



BEXLEY CITY COUNCIL MINUTES

**Tuesday, February 14, 2012
7:00 p.m.**

**City Council President – Rick Weber
Council Members Steve Keyes, Matt Lampke,
Tim Madison, Mark Masser, Richard Sharp**

**Mayor, Ben Kessler
Auditor/Clerk – Gary Qualmann
City Attorney – Lou Chodosh**

If anyone wishes to address City Council on any issue, please fill out a Speaker Request Form and submit Form to President of Council.

- I. Call to Order – 7:00 p.m.**
- II. Roll Call of Members: All present.**
- III. Others Present: Lou Chodosh, Mayor Kessler, Beecher Hale, Bill Harvey, Bruce Langner, Mike Price and Chief Rinehart.**
- IV. Pledge of Allegiance**
- V. Review of City Council Minutes for January 24, 2012 - Approved**
- VI. Correspondence: None**
- VII. Presentations/Special Guests: Mr. Don Brosius Chair, Board and Zoning Appeals.**
Mr. Brosius said he wanted to thank Council members for their service. He congratulated Mr. Keyes and Mr. Madison for becoming new Council members. He congratulated Mr. Weber and Mayor Kessler on their new appointments. He said John Brennan was a great Mayor. He had a certain quality that has been possessed by all of our past Mayors. He said David Madison and John Brennan, never met a stranger. They were always paying it forward.



Mr. Brosius said he and Kathy Rose are working on developing an Ethics Training Session for the Committee members. It would include the following topics:

- How Hearings are properly held;
- What is the member's role;
- Ethical considerations to be applied.

Mr. Brosius said there is a great need to update the Bexley Zoning Codes. He said this might be possible with the use of grants. Mr. Brosius said the City of Bexley has no sub-division regulations. You can't implement changes if it is not in the code. He said the City of Worthington has done an excellent job at keeping their codes current.

Mayor Kessler said he agrees with Mr. Brosius and the cost is approximately \$40,000 in attorney fees. Mr. Brosius suggested applying for some funding through the Bexley Community Foundation. President Weber said the codes are similar to building a house. If the foundation erodes in the codes, you certainly can't build on it. Mr. Brosius said that it was an excellent comparison. He said working with the staff at Bexley is what keeps him going. He said Ms. Rose juggles so many things including getting our packets out and providing a "heads-up" with issues.

Mr. Masser said he thinks providing an Ethics Training to new members is the best idea he has heard in a long time. New members need some guidance and training in order to be the most effective. Mr. Masser said the Council is having a retreat and he would like to see the updating of codes added to their discussions. He said this certainly goes right to the heart of the community. He said one of his darkest moments as a Council member was over the demolition of a home. Communication between Council members and the Boards needs to be improved. He is hoping with a new, energized Mayor that he will be able to keep all of them on the same page.

Mr. Sharp asked what the biggest problem was with the codes being out-dated. Are they too restrictive? Mr. Brosius said as an example, the Bexley codes do not include splitting a lot; no planning regulations either.

Mr. Madison asked Mr. Brosius to think about some law firms which might be helpful in this area in the future. Mr. Brosius said his first request would be to establish some residential codes. Mr. Chodosh added there are a lot of inconsistencies within the codes themselves as well. Mr. Lampke said perhaps MORPC would be a resource for best practices.

President Weber thanked Mr. Brosius for his years of service, hard work and efforts as serving as Chair for the Board of Zoning Appeals. He also thanked him for his kind words about the staff.



VIII. Ordinances and Resolutions:

A. Finance Committee – Richard Sharp, Chair

Third Reading

Ordinance 01-12 – to approve modifications to the labor contract between the City and the American Federation of State County and Municipal Employees (AFSCME) effective, January 1, 2011, as contained in the Memorandum of Understanding attached hereto, introduced by Mr. Sharp, (Introduced on January 20, 2012).

Mr. Sharp said this Ordinance had passed out of Committee on January 10, 2012. Mr. Masser made a motion to adopt. Motion was seconded by Mr. Sharp. **Vote 6-0 PASSED**

Resolution 01-12 – authorizing the Mayor of the City of Bexley to submit an application for a grant to the State of Ohio, Department of Transportation for funding the preparation of a Safe Routes to School Travel Plan and authorizing the Mayor to sign all appropriate documents on behalf of the Applicant in accordance with the application for, and acceptance of, such grant, introduced by Mr. Sharp, (Introduced on January 10, 2012).

Mr. Sharp said this Resolution had passed out of Committee on January 24, 2012. Mr. Sharp made a motion for adoption. Motion was seconded by Mr. Masser. **Vote 6-0 PASSED**

Amended Ordinance 02-12 – to create Rule 29 of Section 220.01, in order to provide for the appointment of Council Liaisons to various commissions, boards, committees, and other organizations, introduced by Mr. Kessler, (Introduced on January 10, 2012).

Mr. Masser made a motion for adoption. Mr. Keyes seconded the motion. **Vote 6-0 PASSED**

Resolution 02-12 – requesting the Auditor of Franklin County, Ohio, to make advance payment to the City of Bexley of monies held for its account in the County Treasurer, Introduced by Mr. Sharp, (Introduced on January 10, 2012).

Mr. Sharp said this Resolution had passed in Committee on January 24, 2012. He said this is a “housekeeping” issue. Mr. Sharp made a motion to Amend Resolution 02-12. Motion was seconded by Mr. Masser. Mr. Sharp made a motion to adopt Amended Resolution 02-12. Mr. Masser seconded. **Vote 6-0 PASSED**

Amended Ordinance 03-12 – to amend Section 223.02(b), Public Meetings, to clarify the method of recording and distributing meeting minutes, introduced by Mr. Kessler, (Introduced on January 10, 2012).



Mr. Sharp said this Amended Ordinance was introduced at the time Mayor Kessler was a Council member. He said it was recommended for passage by the Finance Committee. Mr. Madison raised the question regarding record retention policy and would like to re-examine the same. He said he had some concerns on the audio retention policy. Mr. Lampke said if there are concerns about a particular record retention policy, Council could have the ability to make changes only if it would be more "restrictive". Mayor Kessler said he would be scheduling a presentation on Granicus for the next Finance meeting. Mr. Masser said he would be interested in finding out the number of residents who would want to watch our meetings. Mr. Kessler said the Capital University Bexley resident survey was going out the next day but he would see if he could add that question to the list. Mr. Lampke said he still wants to receive written minutes even with the audio/visual recording. Mayor Kessler said in relation to the audio retention policy, it does state, "retain until no longer an administrative value" so we are in compliance but we could expand and hold the audio for a longer period.

Mr. Sharp made a motion for a Second Amendment to Ordinance 03-12. Motion was seconded by Mr. Lampke. **Voice Vote – Second Amendment Approved.**

Mr. Sharp made a motion to adopt Second Amended Ordinance 03-12. Mr. Lampke seconded the motion for adoption. **Vote 6-0 PASSED**

Resolution 03-12 to establish the official meeting dates for City Council Meetings for the calendar year 2012, introduced by Mr. Kessler, (Introduced on January 10, 2012).

Mr. Sharp said this was passed out of Committee on February 14, 2012. Mr. Sharp made a motion for adoption. Motion was seconded by Mr. Masser. **Vote 6-0 PASSED**

Ordinance 04-12 to appropriate \$11,500 from the unencumbered General Fund for the purpose of paying mileage reimbursement and tuition reimbursement, introduced by Mr. Sharp, (Introduced on January 10, 2012).

Mr. Sharp said this was passed out of Committee on February 14, 2012. Mr. Sharp made a motion to adopt. Mr. Keyes seconded the motion. **Vote 6-0 PASSED**

Second Readings.

Ordinance 06-12 to create a special project fund designated College Avenue and South Cassady Avenue Project Avenue Fund and to appropriate \$4,036,428.00 from this fund for the purpose of recording expenses related to the College Avenue and South Cassady Avenue projects, introduced by Mr. Sharp, (Introduced on 1-24-12).

Mr. Sharp said the previous Ordinance was 31-11 which was approved. **No Action**



Ordinance 08-12 to set the salary and automobile allowance for the office of the Mayor, City of Bexley for the years beginning 2012 through 2016 to remain the same amount as 2011, introduced by Mr. Sharp, (Introduced on 1-24-12).

Mr. Sharp said this was voted out of Committee, along with the Amendment to change the year 2016 to 2013. **No Action**
First Readings.

Ordinance 10-12 to adopt the revised investment policy for the City attached hereto, introduced Mr. Sharp, (Introduced on 2-14-12). **No Action**

Ordinance 11-12 authorizing the payment of one week salary to the Acting Mayor, introduced by Richard Sharp (Introduced on February 14, 2012). **No Action**

B. Recreation and Parks Committee – Mark Masser, Chair

Third Readings.

None.

Second Readings.

None

First Readings.

None.

C. Safety Committee – Chair

Third Readings.

None

Second Readings.

None

First Readings.

None

D. Service Committee – Steve Keyes, Chair

Third Readings.

None

Second Readings.



Resolution 04-12 to appoint Mr. Joseph Re to the Bexley Tree and Public Gardens Committee for a three year term, introduced by Mr. Keyes (Introduced on January 24, 2012). **No Action**

First Readings.

Resolution 05-12 to appoint Mr. James Wilson to the Bexley Tree and Public Gardens Committee for a three year term, introduced by Mr. Keyes (Introduced on February 14, 2012). **No Action**

E. Zoning and Development Committee – Matt Lampke, Chair

Third Readings.

None

Second Readings.

Ordinance 07-12 to approve an Amendment to the detailed development plan approved by Amended Ordinance No. 31-85 for a Planned Unit Residential (PUR) Development on Clifton Avenue known as “Lyonsgate”, introduced by Mr. Weber, (Introduced on January 24, 2012). **No Action**

First Readings.

Resolution 06-12 appointing Richard Sharp and Steve Keyes from City Council to the Bexley Housing Council for review of tax abated properties in the city, and confirming the Mayor’s appointments of Virginia Salamy, David Baker, Dr. Tanya Poteet, Jodi Miller, and Sandy Mundy to the Housing Council for 3-year terms beginning in 2012, introduced by Mr. Lampke (Introduced on February 14, 2012).

Mr. Lampke requested resumes for these appointments. President Weber said historically they meet at 4:00 or 4:30 p.m. for their meetings. He said these are not new members being appointed. Mr. Madison said he agrees with Mr. Lampke and would like to know more about them. President Weber said he realizes this usually happens in the 11th hour and he would hope Mayor Kessler will be able to provide more lead time for the appointments. Mayor Kessler said per the Charter states a requirement of a 30 day posting prior to the nominations to City Council.

E. Strategic Committee – Tim Madison, Chair

Third Readings.

None

Second Readings.



None.

First Readings.

None.

Tabled or Referred Legislation –

Ordinance 52-11 to amend Section 232.08 (b) (1) and (2) of the Bexley Codified Ordinances regarding the Budget Stability Fund, introduced by Mr. Sharp (Introduced on November 29, 2011). Tabled 12-20-2011 **No Action**

Committee Reports:

Zoning and Development – Matt Lampke - Mr. Lampke said there would be a public hearing on February 28th at the Zoning and Development meeting at 5:30 p.m.

Strategic Committee – Tim Madison- Mr. Madison said the second Strategic meeting was held this evening at 5:30 p.m. He said the Alternative Revenue Task Force would be meeting on March 7th at City Hall. He said the Council Retreat will be held on March 30th and 31st and Council members will be presenting their summarized City Plans at that time.

Finance & Judiciary – Richard Sharp- Mr. Sharp said he will report as a liaison that he met with Mr. Mike Duffy, Development Fund Director for St. Charles. He was given a tour of the campus and viewed the plans which are very exciting. These plans are available for the public to view. He suggested Council members keep this location in mind for large, upcoming events.

Recreation and Parks – Mark Masser- The Recreation Board Meeting was held February 1st, 2012. He said this is the best group of individuals for this Committee and they did not hesitate to state how fortunate they are to have Mike Price as the Director. They discussed possible future uses for Jeffrey Mansion along with ideas to honor John Brennan. Mr. Masser said they are a very excited group and want to establish a real distinction with the Bexley Recreation programs for the community.

Safety – To Be Announced – Mr. Lampke said he would like to start holding Safety Meetings after the City Council meetings have adjourned due to his schedule conflicts at 5:30 p.m. He would like to return to regular meetings on the 1st regularly scheduled City Council evenings. President Weber stated he did make a few changes in the Committee Chairs and had emailed those changes to Council. He said his preference was to have Mr. Lampke head the Zoning Committee and the future appointed Council person head the Safety Committee.

Service- Steve Keyes- Mr. Keyes said the Tree and Public Gardens Committee would be meeting tomorrow from 4:00 – 6:00 p.m. at the Torat Emet Synagogue located on Main



Street. They will be discussing arboretum concepts along with the trees on Cassidy as well.

President's Report – Rick Weber- President Weber said he has been enjoying the Granicus web site link and viewing the various community Council meetings. Mayor Kessler will be getting further information on this to us but I urge you to spend the time to view the web site and some of the recorded meetings. We will be having further discussions on this issue on February 28th. The deadline to receive Council member applications will be February 24th at noon. We have a 60 day window to make the decision but as discussed previously, would like to have that process completed prior to the Council Retreat.

IX. City Official Reports

Ben Kessler, Mayor – Mayor Kessler reminded Council members of John Brennan's Memorial Service to be held at the Bexley High School. He asked members to please Facebook, etc. to help spread the word. He said we have added this information to the web site as well. He thanked Mr. Madison and Mr. Harvey for their efforts in helping to coordinate this event.

Mayor Kessler said one issue he and Mr. Price are currently working on is a policy for the use of alcohol at Jeffrey Mansion. Mr. Price will be presenting this policy to the Board of Recreation and then will bring it to City Council. Mayor Kessler said it is under the Code, Recreation Section under Parks 10.62. This is strictly regulated by Ordinance. He said Mr. Price will be incorporating caterers to be used and off-duty police officer requirements.

Mayor Kessler said the Capital University Survey would be mailed shortly to the residents. He briefly discussed the Mayors' Agreement in relation with poaching businesses and office users. He said the City would be changing to a new email service due to the current one being outdated. He has discussed the Bexley Foundation Grants with the Directors in order to consider different options. Mayor Kessler said he is also working on shared resources with the State of Ohio grants.

Gary Qualmann, Auditor – Not present. Mr. Hale had no report.

Lawrence Rinehart, Chief of Police – Chief Rinehart said he has instituted a shift change for the officers. He said he bumped the shifts back by ½ hour in order to better accommodate the school schedules. He said previously it was difficult for the sergeants to do roll call and be able to get to the school zone areas. Montrose Elementary had the largest impact as a result. He said it certainly is not going unnoticed by the parents. He has received 25 or 30 emails from the parents praising the efforts of the police department. He was it was a big move for the officers but he is very glad he made the change.



He said the department has a long list of goals. One that is long overdue is the return to the "Police Officer Celebration". He will be working toward raising donations in order to fund this event. In addition, the Oral Board has finalized their hiring process and we now have two of the finest candidates.

Mr. Madison asked if Mr. Morison would be continuing his "Safety Helmet Coloring Contest". He said he realizes that he funded the contest personally with his own funds. He would be willing to do the same in order to keep the contest current.

President Weber said he remembers the police event and it was very appropriate. He asked if Council could receive a composite photograph of officers with their names. President Weber asked if he could possibly bring the new officers into City Council in order for them to have the opportunity to meet them. Chief Rinehart said he would consider changing the "swearing in" ceremony to City Council Chambers.

William Harvey, Service Director- Mr. Harvey said the bid opening for Cassady will take place next week. He said he has several grant ideas for the City to apply with the Bexley Community Foundation. He said he was approached by a valet company that will be working in coordination with the Barrel 44 restaurant and hopes to obtain other businesses in the area during the evening. The company would like to use our City Hall public parking. They would not be able to save or reserve the spots but are asking permission to use them. Mr. Harvey said they were willing to sign a "Hold Harmless Agreement". Mr. Harvey said the logic would be that it could help the businesses.

Mr. Harvey said it did make it clear that it would not be "exclusive". Mr. Keyes said it is public parking any way and it would be an advantage for the restaurants in the area. Mr. Keyes asked if the valet company would be charging a fee. Mr. Harvey said he is sure they would have to charge a fee for the service. President Weber said it would almost be sub-letting for profit. Mr. Keyes said it could cause a problem for the Drexel customers. Mr. Harvey said they wanted to start this weekend. President Weber asked to have this issue added to the Safety Agenda for their next meeting.

Lou Chodosh, City Attorney- No Report.

Bruce Langner, Development Director- No Report

Mike Price, Recreation and Parks Director- No Report.

- X. **Old Business-** None
- XI. **New Business-** None
- XII. **Remarks from Audience-** None



XIII. Adjourned 9:00 p.m.

