prepared from actual field measurements in accordance with Chapter 4733-37 Ohio Administrative Code. Iron pipes set are 30"x1" O.D. with an orange plastic plug inscribed "MYERS P.S. 6579", unless otherwise noted. Basis of bearings is the north line of 1.640 acre tract (I.N. 201307120117099) held as N84°52'24"W.

By *Joseph P. Myers*
7/17/2020
Professional Surveyor

Myers Order No.-8-06/18/2020	Rec.	Field	DWG.	Ltr.	Ck.
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RESOLUTION 06 - 21

By Troy Markham:

**A RESOLUTION TO ADOPT THE TAX BUDGET FOR CALENDAR YEAR 2022 ATTACHED
HERETO AS EXHIBIT A.**

Whereas, Section 5705.28(A)(2) of the Ohio Revised Code requires the City to adopt and file the 2022 Tax Budget with the Franklin County Auditor’s Office on or before July 20, 2021;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY OHIO:

This budget for the year beginning January 1, 2022 has been adopted by Bexley City Council and is herewith submitted for consideration of the County Budget Commission.

Passed _____

Lori Ann Feibel, President of Council

Ben Kessler, Mayor

Attest _____
William Harvey, Clerk of Council

Reading 1: May 11, 2021

Reading 2:

Reading 3:

RESOLUTION NO. 07- 21

By: Monique Lampke

A Resolution confirming the Mayor’s appointments of members to the Architectural Review Board; the Board of Zoning Appeals and Planning; the Recreation and Parks Board; the Tree and Public Gardens Commission; the Board of Health; the Civil Service Commission; the Community Reinvestment Area Housing Council; the Tax Incentive Review Council, the Board of Tax Review; the Records Commission; and the Bexley Community Improvement Corporation

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That City Council hereby confirms the following appointments to the Architectural Review Board:

Nominee	Position	Term Expiring
Larry Helman	Member	June 30, 2024
Jo Ann Strasser	Member	June 30, 2024
Keith Hall	Alternate Member	June 30, 2024

Section 2. That City Council hereby confirms the following appointments to the Board of Zoning Appeals and Planning:

Nominee	Position	Term Expiring
Alissha Mitchell	Member	June 30, 2024
Sean Turner	Member	June 30, 2024
Rick Levine	Alternate Member	June 30, 2024

Section 3. That City Council hereby confirms the following appointments to the Recreation and Parks Board:

Nominee	Position	Term Expiring
Clare Cebalos	Member	June 30, 2024
Jessica Sparks	Member	June 30, 2024

Section 4. That City Council hereby confirms the following appointments to the Tree and Public Gardens Commission:

Nominee	Position	Term Expiring
Dave Wakeman	Member	June 30, 2024
Jim Wilson	Member	June 30, 2024
Ellen Bowden	Alternate Member	June 30, 2023
Mollie O'Donnell	Alternate Member	June 30, 2024

Section 5. That City Council hereby confirms the following appointments to the Bexley Board of Health:

Nominee	Position	Term Expiring
Dr. Harlan Meyer	Member	June 30, 2024

Section 6. That City Council hereby confirms the following appointments to the Board of Tax Review:

Nominee	Position	Term Expiring
Leslie Albeit	Member	June 30, 2024
Robert Schmitz	Member	June 30, 2024

Section 7. That City Council hereby confirms the following appointments to the Civil Service Commission:

Nominee	Position	Term Expiring
John Offenber	Member	June 30, 2027

Section 8. That City Council hereby appoints the following members to the Community Reinvestment Area Housing Council:

Nominee	Position	Term Expiring
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Section 9. That City Council hereby confirms the following appointments to the Tax Incentive Review Council:

Nominee	Position	Term Expiring
Deborah Kutasy	Member	June 30, 2024
Mark Weiker	Member	June 30, 2024

Section 10. That City Council hereby confirms the following appointment to the Records Commission:

Nominee	Position	Term Expiring
Kate Mosca	Member	June 30, 2024

Section 11. That City Council hereby confirms the following appointments to the Community Improvement Corporation:

Nominee	Position	Term Expiring
Itzhak Ben-David	Member	December 31, 2024
Sarah Gold	Member	December 31, 2024
Andrew Madison	Member	December 31, 2024
Jeff Walker	Member	December 31, 2024

Section 12.

