



City Council Minutes
Tuesday, March 26, 2024

1. Call to Order

President Lampke called the meeting to order at 6:00 pm.

2. Roll Call of Members

Council Members in Attendance: Sam Marcellino, Danny Hurley, Jessica Saad, Monique Lampke, Troy Markham, Lori Ann Feibel, Alex Silverman

3. Pledge of Allegiance

4. Public Comments regarding items not on the Agenda (Speaker Slip Required)

None.

5. Ordinances with Visiting Guests

Tabled Ordinances:

Ordinance 04-24 to Amend Sections 1226.12, 1230.61, 1254.03, 1254.09, 1254.11 and 1254.13, of the Codified Ordinances of the City of Bexley, Planning and Zoning Code To Repeal Sections 1254.05, 1254.12 of the City's Codified Ordinances and Enact New Sections 1254.05 and 1254.12, and to Amend the Zoning Classification and Official Zoning Map for All Property Located in the Commercial Service (CS) District and Certain Property in the Low Density Multifamily Residential (R-12) District to Mixed-Use Commercial (MUC) and Livingston Avenue District (LA) Overlay introduced by Sam Marcellino on January 9, 2024.

Mr. Marcellino moved to remove Ordinance 04-24 from the table.

Mr. Silverman seconded.

All in Favor: Sam Marcellino, Danny Hurley, Jessica Saad, Monique Lampke, Troy Markham, Lori Ann Feibel, Alex Silverman

Motion Passed 7-0.

Mr. Marcellino asked for Council testimony prior to a vote.

Ms. Feibel spoke about her personal passion for improving the safety along the Livingston Avenue corridor and her commitment to making this area like the rest of Bexley. She spoke about the importance of investing in a more inclusive and beautiful community along the Livingston Avenue corridor.

Mr. Silverman thanked Ms. Feibel for her comments and spoke to his history growing up near Livingston just south of Bexley. Mr. Silverman also spoke about his experiences with events and activities in Schneider Park and near Livingston and feels this is an important investment in Bexley's future.

Mr. Hurley shared that he is intending on voting yes but did ask questions about current plans The Community Builders has for this area and asked if those plans are waiting on this ordinance. Mayor Kessler shared that he has not spoken to this developer in months and does not know exactly what their current plans are. Mr. Hurley followed up with a question about a number of bedrooms and children and asked if we had any clarity on that. Mr. Marcellino stated that there are no pending projects in this area at this time, and that the matter before Council is not regarding a development or project and any proposed development or project would still need to go through the full spectrum of conditional use approvals.

Ms. Cunningham then provided some background of the ordinance and the proposed amendments, outlining the different items discussed.

Mr. Silverman asked about the design guidelines specific to the overlay about an existing business and whether they would need to adhere to the new guidelines. They would only be required to make changes if there is a change in use or a property change that requires a permit, like a new expansion. Mayor Kessler also added that if a business has stopped operations for more than six months, they would also need to comply with new guidelines.

Ms. Lampke asked a question about impact on Council's authority and potential role in future appeals or related matters, which Ms. Cunningham answered.

Ms. Lampke complimented our talented and committed volunteers on Boards and Commissions who make these decisions and clarified that Council only makes decisions or intervenes in the case of an appeal and this ordinance does not change.

Mr. Markham spoke about his experience living one block from Livingston and spoke about his long interest in seeing attention and investment in the safety and inclusivity of this area. Mr. Markham then spoke that he is proud of the work that's been done since his first election to Council to invest in this area. Mr. Markham expressed his belief that it's Council's role to make these changes, even in the face of skepticism.

Ms. Saad commended Mr. Marcellino for his work on keeping the community informed and giving Council time to digest and review this ordinance. She then spoke to her belief that while there is a lot of interest and skepticism but that her takeaway is that this is an improvement to the area, one that will take time but is important.

Mayor Kessler spoke to the connection between this ordinance and the Joint Livingston Avenue Plan which was the legacy of earlier plans like the Southwest Bexley Strategic Framework and shared his belief that now is the time to invest in the changes outlined in those plans, citing the timing of the cooperation and the investment by the City of Columbus. Mayor Kessler stated that this zoning is in compliment to that investment. Mayor Kessler thanked Council for their patience and hard work in this.