That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed _____, 2021

Lori Ann Feibel, President of Council

Attest: _____, 2021
William Harvey, Clerk of Council

Approved: _____, 2021

Benjamin Kessler, Mayor

First Reading:

Ordinance 24 - 21

By: Richard Sharp

An Ordinance to award the Bexley Electricity Aggregation Program contract to AEP Energy, based upon the terms and conditions provided for in their RFP, as modified by the Board of Control.

WHEREAS, the City of Bexley (“City”) has determined that it is in the best interest of its residents to take action to address the electricity supply requirements of its residents and, to that end, to proceed with creating an electricity aggregation program for the City and its residents (the “Program”); and

WHEREAS, on November 6, 2001, the electors of the City of Bexley approved of the City’s plan to create an electric aggregation program for customers located within the boundaries of the City; and

WHEREAS, the City wishes to encourage and facilitate the development of Ohio renewable energy projects and, to that end, shall include a 100% renewable content in its City aggregation RFP with an emphasis on renewable energy produced or to be produced in Ohio; and

WHEREAS, the City developed and issued a request for proposals (RFP) to qualified electricity suppliers to provide electricity and related services to the City’s Program; and

WHEREAS, the City wishes to explore, after a public hearing and additional education regarding the, the awarding of the contract to AEP Energy;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That, based upon its being the most qualified and responsive electricity supplier to respond to the City’s Request for Proposals, that AEP Energy be selected as the electric supplier for the City’s Electricity Aggregation Program, based upon the terms and conditions provided for in the Request for Proposal attached hereto as “Exhibit A”, with the following modifications:

1. Use of the Midwest Renewable Energy Credit program as discussed with AEP Energy, at an agreed upon rate of \$5.499 per kilowatt hour;
2. Specification that residents may opt out of the aggregation program at any time

And that the Mayor shall be authorized to execute such agreement in form approved by the City’s legal counsel.

Section 2.

That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

Lori Ann Feibel, President of Council

Attest: _____
William Harvey, Clerk of Council

Approved: _____, 2021

Ben Kessler, Mayor

First Reading: May 25, 2021

Second Reading:

Third Reading:

ORDINANCE NO. 25 - 21

BY: Jessica Saad

An ordinance to amend Sections 1220.03, 1220.05, 1223.06, and 1223.08 to specify the membership, quorum, and majority vote of the Board of Zoning Appeals and Planning and the Architectural Review Board

WHEREAS, The Architectural Review Board (ARB) and the Board of Zoning Appeals and Planning (BZAP) provide a critical service to the City in analyzing and approving proposed zoning and construction work in the City; and

WHEREAS, Continuity of board attendance between concurrent meetings can be critical to a well-considered outcome; and

WHEREAS, When one or two board members are missing from a meeting, the current rule requiring a majority of the full board for approval as opposed to a majority of those in attendance can disadvantage applicants in that it can necessitate super majority votes, and can lead to alternates being pressed to vote on an application they may not be fully familiar with if information was conveyed at prior meetings that they did not attend; and

WHEREAS, This ordinance is intended to encourage greater continuity between commission and board meetings and to provide better service to applicants throughout the approval process;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That Chapter 1220.03 is hereby amended as follows:

1220.03 MEMBERSHIP, TERM AND ORGANIZATION.

(a) The Board of Zoning and Planning shall consist of seven (7) regular members and up to **two (2)** alternate members consisting of electors of the City not holding other municipal office.

(b) The members are to be appointed by the Mayor and approved by the majority of Council for terms of three (3) years each. Any vacancy during the term of a member shall be filled by an alternate member appointed by the mayor. Alternate members shall serve only during the absence of a regular Board member.