Mr. Marcellino spoke about this ordinance sharing that his opinion has waxed and waned for a long time on this issue. He thanked those who have spoken with him to work through these issues and also spoke positively to the improvements the City has already made on Livingston. Mr. Marcellino clarified that he's not in support of any development in particular, but he is in support of making Livingston Avenue better and shared his commitment to continue to challenge proposed developments to ensure the best projects are developed and held to the highest standards.

There was no additional comment from the public.

Mr. Marcellino moved to amend Ordinance 04-24.

Ms. Feibel seconded.

All in Favor: Sam Marcellino, Danny Hurley, Jessica Saad, Monique Lampke, Troy Markham, Lori Ann Feibel, Alex Silverman

Motion passes 7-0.

Mr. Marcellino moves to adopt Ordinance 04-24.

Mr. Markham seconded.

All in Favor: Sam Marcellino, Danny Hurley, Jessica Saad, Monique Lampke, Troy Markham, Lori Ann Feibel, Alex Silverman

Motion passes 7-0.

6. President's Report

Ms. Lampke clarified the upcoming due date for the ethics deadline.

7. City Attorney Report

No report.

8. Auditor's Report

No report but Mr. McPeck did share that this is Beecher's last week so encouraged everyone to reach out to thank him and wish him well.

9. Administrative Update

1. Service Department Update - Andy Bashore

Mr. Bashore had nothing to add to his written report but is happy to answer questions. Mr. Silverman asked about a new warning sign near the sewers and how to report issues with them and Mr. Bashore encouraged them to reach out to him with any issues. Mayor Kessler acknowledged Isabel Carleton for her advocacy and passion for this project. Ms. Saad sent along a compliment for quick work from the Service Department that prevented flooding. Mr. Marcellino spoke about a recent resident request for speed control along Sherwood and Drexel and asked about potential speed mitigation options like speed bumps. Mayor Kessler clarified that speed concerns are first addressed with a speed study in the area. Results of that speed study will then be evaluated for different traffic calming tools like medians, signs, speed bumps in certain locations, like alleys. Mr. Silverman also asked about speed studies on Pleasant Ridge and what resulted.

2. Finance Department - Karrie Martin

Ms. Martin shared that finances are looking healthy with expenditures coming in below projections and revenue coming in above forecast. Mayor Kessler and Mr. McPeck spoke briefly about the challenges of predicting income tax. Mr. Hurley asked about a variance in incomes. Mr. McPeck answered this.

3. Development and Administration Department - Megan Meyer

Ms. Meyer spoke about an upcoming event with businesses to provide opportunities for businesses to meet their neighbors. Mr. Hurley asked if Council members were welcome to attend these, and Ms. Meyer confirmed this. Ms. Saad complimented the Meet Your Street initiative and encouraged the potential of keeping businesses open during Main Street events like Brewfest. Ms. Feibel complimented Ms. Saad on her involvement with so many different areas in Bexley.

4. Mayor's Update

Mayor Kessler spoke about the upcoming Skate Park Workshop which may still have some adjustments to align this better with the initial budget. Mr. Silverman asked about the opening for the Co-Hatch in Bexley, but there is not a firm date for this yet. Mr. Silverman asked about the discussion of the COTA tax issue that will be on the ballot. Mayor Kessler did speak to the unfortunate and inaccurate comments that were made about Bexley's position at a recent CMC. Mayor Kessler shared that we have been eager partners in the LinkUS initiative, but that we did raise concerns about parking along Main Street. Mr. Marcellino stated that he's not pleased to hear these comments given the struggles we have with traffic on Main Street. Mr. Marcellino asked if we can have an update to Council from LinkUs regarding this. Ms. Saad added her agreement with Mr. Marcellino's thoughts on a presentation. Ms. Lampke asked about how much input is being sought from Bexley's businesses. Mayor Kessler did share that he's not sure on their plans for input, but it is something we'll continue to

investigate. Mr. Hurley asked about some stickers being placed on public utility boxes and Mayor Kessler shared that the best way to address this is to email or call the City to have this removed. Mayor Kessler also shared that a similar ordinance regarding items on trees has been called into questions so ribbons will be respectfully removed as well. Mayor Kessler also spoke to some recent activity at the site of the former gas station at Chelsea and Main. Mr. Marcellino asked if we could use it for public parking in the interim and Mayor Kessler unfortunately we have an ordinance that prohibits it. Mr. Marcellino asked about exploring this.

10. Consent Agenda (No Speaker Slip Required)

1. Meeting Minutes from March 12, 2024
2. **Ordinance 07-24** to Amend Section 262.02(c)(3), Holidays, in order to re-codify Juneteenth as a holiday for non-bargaining unit employees introduced by Jess Saad on February 27, 2024.

Mr. Fishel read the items on the Consent Agenda.

Ms. Lampke moved to adopt the items on the Consent Agenda.

Mr. Marcelino seconded.

All in Favor: Sam Marcellino, Danny Hurley, Jessica Saad, Monique Lampke, Troy Markham, Lori Ann Feibel, Alex Silverman

Motion passes 7-0.

11. Third Readings

1. **Ordinance 08-24** to amend 2024 pay rates for Building Department Assistant to capture and reflect the additional responsibilities added to this job description, introduced by Jess Saad on February 27, 2024.

Mr. Fishel read the ordinance and Ms. Saad provided some additional information.

Ms. Saad moved to approve Ordinance 08-24.

Mr. Hurley seconded.

All in Favor: Sam Marcellino, Danny Hurley, Jessica Saad, Monique Lampke, Troy Markham, Lori Ann Feibel, Alex Silverman

Motion passes 7-0.

2. **Resolution 2-24** adopting the Solid Waste Management Plan for the Solid Waste Authority of Central Ohio, introduced by Alex Silverman on February 27, 2024.

Mr. Fishel read Resolution 2-24 and Mr. Silverman provided some background information on this ordinance. Ms. Lampke shared that the attachment has been updated.

Mr. Silverman moved to approve Resolution 2-24.

Ms. Saad seconded.

All in Favor: Sam Marcellino, Danny Hurley, Jessica Saad, Monique Lampke, Troy Markham, Lori Ann Feibel, Alex Silverman

Motion passed 7-0.

12. Second Readings (Speaker Slip Required)

None.

13. First Readings (Speaker Slip Required)

1. **Ordinance 9-24** to appropriate \$170,908.47 from the unencumbered General Fund to pay for expenses related to the Year of the Parks Grant awarded by the Bexley Community Foundation in 2023, introduced by Jessica Saad on March 26, 2024.

Mr. Fishel read this ordinance and Ms. Saad provided some background and rationale behind this ordinance.

2. **Ordinance 10-24** to appropriate \$45,500 from the Sewer Fund (Fund 10) and to reduce the appropriation by \$168,920 in the Bond Retirement Fund (Fund 6), introduced by Jessica Saad on March 26, 2024.

Mr. Fishel read the ordinance and Ms. Saad spoke briefly to this and asked Ms. Martin to explain some of the background, which she did. Mayor Kessler provided some information as well.

3. **Ordinance 11-24** to certify special assessments for the various sites where the work was not done by the property owner after being ordered by the City in accordance with Bexley Code Section 1490.15(b)(4)A or Bexley Code Section 1492.04(b)(1) and it was necessary to do the work and assess the owner, introduced by Jessica Saad on March 26, 2024.

Mr. Fishel read the ordinance and Ms. Saad provided some background on this ordinance as well. Ms. Lampke asked about timing, which Mayor Kessler answered. Mr. Silverman asked about how the cost of the fines are determined, and Mayor Kessler clarified that the ordinance does lay this out, but it's the cost of the service or repair along with an administrative fee and it is designed to be punitive. Mr. Marcellino asked about the amounts, which Mayor Kessler clarified.

4. **Resolution 3-24** authorizing and supporting the City of Bexley's participation in litigation challenging the General Assembly's enactment of R.C. 9.681 regarding the enforcement of local laws concerning nicotine use, and to declare an emergency, introduced by Danny Hurley on March 26, 2024.

Mr. Fishel read the resolution and Mr. Hurley provided some background, speaking to his interest in this issue and the urgency of this issue and invited Mr. Fishel to provide some additional information on this and Mr. Hurley provided some additional comments. Mr.

Marcellino agreed with concerns about home rule but also shared concerns about the likelihood of winning and the need to consider potential costs to the City. Mayor Kessler and Mr. Fishel clarified that the City of Columbus will be covering the expense for this. Mr. Markham requested more notice in the event that an immediate suspension and adoption is needed to provide more appropriate time to review and consider a resolution.

Mr. Hurley moved to suspend the three-reading rule for Ordinance 03-24.

Mr. Silverman seconded.

All in Favor: Danny Hurley, Jessica Saad, Monique Lampke, Troy Markham, Lori Ann Feibel, Alex Silverman

Opposed: Sam Marcellino

Motion passes 6-1.

Mr. Hurley moved to adopt Ordinance 03-24.

Ms. Feibel seconded.

All in Favor: Danny Hurley, Jessica Saad, Monique Lampke, Troy Markham, Lori Ann Feibel, Alex Silverman, Sam Marcellino

Motion passes 7-0.

14. Tabled Ordinances

1. **Ordinance 35-23** to amend section 618.16(a)(5) of the Bexley Codified Ordinances to amend the definition of "Vicious Animal", and to reorder and amend existing Section 618.16(a)(8), introduced by Sam Marcellino on September 12, 2023.

2. **Ordinance 40-23** to amend Chapter 1254, Commercial and Institutional District Regulations, in order further affirm the prohibition of uses involving any Adult Use Cannabis Operator; Adult Use Cultivator, and Adult Use Dispensary introduced by Matt Klingler on November 14, 2023.

No further action.

15. Finance Committee – Jessica Saad, Chair

Ms. Saad spoke about the BRAVO event and the need for wine donations and invited. Ms. Saad also shared that the CIC meeting is coming up soon.

16. Recreation and Parks Committee – Lori Ann Feibel, Chair

Ms. Saad spoke about the upcoming Skate Park Workshop and about the Egg Dash on March 30. Ms. Feibel also shared that the upcoming Recreation Board meeting will include a Public Hearing on lighting for the Pickleball Courts. Ms. Feibel also spoke about a recent meeting with an OSU student with interest on women in government.

17. Service and Environmental Committee – Alex Silverman, Chair

Mr. Silverman spoke about the recent 2nd Annual ROTC 5K last Saturday and a conversation with a professor.

18. Zoning and Development Committee – Sam Marcellino, Chair

Mr. Marcellino spoke about the upcoming BZAP meeting and his plans to discuss vicious animal soon, and asked Council to familiarize themselves with that ordinance.

19. Strategic and Health Committee – Danny Hurley, Chair

Mr. Hurley reminded everyone that the Council Strategic Retreat is coming up and invited everyone to send any ideas by tomorrow. CIC and Land Use Strategy meets Monday and Board of Health meets in mid-April – he’s also looking at our youth bike helmet law. Mr. Hurley also spoke about Transgender Awareness Day

20. Safety Committee – Troy Markham, Chair

Mr. Markham shared that Tree and Public Garden Commission met last week and he did get to review the landscape plan for Katalina’s. Mr. Markham also shared that he will be signing up for office hours and invited another Council Member to team up with him for this.

21. Public Comments (No Speaker Slip Required)

None.

22. Adjourn

Ms. Lampke moved to adjourn.

Mr. Marcellino seconded.

All in Favor: Danny Hurley, Jessica Saad, Monique Lampke, Troy Markham, Lori Ann Feibel, Alex Silverman, Sam Marcellino

Motion passes 7-0.

City Council Policy for Public Comments:

Public Comments:

For the purpose of receiving the orderly comments from all speakers desiring to address City business before Council, adopts the following policy:

- Any speaker addressing Council shall complete a Speaker Slip to be turned in prior to the start of the meeting.
- Any speakers who have public comments at the end of the meeting do not have to have a Speaker Slip but they do still need to provide their name and address.
- Please note that all public comments should pertain to City of Bexley business only.
- All reasonable comments must be made within a maximum of five (5) minutes when addressing City Council.
- Undue interruption or other interference with the orderly conduct of remarks is not permitted.
- Defamatory or abusive remarks are always out of order.
- If the subject of the comment is not on the Council Agenda, the public may discuss the City issue during the Public Comments portion of the meeting. If the subject of the comment is on the Council Agenda, the public may discuss the issue at the time the issue is addressed during the Council meeting.
- Violation of this policy may result in termination of the speaker's comments and/or removal from the meeting.
- President of Council reserves the right to limit the length and scope of all Public Comments.

Presentations and Guests:

While we are grateful to have you attend a City Council meeting, please be sure to keep your presentation to a maximum of five (5) minutes in order to keep the meeting moving in an efficient and productive manner. Thank you for your understanding.

City Council Policy for Correspondence:

All correspondence addressed to City Council or requested to be distributed to City Council by the named 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, but pertains City business, 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.