(c) The Board shall designate a Secretary. The duties of the Secretary shall be as designated in the Rules and Regulations as adopted by the Board from time to time.

Section 2.

That Chapter 1220.05 is hereby amended as follows:

1220.05 QUORUM AND MAJORITY VOTE REQUIRED.

- (a) Four (4) members shall constitute a quorum to conduct business, provided, however, that two (2) members, including the Chairperson, shall constitute a quorum for the purpose of adjourning a meeting.
- (b) **A majority** ~~Four (4) votes~~ of the Board membership **in attendance** shall be required for rendering a final decision on any matter or proposal, including, for the Board, the forwarding to the City Council of a recommendation. (Ord. 29-16. Passed 11-15-16.)

Section 3.

That Chapter 1223.06 is hereby amended as follows:

1223.06 MEMBERSHIP, TERM AND ORGANIZATION.

- (a) The Architectural Review Board shall consist of five (5) regular members and up to **two (2)** alternate members consisting of electors of the City not holding other municipal office.
- (b) The members are to be appointed by the Mayor and approved by the majority of Council for terms of three (3) years each. Any vacancy during the term of a member shall be filled by an alternate member appointed by the mayor. Alternate members shall serve only during the absence of a regular Board member.
- (c) The Board shall designate a Secretary. The duties of the Secretary shall be as designated in the Rules and Regulations as adopted by the Board from time to time.

Section 4.

That Chapter 1223.08 is hereby amended as follows:

1223.08 QUORUM AND MAJORITY VOTE REQUIRED.

- (a) Three (3) members shall constitute a quorum to conduct business, provided, however, that two (2) members, including the Chairperson, shall constitute a quorum for the purpose of adjourning a meeting.
- (b) ~~Three affirmative votes of members of the Board are~~ **A majority of the Board membership in attendance** is required to approve a final decision on any matter or proposal, including the forwarding to the Board of Zoning and Planning of a recommendation. Fewer than three affirmative votes shall constitute a denial.
- (c) Any member who has a conflict on any matter before the Board shall not participate in the matter in any way, including its presentation, discussions, or vote. However, a member may participate as an owner-applicant before the Board for property the member owns or has a legal right or interest in.

Section 5.

That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed _____, 2021

Lori Ann Feibel, President of Council

Attest: _____, 2021

William Harvey, Clerk of Council

Approved: _____, 2021

Benjamin Kessler, Mayor

First Reading: May 25, 2021

Second Reading:

Third Reading:

Ordinance 12 - 21

By: Richard Sharp

An Ordinance to adopt and approve the City of Bexley Electric Aggregation Plan of Operation and Governance, and to declare an emergency.

WHEREAS, the City of Bexley (“City”) has determined that it is in the best interest of its residents to take action to address the electricity supply requirements of its residents and, to that end, to proceed with creating an electricity aggregation program for the City and its residents (the “Program”); and

WHEREAS, on November 6, 2001, the electors of the City of Bexley approved of the City’s plan to create an electric aggregation program for customers located within the boundaries of the City; and

WHEREAS, the City wishes to encourage and facilitate the development of Ohio renewable energy projects and, to that end, shall include a 100% renewable content in its City aggregation RFP with an emphasis on renewable energy produced or to be produced in Ohio; and

WHEREAS, in order to proceed with an additive renewable electric aggregation program, the City must pass the attached Electric Aggregation Plan of Operation and Governance; and

WHEREAS, the City held two public hearings to discuss the Electric Aggregation Plan of Operation and Governance, on _____ and on _____ after two consecutive weeks of newspaper publication, in accordance with Ohio Revised Code 4909.28;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That the City of Bexley Electric Aggregation Plan of Operation and Governance, attached as Exhibit A, is hereby adopted and approved.

Section 2.

That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, and safety and shall go into full force and effect upon the approval of the Mayor.

Passed: _____, 2021

Lori Ann Feibel, President of Council

Attest: _____
William Harvey, Clerk of Council

Approved: _____, 2021

Ben Kessler, Mayor

First Reading: March 9, 2021

Second Reading:

Third Reading: