



City Council Meeting Agenda

Tuesday, February 7, 2023

- 1) Call to Order**
- 2) Roll Call of Members**
- 3) Pledge of Allegiance**
- 4) Presentations/Special Guests**
- 5) Public Comments (Speaker Slip Required)**
- 6) President's Report**
- 7) City Attorney Report**
- 8) Auditor's Report**
- 9) Administrative Update**
 - a) Recreation and Parks Update – Mike Price
 - b) Service Update – Andy Bashore
 - c) Finance Department Update – Beecher Hale
 - d) Police Department Update – Chief Gary Lewis
 - e) Mayor's Update



10) Ordinances with Visiting Presenters

- a) Resolution 1-23 to amend the Jeffrey Mansion Alcohol Policy Framework introduced by Jessica Saad on January 24, 2023. (Tonight is the second reading)

11) Consent Agenda (No Speaker Slip Required)

- a) Meeting Minutes from January 24, 2023

12) Third Readings (No Speaker Slip Required)

13) Second Readings (Speaker Slip Required)

- b) Ordinance 1-23 to appropriate \$61,924 to pay school revenue sharing based on 2021 payroll taxes collected from tenants of Bexley Gateway introduced by Monique Lampke on January 24, 2023.
- c) Ordinance 2-23 to appropriate \$441,220 from the Road and Alley fund and to pay for the uncompleted portion of the 2022 Drexel Avenue and Grandon Avenue Improvement project introduced by Monique Lampke on January 24, 2023.
- d) Ordinance 3-23 to establish a special fund designated the North Columbia and South Remington Road Improvements Fund to record all revenue and expenses associated with the North Columbia and South Remington Road project, to appropriate \$4,969,075 from this fund to pay for the cost of the project introduced by Monique Lampke on January 24, 2023.
- e) Ordinance 4-23 to Amend Section 262.02(c)(3), Holidays introduced by Monique Lampke on January 24, 2023.

14) First Readings (Speaker Slip Required)

- a) Ordinance 5-23 to certify special assessments for the repair of sanitary sewer lines where the work was not done by the owner after being ordered by the City in accordance with Bexley Code Section 1490.15(b)(4)A or Bexley Code Section



City Council Meeting Agenda

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1492.04(b)(1) and it was necessary to do the work and assess the owner.
Introduced by Monique Lampke on February 7, 2023.

15) Tabled Ordinances

- a) Ordinance 35-22 to amend Section 1060, in order to require recycling service to be provided at commercial, institutional, and multi-family properties within the City of Bexley, introduced by Lori Ann Feibel on September 13, 2022.
- b) Ordinance 48-22 to create Chapter 837, Tobacco Retail License and Regulations and to remove Chapter 636.16 of the Codified Ordinances, Illegal distribution of cigarettes, other tobacco products or alternate nicotine products introduced by Sam Marcellino on November 15, 2022.

16) Recreation and Parks Committee – Jessica Saad, Chair

17) Service and Environmental Committee – Lori Ann Feibel, Chair

18) Finance Committee – Monique Lampke, Chair

19) Safety and Health Committee – Sam Marcellino, Chair

20) Strategic Committee – Jen Robinson, Chair

21) Zoning and Development Committee – Matt Klingler, Chair

22) Public Comments (No Speaker Slip Required)

23) Adjourn

Auditor's Report

Topics

- Letters to Auditor
 - NA
- [Monthly Review of payments Greater than \\$5K](#)
 - Audit 3 payments (highlighted in yellow)
 - Outcomes
 - **Ottawa** - \$28,434- Contract for the Havenwood landscape/hardscape project
 - **Feet on the Street** - \$12,402- Grant from EPA for the recycling audit/education program. \$12,402 was covered by the grant; \$1,834.10 is Bexley match, paid out of the "waste diversion" line item.
 - **Star Electric** - \$15,000- Invoice for street light heads and bulbs, paid out of the "repair and maintenance supplies", "alley light enhancement" and "traffic monitoring and maintenance" line items. This was a stock order, since our inventory was low. We ordered more than normal due to lead time / supply chain issues.

Recreation Board Meeting:

- The next Recreation Board meeting is on Wed., Feb. 8th at 5:30p at City Hall

Bexley Community Foundation Texas Hold'em Fundraiser:

- Congratulations to the Bexley Community Foundation on a wonderful Poker Fundraiser event on Fri., Jan. 27th.
- The event had 72 registered participants, which is nearly 50% more than the last poker fundraiser.
- Thank you to Lauren Miller and Natalie Mullin for their support of the event and to all of the participants.
- Thank you to event sponsors:
 - Seventh Son
 - Jimmy Johns
 - Schooley Caldwell

**Ohio Parks and Recreation Association (OPRA) – Annual Conference:**

- Staff attended this past weeks OPRA conference in Sandusky, Ohio.
- Besides watching the Bengals lose the big game, it was a very positive experience.
- Staff will provide a written synopsis of their experience which will include:
 - Overall takeaway from the conference
 - Feedback on improvements that we can recommend back to OPRA
 - 5 action items that they took from the conference and how they plan to implement in their career.
- We will also have a full staff meeting to share information and takeaways with all of the staff, including staff that was not able to attend the conference.

**Maple Syrup and Jeffrey Woods Festival:**

- The Jeffrey Woods Festival will be held on Sat., Mar. 4th from 8a-2p at the Clifton Shelter House by the pool parking lot.
- The Jeffrey Woods Festival will include the Kelveden Maple Syrup production, a sawmill demonstration, the Wood Chop Shop and a craft project.
- The Maple Syrup Production program starts with the tapping of the sugar maple trees on Sat., Feb. 25th at 9a at the Memorial Shelter House at Jeffrey Park.
 - Registration is required for the Maple Syrup Production and will include a bottle of the 2023 Kelveden Maple Syrup.
- The Wood Chop Shop also requires registration, although we currently have a significant waitlist.





Service Department Update

Service Director

Andy Bashore

February 7th 2023

Street Department:

The crews are working on pothole repairs and sign replacement throughout the city.

Water and Sewer Department:

The Water/Sewer crew is starting to work on our valve turning program, the crew will be starting our annual catch basin cleaning program in the next few weeks.

Urban Forestry/Grounds Maintenance:

The crews are working on the working on the City's dog park and also stump removals.

Drexel Project

Drexel-Main to Broad-The water main line work is complete. Storm inlets have been installed, there are a few to still be installed around CSG, which will be done during the school's spring break. The concrete work will resume in the spring, which will include curbs, medians, and bump outs. The sewer relining work is complete. AEP has started their pole replacement and should be done in late January.

2022 Street Project-

The project is complete.

2023 Street Project

Will be going out to bid in early March.

Chelsea Sewer Relining Project

The project is underway. The project will be complete in mid-February. The main portion of the project will be in the alley between Chelsea and Grandon.

2022 Sewer Lining Project

The phase 2 lining project will start in mid-February, which include both sanitary and storm sewer work.

2023 Sewer Lining Project

Will be going out to bid in mid-May.

2022 Sidewalk Project

The project is finished, the project area was:

Stanwood to Gould in the north and central sections and Vernon to Chelsea in the south.

Service Dept. Highlights

- The annual lead and copper testing is complete and the City was in compliance.
- Finalized the 2023 working agreement with Franklin Soil and Water.
- The safety project around Capital campus area is complete.
- The annual fall tree planting project is complete, 86 trees were planted throughout the city.
- The holiday lights have been installed on Main Street median trees.
- Two sets of flashing crosswalk signs were installed on College Ave. last week.

Year of the Parks – Commonwealth Park Community Workshop – Monday, March 6th

- Bexley City Hall will host the Commonwealth Park Community Workshop on Mon., Mar. 6th from 6p-7:30p.
- This will be a three part workshop:
 - Public Workshop for the Columbia Project Design
 - We have engaged MKSK to develop the design for the Columbia Street project between Commonwealth East and West. This public workshop will be an opportunity for the community to provide input for the design process.
 - Commonwealth Park Arboretum and Pond Update
 - This will be an opportunity for the community to review the arboretum and pond design and provide feedback.
 - Update on the Commonwealth Park Master Plan, which was approved back in 2018
 - The Columbia and Arboretum Projects were both called for within the approved Commonwealth Park Master Plan.





Council Update – Chief of Police

February 7, 2023

Canine Officer – On February 1st, a panel consisting of canine handlers from Columbus Fire Department, Ohio State Highway Patrol, FOP and the Command Team conducted interviews for the Bomb Detection K9 position.

Subsequently, the panel made the recommendation to extend the offer to Police Officer Ken Shawver, a seasoned veteran within our agency. Please join us in congratulating him as we embark upon a new chapter for the Bexley Community.

A selection of the German Short Hair Pointer will be made in the coming weeks in preparation for the 10-weeks of intense training which will be conducted.

Detective Bureau – Lieutenant Holdren returned to the bureau last week. His experience and knowledge of investigations will help with the growth and development of current detectives.

Detective Byrd continues to work on forgery and identity theft reports.

Detective Briley was able to tie three theft reports, one being a theft of a motor vehicle, to one suspect. The leads were developed with the aid of DNA analysis, LEADS online (which is an online database of pawned property), and through speaking with associates of the suspect. Charges will be filed through Franklin County Common Pleas Court for all three felony thefts.

Detective Fleming is currently investigating a case of fraud reported by a local business. He is currently setting up interviews of current and former employees.

Statistics:

Start Date	End Date	Calls for Service	Business Check	Total	Incident & Offense Reports	Arrest Reports	Crash Reports	Total	Theft	Motor Vehicle Theft	Burglary/ B&E	Robbery
1/1/2023	2/5/2023	1713	255	1,968	96	22	11	129	14	10	7	0
1/1/2022	2/5/2022	1212	0	1,212	89	32	14	135	25	1	9	0
2/6/2022	2/5/2023	13792	809	13,507	989	376	185	1,550	232	74	57	10
2/6/2021	2/5/2022	12505	5	12,510	1,123	460	223	1,806	313	29	72	8



February 7, 2023 **MAYOR'S UPDATE**

Coming up in Bexley:

February 8, 5:00 pm:	Civil Service Commission Working Group
February 8, 5:30 pm:	Recreation Board
February 8, 6:00 pm:	Board of Education
February 9, 6:00 pm:	Architectural Review Board
February 13, 5:30 pm:	Bexley Historical Society
February 15, 9:00 am-12:00 pm:	City Council Strategic Planning Session
February 15, 4:00 pm:	Tree and Garden Commission
February 15, 7:30 pm:	Gerhold Lecture Series featuring Marlon James @ Capital University
February 21, 6:00 pm:	City Council
February 21, 6:00 pm:	Environmental Sustainability Advisory Committee
February 23, 6:00 pm:	Board of Zoning and Appeals Planning
February 25:	Sugar Maple Tapping in Jeffrey Woods
February 26, 3:00 - 4:30 pm:	New Residents Welcome Event at Jeffrey Mansion
March 1, 5:30 pm:	Recreation Board
March 4, 8:00 am and on:	Jeffrey Woods Festival
March 4, 9:00 - 11:00 am	ReCycle Bikes Workshop
March 6, 6:00 - 7:30 pm:	Commonwealth Park Plaza Public Workshop

Some of What I've Been Up To:

- Weekly departmental meetings
- Routine staff and cabinet touch-base meetings
- Meetings and follow up with City Engineer on upcoming and potential projects
- Meeting regarding 4th Parade Route Planning
- Meeting regarding north end water meter replacement plans
- Extensive work on strategic plan refresh
- Extensive Year of the Parks work including multiple meetings, planning work, and emails and phone calls with stakeholders
- Meetings, research and follow up on pending and existing tobacco legislation
- Meeting with skate enthusiasts regarding potential skate/bike playground
- Meeting with BCF reps re: YOTP
- Meeting with public art consultant
- BCF Grant LOI submittals
- Meeting with new farmers' market management
- COMMA meeting and tour of East Market progress
- Dog park committee
- Meeting with residents re: Broad/Cassingham
- Meeting with OSU students re: climate action plan
- Participated on panel for Master Gardener Volunteers conference
- Volunteered at re:cycle bikes workshop
- OEC committee meeting
- Arboretum signage meeting
- Meeting with Rapid 5 reps re potential Bexley project
- Work, research and calls on Land Use Strategy 2.0
- Gun violence meeting preparation and follow up
- Meetings with potential developers
- Meeting with a student regarding stormwater management concept
- Extensive research on parcels and zoning near Schneider Park.
- Alley of the Future workshop

Keep in touch! To sign up for weekly email updates from the City of Bexley, including information on community events and timely notifications and reminders, visit: www.bexley.org/blast



BEXLEYBLAST
CITY OF BEXLEY EMAIL COMMUNICATION SYSTEM

Year of the Parks Update

Year of the Parks is moving along with some wonderful recent meetings, including the preliminary approval of the Outdoor Reading Room design by the Bexley Public Library and Torat Emet boards and the approval of the Schneider Park splash pad.



Meetings and Progress Over Past Couple Weeks:

- Presentation of refined Outdoor Reading Garden to Torat Emet Board
- Review and assess preliminary estimate on splash pad at Schneider Park
- Selection of vendor for park signage package
- "Skate/bike playground" meeting with community members

Next Steps Coming Up Soon:

- Posting invitation to Bid for Commonwealth Park Pond
- Posting Invitation to Bid for Commonwealth Follies
- Commonwealth Park Plaza Public Workshop (March 6)
- Outdoor Reading Room preliminary design to Tree and Public Gardens



Commonwealth Park Plaza Public Workshop

Work has begun on finalizing the Commonwealth Plaza plan. A public workshop will be held March 6th in order to provide a park update and to solicit feedback on finalizing the details of the plaza that will serve to help harmonize the east and west sides of the park.

Outdoor Reading Room Update - Roles of the Stakeholders

As the Outdoor Reading Room at the Bexley Public Library and Torat Emet is taking shape, details are firming up on how to finance, install, and maintain the proposed park. The proposal is that the Library and Torat Emet would negotiate easements to allow the library to maintain and manage the park. The City is helping to convene the process and assist with the design and project oversight, and will be assisting with funding the park as an eligible project of the Main Street Streetscape TIF. The City would then assist with construction oversight and portions of the initial maintenance of the park in the first year while plant material is being established. The library would then proceed with park maintenance in the years to come.

Ferndale/Mayfield Action Update

Yesterday afternoon we received the completed Phase II environmental survey for the last 9 properties located on Ferndale and Mayfield that had not previously had a Phase II survey. All 9 properties were contaminated at a similar level to the other properties on top of the Holtzman landfill. Letters are being sent to tenants to notify them of the contamination and provide action items, and letters are being drafted to landlords pursuant to the City's nuisance sites ordinance.

Trinity Apartments Update

Capital University announced this week that they are offering the Trinity Apartments site for sale. We have received numerous inquiries from developers over the years, and will continue to provide support and assistance as requested.

HR Audit Update

We received an initial draft of our HR audit last week and met with the HR firm that performed it to discuss the findings. Once the report has been finalized, we will present its findings and recommendations to council, some of which will involve detailing additional proposed HR expenditures which were budgeted for in advance as part of the 2023 budget process.

Franklin County Public Health - Health Works Franklin County Feb 23

Health Works Franklin County (HWFC) is a cross-sector, collective impact coalition designed to bring together partners from across the entire public health system with a focus on social determinants of health to guide and inform FCPH's next community health improvement plan. Additional meetings of HWFC will be held in the next few months as FCPH works to finalize a new plan for our health jurisdiction by May 2023. Guidance and expertise from City Leaders is critical to inform this effort, and you are invited to join this virtual meeting on February 23 from 10:00 am - 12:00 pm.

Learn more about Health Works Franklin County at <https://myfcph.org/>. If you are interested in attending, feel free to reach out and we'll be happy to register you for this meeting.

Post Office Update

As we've continued to advocate with federal leaders and regional and local post office management for improvements to service, we've recently received an update I wanted to pass along. After a prolonged period of being understaffed, we're being told that the 43209 post office is now fully staffed and training is under way, with the goal of restoring regular, daily deliveries and resolving other service issues over the next several weeks.

SAVE THE DATE
THE 10TH JEFFREY WOODS
FESTIVAL
MARCH 4 2023



Mayor's Office Major Goals for 2023

Mega Meta Goal

Finalize and complete the Year of the Parks projects

Safety and Community Health

Continue to study and pursue the cleanup of unsafe environmental sites

Complete and institute Youth Interaction Working Group recommendations

Enact income-based fines for minor misdemeanors

Craft and institute community mental health and social services support model

Support and encourage police department community policing expansion

Help facilitate new, positive programs with police and schools around traffic and student safety and relationship development

Help facilitate police department command structure updates

Launch bike boulevard network and signage

Institute trail town recommendations

Environment and Sustainability

Work with Council to advance zero emissions landscaping incentive ordinance

Complete Climate Action Plan for Council adoption

Pass and institute universal recycling

Identify and install on-street EV charging infrastructure

Monitor electrical aggregation options

Stormwater onsite treatment code

Zoning and Development

Facilitate unsafe environmental site remediation and redevelopment

Launch Land Use Strategy Commission update process

Continue to encourage development of the Gateway South site

Work with the property owner of Chelsea and Main to remove all site improvements, remediate the site, and make it available for development

Update Livingston Avenue Zoning Code to conform with Joint Livingston Avenue Plan recommendations

Parks and Recreation

Work with Council and Rec Board on modernizing park rules and rec board ordinance

Work with Recreation Department to launch Jeffrey Park Plan process

Service and Infrastructure

Leverage ARP funds to fast-track sewer infrastructure improvements

Work with Council to implement rigorous onsite stormwater treatment requirements for additive impervious surface

Plan and install "Alley of the Future" project

Finalize Columbia Place proposal

Complete Drexel Avenue road diet

Plan and execute 2023 street program

Communications and Strategy

Complete 2023 Strategic Plan Update (early 2023)

Draft and circulate Annual Report to the Community

Re-launch New Resident Welcome events

Revamp internal communications

Institute HR audit recommendations







RESOLUTION NO. 1-23

By: Jessica Saad

A resolution to amend the Jeffrey Mansion Alcohol Policy Framework.

WHEREAS, the City of Bexley passed ordinance 37-12 which amended Section 1062.07 of the Bexley Codified Ordinances permitting the use of alcohol at Jeffrey Mansion; and

WHEREAS, Ordinance 37-12 included a Council approved Jeffrey Mansion Alcohol Policy Framework that specified the restrictions applicable to the use of alcohol at the Mansion; and

WHEREAS, Resolution 02-15 amended the Jeffrey Mansion Alcohol Policy Framework to include language authorizing the Recreation Director, with approval from the Mayor, to permit alcohol rentals on Mondays, Tuesday, Wednesdays, and Thursdays; and

WHEREAS, Resolution 08-15 amended the Jeffrey Mansion Alcohol Policy Framework to eliminate language which restricted alcohol rentals to Bexley Residents only; and

WHEREAS, Resolution 08-16 amended the Jeffrey Mansion Alcohol Policy Framework to allow the serving of alcohol within Jeffrey Park at no more than two Recreation Board permitted events per year; and

WHEREAS, Resolution 15-18 amended the Jeffrey Mansion Alcohol Policy Framework to set the parameters in which alcohol rentals can occur within the Jeffrey Mansion lower level and carriage court expansion; and

WHEREAS, on January 4, 2023, the Recreation Board approved board resolutions 01-23, 02-23, 03-23, and 04-23, all of which recommended changes to the Jeffrey Mansion Alcohol Framework in an effort to responsibly expand access to the facility and provide flexibility for recreation staff to administer the rental process; and

WHEREAS, this update to the Jeffrey Mansion Alcohol Policy Framework reflects Recreation Board recommended changes based on the past two years of experience renting the newly renovated Jeffrey Mansion;

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

Section 1.

The Jeffrey Mansion Alcohol Framework approved by Council is amended to create an exemption to the ending times for alcohol events on holidays.

Section 2.

The Jeffrey Mansion Alcohol Framework approved by Council is amended to remove the Bexley Resident requirement for Carriage Court alcohol event rentals at Jeffrey Mansion.

Section 3.

The Jeffrey Mansion Alcohol Framework approved by Council is amended to remove the limitation on the number of monthly Carriage Court alcohol event rentals at Jeffrey Mansion.

Section 4.

The Jeffrey Mansion Alcohol Framework approved by Council is amended to modify security provisions from requiring police officers to allowing security staff and providing flexibility for Bexley Recreation and Parks staff in determining which events need security staff present.

Section 5.

This Resolution shall go into full force and effect at the earliest period allowed by law.

Passed _____, 2023

Troy Markham, President of Council

Attest: _____, 2023
Clerk of Council

Approved: _____, 2023

Ben Kessler, Mayor

First Reading: January 24, 2023

Second Reading:

Third Reading:

Jeffrey Mansion Alcohol Policy Framework

Revised March 26, 2019

It is the intent of this Jeffrey Mansion Alcohol Policy Framework to allow for limited and responsible permitting of alcohol at Jeffrey Mansion during special events at the mansion.

Role of the Recreation Board

The Recreation Board shall author and administer a Jeffrey Mansion Alcohol Policy. The Recreation Board has the right to define and restrict the Jeffrey Mansion alcohol policy beyond the framework outlined herein.

In addition to, or as a part of, the Recreation Board created Jeffrey Mansion Alcohol Policy, the Recreation Board shall establish clear internal standards and directives to address the following:

- **Evaluation:** Prior to the enactment of a Jeffrey Mansion Alcohol Policy, the Recreation Board shall establish a process and standards by which to regularly evaluate the effectiveness of the alcohol policy in promoting responsible stewardship of the mansion facility and the city's financial position.
- **Enforcement:** The Recreation Board shall establish methods by which to enforce responsible conformance to the Jeffrey Mansion Alcohol Policy by users of the facility.
- **Communication:** Requirements of users of the Mansion and enforcement measures must be clearly communicated in rental forms, etc., and in any promotional materials.
- **Creation and Modification of the Jeffrey Mansion Alcohol Policy:** The Jeffrey Mansion Alcohol Policy will not go into effect until voted on and passed by a simple majority of the Bexley Recreation Board. Any changes of the policy thereafter will also require passage by a simple majority of the Bexley Recreation Board.
- **Legal Issues:** The Recreation Board shall have the draft Jeffrey Mansion Alcohol Policy reviewed by legal counsel prior to submittal to Bexley City Council for review.

Rental Rate Structure

It is not the intent of this policy to alter rental rates for events in which alcohol is not being permitted. Therefore, rental rate structures for Jeffrey Mansion will remain the same except for the following changes:

- An alcohol surcharge will be assessed to any event that would like to have the use of alcoholic beverages. The alcohol surcharge rate shall be established by the Recreation Board.

Frequency, Days, and Hours of Permitted Use

- Rentals in which the serving of alcohol is permitted will be required to fall into specific time windows on Fridays, Saturdays and Sundays.
- All weekend events with alcohol must end by 11:30 pm.
- The Recreation Director, with approval from the Mayor, may permit alcohol rentals on Mondays, Tuesday, Wednesdays, and Thursdays, with an ending time of no later than 11:00 pm.
- Holidays are exempt from the designated end time.
- Only one private alcohol event can occur in the Mansion at the same time.

Additional Restrictions on Rentals of the Lower Level Carriage Court

- Events in which alcohol is permitted and the number of guests exceeds the current Main Level maximum occupancy of 128 people requires a parking plan which may include valet parking at the cost of the renter.

The annual event limitation does not include:

- Community events/city sponsored events such as, but not limited to, the BCF Annual Event, Mayor and Solicitors Dinner, DARN Shop Hop, etc.

Designated Areas for Events within Jeffrey Park

- The Recreation Board may permit up to two events per year within the Jeffrey Park grounds which are open to the public and free of charge for general admission during which the serving of alcohol is permitted.

Approved Caterers

A list of approved preferred caterers will be created for events.

- Preferred caterers will be required to obtain and maintain personal injury and/or property damage liability insurance coverage of no less than a \$1,000,000; automobile liability insurance of an amount no less than \$1,000,000; and liquor liability insurance of no less than \$1,000,000. The City of Bexley shall be included as an additional insured on the caterer's certificate of insurance.
- Caterers will pay a fee, as determined by the Recreation Board, to the Recreation Department for each event at which they serve.
- In order to have alcoholic beverages at an event, customers must work with one of the preferred caterers.
- Approved caterers will be interviewed and pre-approved by the Bexley Recreation Board.
- In order to remain on the preferred caterer's list, the caterer must leave the mansion in the condition it was in prior to the event, to the satisfaction of the Recreation Director.

Caterer's Responsibility

- Caterers will have a separate contract with customers from that of the rental contract.

- Customer will make a payment to the Bexley Rec for the Jeffrey Mansion and a payment to the preferred caterer of choice for food services.

Security

- Private alcohol events may be required to have a minimum of one security staff at the discretion of Bexley Recreation and Parks (BRP) staff. BRP staff reserve the right to require additional security staff.
- Priority for security coverage will be given to Bexley police officers.
- Alcohol consumption must comply with all Bexley Ordinances, Ohio Revised Code, and any and all governing laws.
- Security staff and BRP staff retain the authority to order the renters/participants to cease all activities and leave the premises if it is determined that is in the best interests of safety.

Designated Areas

- Alcohol consumption is strictly limited to designated areas. The designated areas specified in this policy may be further restricted by action of the Recreation Board. These areas include the Jeffrey Mansion building including the carriage court expansion on the north side of the building, adjacent patio, south parking lot and the adjacent first landing located on the west side of the Jeffrey Mansion (Landing with the gazebo). The designated areas are shaded red in the aerial photograph below:



Review of the Jeffrey Mansion Alcohol Policy by Bexley City Council and Mayor

- Within 30 days prior to voting on the passage of a new or modified Jeffrey Mansion Alcohol Policy, the Recreation Board shall provide members of Bexley City Council and the Mayor of Bexley a written copy of the same for review and comment.

Notice to Area Residents for Proposed Changes to the Jeffrey Mansion Alcohol Framework

- If legislation is introduced at Bexley City Council to amend the Jeffrey Mansion Alcohol Policy Framework, notice will be mailed to Bexley residents within 500' of Jeffrey Mansion no later than 7 days after introduction of the legislation.



City Council Meeting Minutes

Tuesday, January 24, 2023

1) Call to Order

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

2) Roll Call of Members

Council Members Present: Jen Robinson, Sam Marcellino, Lori Ann Feibel, Matt Klingler, Troy Markham, Monique Lampke

Council Members Absent: Jessica Saad

Mr. Markham moved to excuse Ms. Saad's absence.

Mr. Klingler seconded.

All in Favor: Jen Robinson, Sam Marcellino, Lori Ann Feibel, Matt Klingler, Troy Markham, Monique Lampke

Motion passed 6-0.

3) Pledge of Allegiance

4) Presentations/Special Guests

a) Proposed Candidates for Community Improvement Corporation Vacancies

- Mike Simpson

Mr. Simpson spoke briefly about his background and his interest in the position. Mr. Kessler thanked him and acknowledged the great addition he'll make to the CIC. Ms. Feibel also thanked Mr. Simpson for his service.



b) Mosquito Task Force Study Report

Ms. Ness, Dr. Mary Gardiner, and Dr. Megan Meuti presented the agenda items related to the Mosquito Pilot Program took place in summer of 2022. Mr. Marcellino said he had not seen much change or reduction in mosquitos with study residences who opted for external pesticide spraying in addition to FCPH spraying and whether or not Dr. Gardiner and Meuti would recommend restrictions on private pesticide spraying based on this information and Dr. Gardiner answered that it would be too early to move forward on that. Mr. Kessler thanked Dr. Gardiner and the team for their work and asked about the effectiveness of the FCPH spraying which doesn't seem to have a tremendous impact and Dr. Meuti responded that while this may visually seem to be not as impactful, Dr. Meuti said it's difficult to know if this is an accurate depiction of the effectiveness as a whole. Mr. Kessler also thanked Dr. Whitted and Ms. Gravelle from the Board of Health for attending. Mr. Markham asked about other existing research and background and other thoughts about refinements planned for future study which Dr. Gardiner answered. The presenters continued to share for a bit longer before concluding.

5) Public Comments (Speaker Slip Required)

None.

6) President's Report

No report.

7) City Attorney Report

Mr. Fishel reminded everyone to file their disclosures.

8) Auditor's Report

No report.



City Council Meeting Minutes

Tuesday, January 24, 2023

9) Ordinances with Visiting Presenters

a) Ordinance 49-22 to adopt Residential Design Guidelines introduced by Matt Klingler on December 13, 2022.

- Karen Bokor and William Heyer will present

Mr. Fishel read the ordinance and Mr. Klingler invited Ms. Bokor to speak on behalf of the Architectural Review Board. Ms. Bokor spoke about the project and presented the information included in the agenda packet. Mr. Helman spoke about some of Bexley's architectural history and heritage. Mr. Heyer then spoke about his experiences as an architect working in Bexley. Ms. Robinson thanked the group for their work on this and expressed how easy it is to use and understand. Mr. Markham also complimented this work, especially the addition of graphics and images which are so helpful. Mr. Kessler thanked Karen and Kathy and Connie for their hard work on this and spoke briefly about the history of the project and also mentioned more protections for historical preservations will continue to be brought forward.

Mr. Klingler moved to pass ordinance 49-22.

Ms. Feibel seconded.

All in Favor: Jen Robinson, Sam Marcellino, Lori Ann Feibel, Matt Klingler, Troy Markham, Monique Lampke

Motion passed 6-0.

10)Administrative Update

a) Police Department Update – Chief Gary Lewis

Chief Lewis highlighted some of the created positions in the department. Ms. Robinson asked about a swearing in on Friday at 11am. Chief Lewis stated this is a placeholder but there will be a more formal process for promotions and swearing in.



b) Recreation and Parks Update – Mike Price

Mr. Price spoke briefly about his report and will also be present for ordinance readings, one of which pertains to Jeffrey Mansion.

c) Service Update – Andy Bashore

Mr. Bashore spoke briefly about his report and answered a question from Ms. Lampke regarding expected snow.

d) Finance Department Update – Beecher Hale

Mr. Hale spoke briefly about his financial report for December of 2023, covering the increase in income tax, which is good news but difficult to quantify.

e) Mayor's Update

Mr. Kessler spoke briefly about the parade route meeting, which they are recommending to revert to the former route due to health concerns with the longer route which was challenging for parade participants. Mr. Kessler then covered a few more items from his report.

11) Consent Agenda (No Speaker Slip Required)

a) Meeting Minutes from January 10, 2023

b) Resolution 11-22 confirming the Mayor's appointments of members to the Bexley Community Improvement Corporation, introduced by Jen Robinson on December 13, 2022.

Mr. Markham moved to adopt the Consent Agenda.

Mr. Klingler seconded.

All in Favor: Jen Robinson, Sam Marcellino, Lori Ann Feibel, Matt Klingler, Troy Markham, Monique Lampke

Motion passed 6-0.



City Council Meeting Minutes

Tuesday, January 24, 2023

12) Third Readings (No Speaker Slip Required)

13) Second Readings (Speaker Slip Required)

14) First Readings (Speaker Slip Required)

- a) Ordinance 1-23 to appropriate \$61,924 to pay school revenue sharing based on 2021 payroll taxes collected from tenants of Bexley Gateway introduced by Monique Lampke on January 24, 2023.

Mr. Fishel read the ordinance and Ms. Lampke briefly explained the purpose behind this ordinance.

- b) Ordinance 2-23 to appropriate \$441,220 from the Road and Alley fund and to pay for the uncompleted portion of the 2022 Drexel Avenue and Grandon Avenue Improvement project introduced by Monique Lampke on January 24, 2023.

Mr. Fishel read the ordinance and Ms. Lampke invited Mr. Kessler to walk through this appropriations ordinance which relates to ongoing OPWC projects. This is also true for Ordinance 3-23.

- c) Ordinance 3-23 to establish a special fund designated the North Columbia and South Remington Road Improvements Fund to record all revenue and expenses associated with the North Columbia and South Remington Road project, to appropriate \$4,969,075 from this fund to pay for the cost of the project introduced by Monique Lampke on January 24, 2023.

Mr. Fishel read the ordinance and Ms. Lampke invited Mayor Kessler to expound on this which he did. Mr. Klingler asked if this was just roads, and the Mayor clarified this is primarily water and he believes some sewer.



- d) Ordinance 4-23 to Amend Section 262.02(c)(3), Holidays introduced by Monique Lampke on January 24, 2023

Mr. Fishel read the ordinance and Ms. Lampke provided some background and invited Mr. Kessler to provide some detail and rationale behind the holidays, which he did.

- e) Resolution 1-23 to amend the Jeffrey Mansion Alcohol Policy Framework introduced by Jessica Saad on January 24, 2023.

Mr. Fishel read the ordinance and Ms. Feibel provided some additional information about this ordinance and the background of events that include alcohol and asked Council members to look this over and be ready with questions at the next meeting. Mr. Marcellino asked Mike to provide some detail at the next meeting on the residences that have been notified.

15) Tabled Ordinances

- a) Ordinance 35-22 to amend Section 1060, in order to require recycling service to be provided at commercial, institutional, and multi-family properties within the City of Bexley, introduced by Lori Ann Feibel on September 13, 2022.
- b) Ordinance 48-22 to create Chapter 837, Tobacco Retail License and Regulations and to remove Chapter 636.16 of the Codified Ordinances, Illegal distribution of cigarettes, other tobacco products or alternate nicotine products introduced by Sam Marcellino on November 15, 2022.

16) Zoning and Development Committee – Matt Klingler, Chair

Mr. Klingler stated that he has been meeting with the Mayor regarding a refresh of the Land Strategy Use document so more information will be coming on that soon.

17) Recreation and Parks Committee – Jessica Saad, Chair

Mr. Marcellino asked everyone to mark their calendars for April 22, 2023 which is the Bexley Education Foundation's Bravo event, which will be held at Valleydale Ballroom



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this year. He also reminded everyone at the Bexley Community Foundation's Texas Hold'em Fundraiser.

18) Service and Environmental Committee – Lori Ann Feibel, Chair

Ms. Feibel talked about the importance of skipping plastic bags when shopping. Ms. Feibel also recommended washing with cold water and mentioned that recycling even one can save tremendous energy and talked about the overlap with the ESAC and Tree and Gardens Commission.

19) Finance Committee – Monique Lampke, Chair

No report.

20) Safety and Health Committee – Sam Marcellino, Chair

No report.

21) Strategic Committee – Jen Robinson, Chair

Ms. Robinson reminded everyone that will attend the February 15th Council Strategic planning meeting from 9:00am-12:00pm. She will be forwarding the document of items to be discussed soon.

22) Public Comments (No Speaker Slip Required)

Vesna asked a clarifying question about the alcohol policy

23) Adjourn



Mr. Klingler moved to adjourn.

Ms. Robinson seconded.

All in Favor: Jen Robinson, Sam Marcellino, Lori Ann Feibel, Matt Klingler, Troy Markham, Monique Lampke

Motion passed 6-0.

Council President Markham adjourned the meeting at 7:48 pm.

ORDINANCE 1-23

By Monique Lampke:

An ordinance to appropriate \$61,924 to pay school revenue sharing based on 2021 payroll taxes collected from tenants of Bexley Gateway.

Whereas, Based on the payroll taxes collected from the tenants of Bexley Gateway and the statutory formula for calculating the amount the City owes to the Bexley City School district, the City owes \$61,924 in revenue sharing for 2021.

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

Section 1.

That \$61,924 is hereby appropriated to revenue sharing to the school based on 2021 payroll taxes collected by the tenants of Bexley Gateway.

Section 2.

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

Passed: _____

Troy Markham, Council President

Attest _____
Matt McPeck, Clerk of Council

Mayor Ben Kessler

First Reading: January 24, 2023

Second Reading:

Third Reading:

ORDINANCE NO. 2 - 23

By: Monique Lampke

AN ORDINANCE TO APPROPRIATE \$441,220 FROM THE ROAD AND ALLEY FUND AND TO PAY FOR THE UNCOMPLETED PORTION OF THE 2022 DREXEL AVE. AND GRANDON AVE. IMPROVEMENT PROJECT.

Whereas: The completion of the Drexel Ave. and Grandon Ave. Improvement Project was delayed and unable to be completed in 2022; and

Whereas: There remained unexpended 2022 appropriation in the Road and Alley Fund for this project of \$441,220 at the end of 2022.

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

Section 1.

That \$441,220 is hereby appropriated from the Road and Alley Fund to pay for the uncompleted portion of the 2022 Drexel Ave. and Grandon Ave. Improvement Project.

Section 2.

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

Passed: _____, 2023

Troy Markham, President of Council

Attest: _____
Matt McPeck, Clerk of Council

Approved: _____, 2023

Mayor Ben Kessler

ORDINANCE NO. 3-23

By: Monique Lampke

An Ordinance to establish a special fund designated the North Columbia and South Remington Road Improvements Fund to record all revenue and expenses associated with the North Columbia and South Remington Road project, to appropriate \$4,969,075 from this fund to pay for the cost of the project.

Whereas: The City of Bexley has received financing from the State of Ohio in the form of a \$1,237,2991 grant and a \$3,731,776 interest free loan from the Ohio Public Works Commission for the North Columbia and South Remington Avenue Improvements project, and

Whereas: The revenues and expenditures related to the project must be recorded in a separate project fund.

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

Section 1.

That a special fund designated the North Columbia and South Remington Road Improvements Fund is hereby established to record all revenue and expenses related this project.

Section 2.

That \$4,969,075 is hereby appropriated from the North Columbia and South Remington Road Improvements Fund for the purpose recording the expenses related to the project.

Section 3.

That all unexpended appropriation at the end of the year shall be automatically reappropriated and the beginning of the following year.

Section 5. That this ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Troy Markham, President of Council

Attest: _____
Marr McPeck, Clerk of Council

Ben Kessler, Mayor

First Reading: January 24, 2023
Second Reading: February 7, 2023
Third Reading:

Ordinance No. 4-23

By: Monique Lampke

An Ordinance to Amend Section 262.02(c)(3), Holidays.

Whereas, Ordinance 25-22 amended Section 262.02(c)(3)(B) in order to add Christmas Eve and New Years Eve as holidays and to provide the Mayor with the ability to grant additional time off preceding or following paid holidays; and

Whereas, the changes in Ordinance 25-22 inadvertently caused calendar issues not anticipated prior to its passage;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bexley, Ohio that Section 262.03(c)(3) of the codified ordinances be amended as follows:

Section 1

(3) Holidays.

A. Police Chief and Captain. Holidays for the Police Chief and Police Captain will be as follows:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Juneteenth
- Labor Day
- Bexley Day (Marking the day of Bexley's founding - observed second Monday in August)
- Veterans Day
- Thanksgiving Day
- Friday following Thanksgiving Day
- Christmas Day

Exempt employees shall not be entitled to holiday pay above and beyond normal salary.

B. All other Schedule I employees. Holidays for all other Schedule I employees will be as follows:

- ~~New Year's Eve~~
- New Year's Day
- Martin Luther King Jr. Day
- Presidents Day
- Memorial Day
- Independence Day
- Bexley Day (Observed second Monday in August)
- Labor Day

Thanksgiving Day
Friday following Thanksgiving Day
~~Christmas Eve~~
Christmas Day

C. Unless otherwise directed by the Mayor, an employee subject to this subsection will not work on a scheduled holiday.

D. Non-exempt employees subject to this subsection who are required to work on a holiday will receive double-time for hours worked, and exempt employees shall not be entitled to overtime pay for holidays worked by them. The extra pay will be included in the regular payroll in which the holiday occurs. Any person absent the working day before or after a holiday, without prior approval, shall not be paid for that holiday.

E. At the discretion of the Mayor, the City offices may remain open on Bexley Day, and this may be a floating holiday. Employees may request this day off with pay through the year. Bexley Day must be used by December 31st of each calendar year or it will be forfeited.

F. The Mayor, at their sole discretion, may grant non-bargaining unit employees additional ~~up to four~~ hours off work on the work day ~~immediately~~ preceding or ~~immediately~~ following one of the holidays set forth in this section.

Section 2.

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

Passed _____, 2023

Troy Markham President of Council

Attest: _____, 2023
Matthew McPeak, Clerk of Council

Approved: _____, 2023

Benjamin Kessler, Mayor

First Reading: January 24, 2023
Second Reading: February 7, 2023
Third Reading:

Ordinance 35 - 22

By: Lori Ann Feibel

An Ordinance to amend Section 1060, in order to require recycling service to be provided at commercial, institutional, and multi-family properties within the City of Bexley.

WHEREAS, The City of Bexley Zero Waste Plan has been adopted by Bexley City Council via Resolution 09-17; and

WHEREAS, the City of Bexley Zero Waste Plan calls for expanding recycling services to multifamily residential properties, businesses, and institutions; and

WHEREAS, the City of Bexley created recycling for single family households in 1990.

WHEREAS, governmental regulations are required in order for greenhouse gas emissions to not exceed more than 2 degrees above pre-industrial levels.

WHEREAS, significant action must be taken by municipalities prior to 2030, as determined by the International Panel on Climate Change; and

WHEREAS, environmental issues are human rights, health, and safety issues; and

WHEREAS, the United States is anticipated to re-commit to the Paris Accord in 2021; and

WHEREAS, the City of Bexley administration has been assisting with the creation of concepts for universal recycling, including pricing and legislative models; and

WHEREAS, the City of Bexley administration, with the support and assistance of the Environmental Sustainability Advisory Committee has been exploring concepts for universal recycling in Bexley; and

WHEREAS, in the Spring of 2020, the Environment, Economy, Development and Sustainability program of the School of Environment and Natural Resources at the Ohio State University assisted with researching similar programs throughout the country, and

WHEREAS, a substantial amount of waste would be diverted from the landfill and recycled as a result of universal recycling;

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

Section 1.

1060.01 Definitions be amended to add the following definitions:

“Multifamily Property” means a property that contains more than one dwelling unit, and includes condominium complexes.

“Institutional Property” means a property used for educational or religious purposes, or as a supervised residential facility with 24-hour onsite staff, and which has a contiguous facility footprint in excess of 10,000 square feet.

Section 2.

That new Section “1060.16 Recycling Service at Commercial, Institutional, and Multifamily Properties” be created as follows:

1060.16 Recycling Service at Commercial, Institutional, and Multifamily Properties

- (a) All Commercial, Institutional, and Multifamily Residential properties shall be provided with onsite single-stream recycling collection service, with the following minimum criteria.
 - a. Collection to occur on a weekly basis at a minimum.
 - b. Minimum capacities:
 - i. In the case of commercial properties under 10,000 square feet, a minimum recycling capacity of a 96 gallon toter shall be provided for single stream recycling.
 - ii. In the case of commercial properties in excess of 10,000 square feet, a minimum recycling capacity of four yards shall be provided for single stream recycling.
 - iii. In the case of Multifamily Properties, a recycling capacity of 24 gallons per unit, with a minimum of one 96 gallon toter provided for single stream recycling.
 - iv. Institutional Properties shall create a recycling plan that adequately services the recycling capacity of their institutions, which shall be submitted to the City by January 1, 2023, and fully implemented after review and approval by the Environmental Sustainability Advisory Committee Executive Committee (ESACEC).
- (b) Administrative Exceptions:
 - a. In instances of commercial users with specialized recycling needs, or where single stream recycling service would be less impactful than a customized recycling service, an exception may be provided after review and approval by the

ESACEC. In such cases, a minimum 96 gallon single stream toter may still be required by the ESACEC.

- b. In instances of commercial or Multifamily environments where site plans do not allow for adequate capacity, lesser onsite capacity may be allowed if combined with more frequent pickup, subject to review and approval by the ESACEC.
- c. Lesser onsite capacity may be allowed if capacity is provided by adjoining shared facilities, subject to review and approval by the ESACEC.

(c) Commercial, Multifamily, and Institutional negotiated rates

- a. The City shall negotiate with a hauler for weekly single-stream recycling service to Multifamily, Commercial, and Institutional properties, to be billed to properties on a quarterly basis. In instance of properties in which a pre-existing contract prohibits using the City's contracted hauler, or in which property owners are able to obtain comparable service which is in compliance with this Chapter, properties may apply for exemption from the quarterly recycling rate, subject to review by the ESACEC.

(d) Right of Appeal of ESACEC Decisions

- a. Any decision rendered per this Section by the ESACEC may be appealed to a review board comprised of the President of Council, the Service Chair of Council, and the Auditor. The decision of the review board shall be final.

(e) Charges

- a. To provide necessary funds for equipment, personnel and other expenses in connection with the collection and disposal of recyclable materials as specified in this Chapter, a monthly charge shall be assessed based upon the following schedule:

i.	96 Gallon Toters:	\$12 per month
ii.	4 Yard Dumpster:	\$ ____ per month
iii.	6 Yard Dumpster:	\$ ____ per month
iv.	8 Yard Dumpster:	\$ ____ per month
v.	10 Yard Dumpster:	\$ ____ per month

- b. Monthly charges shall be payable quarterly in advance, commencing January 1, 2023.
- c. Whenever service begins between payment periods, a payment at the rate of one twelfth of the current annual charge per month, for the balance of the current period, shall be made before service commences.
- d. For periods of ten days or less in any one month, no charge shall be made, but eleven days or more shall be charged for a full month.
- e. No refund shall be made for any part of a payment if service is discontinued during such period.

Commented [B01]: This pricing is based upon a Rumpke quote of \$12 per toter per month for commercial toters. Pricing would need to be competitively quoted, and ordinance would need to be updated with actual figures prior to passage.

Section 2.

That this Ordinance shall go into effect and be in force from and after January 1, 2023.

Passed: _____, 2022

Troy Markham, President of Council

Attest:

Matt McPeck, Clerk of Council

Approved: _____, 2022

Ben Kessler, Mayor

First reading:

ORDINANCE NO. 48 - 22

By: Sam Marcellino

An Ordinance to create Chapter 837, Tobacco Retail License and Regulations and to remove Chapter 636.16 of the Codified Ordinances, Illegal distribution of cigarettes, other tobacco products or alternate nicotine products.

Whereas, The City of Bexley seeks to promote the health, wellness and safety of all residents; and,

Whereas, The City of Bexley has historically been a leader in anti-smoking efforts, being the first community in the State of Ohio to enact an indoor smoking ban; one of the first central Ohio communities to ban the sale of smoking products to persons under the age of 21; and the first to ban flavored vaping products; and,

Whereas, tobacco use remains the leading cause of preventable death in the United States, killing nearly half a million people each year. It causes or contributes to many forms of cancer, as well as heart disease and respiratory diseases, among other health disorders; and

Whereas, it is in the best interest of all parties to protect young people from flavored tobacco products, and these products also disproportionately impact minority populations who smoke menthol cigarettes as a result of targeted marketing practices; and

Whereas, commercial tobacco use is the foremost preventable cause of premature death in America, causing a half million deaths annually, and has been responsible for 20.8 million premature deaths in the U.S. since the first U.S. Surgeon General's report on smoking in 1964;

Whereas, 53% of e-cigarettes are purchased from convenience stores, food, drug and mass retail chains in comparison to 28% from online retailers and 19% from specialty/vape shops; and,

Whereas, the density of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased youth smoking rates; and

Whereas, several studies have found that the density of tobacco retailers near schools was positively associated with the prevalence of students reporting experimental smoking; and

Whereas, a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with federal, state, and local tobacco control laws and business standards in order to protect the health, safety, and welfare of our residents;

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

Section 1.

That Chapter 837, Tobacco Retail License and Regulations, be created as follows:

Chapter 837

Tobacco Retail License and Regulations

837.01 Purpose

This chapter is created to ensure that retailers comply with federal, state, and local tobacco control laws and business standards in order to protect the health, safety, and welfare of our residents.

837.02 Definition

- (a) “Arm’s length transaction” means a sale in good faith and for valuable consideration that reflects the fair market value between two informed and willing parties, neither of which is under any compulsion to participate in the transaction.
- (b) “Compliance checks” mean the system the city uses to investigate and ensure that those authorized to sell tobacco products are following and complying with the requirements of this ordinance. Compliance Checks involve the use of persons over the age of 18, but under the age of 21 who purchase or attempt to purchase tobacco products. Compliance checks may also be conducted by the city or other units of government for educational, research, and training purposes or for investigating or enforcing federal, state, or local laws and regulations relating to tobacco products.
- (c) “Delivery sale” means the sale of any tobacco product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the- counter sales transaction in a licensed retail establishment. Delivery Sale includes but is not limited to the sale of any tobacco product when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery Sale includes delivery by licensees or third parties by any means, including curbside pick-up.
- (d) “*Electronic smoking device*” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic

smoking device includes any component, part, or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration for cessation purposes, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

- (e) “Flavored tobacco product” means any tobacco product that imparts a taste or smell, other than the taste or smell of tobacco, either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice.
- (f) “Moveable place of business” means any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.
- (g) “Person” means any natural person.
- (h) “Purchaser” means any person who obtains or attempts to obtain a tobacco product.
- (i) “Sale” includes transfer or delivery of goods for money, trade, barter, gift, or other consideration.
- (j) “Self-service display” means any display from which customers may select a tobacco product without assistance from the tobacco retailer or the tobacco retailer’s agent or employee and without a direct person-to-person transfer between the purchaser and the tobacco retailer or tobacco retailer’s agent or employee.
- (k) “Tobacco product” means: (1) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (2) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or (3) any component, part, or accessory of (1) or (2), whether or not any of these contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, and pipes. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration for cessation purposes, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
- (l) “Tobacco retail establishment” means any place of business where tobacco products are available for sale to the general public. The term includes but is not limited to grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.

- (m) “Tobacco retailer” means any person, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation who owns, operates, or manages any tobacco retail establishment. Tobacco retailer does not mean the nonmanagement employees of any tobacco retail establishment.
- (n) “Youth-oriented facility” means any facility with residents, customers, visitors, or inhabitants of which 25 percent or more are regularly under the age of 21 or that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. Youth- oriented facility includes, but is not limited to, a licensed care facility or preschool, day care centers, public or private schools, playgrounds, a library open to the public, recreation centers, and parks.

837.03 License Required

- (a) Each individual tobacco retail establishment location engaging in the sale of tobacco products at a fixed tobacco retail establishment shall secure a tobacco retail license from Franklin County Public Health before engaging or continuing to engage in such business. The tobacco retail license shall be on display at the tobacco retail establishment all times. No tobacco retailer shall sell tobacco products without a valid tobacco retail sales license.
- (b) An application for a license to sell tobacco products must be made on a form provided by Franklin County Public Health. The application must contain the full name of the applicant, the applicant’s residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary.
- (c) Franklin County Public Health may approve or deny the application for a license, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If Franklin County Public Health approves the application, the license will be issued to the applicant. If Franklin County Public Health denies the application, notice of the denial will be given to the applicant along with notice of the applicant’s right to appeal the decision.
- (d) Denial of License. Grounds for denying the issuance or renewal of a license include, but are not limited to, the following:
 - 1) the applicant is under 21 years of age;
 - 2) the applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco products;
 - 3) the applicant has had a tobacco retail license revoked due to violations of this ordinance within the preceding thirty-six (36) months of the date of application;

- 4) the applicant fails to provide the information required on the licensing application or provides false or misleading information;
 - 5) the applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license;
 - 6) the applicant is in arrears with respect to any fine imposed for violation of this ordinance;
 - 7) the business for which the license is requested is a moveable place of business.
- Only fixed-location tobacco retail establishments are eligible to be licensed.
- (e) For purposes of subdivision (D) of this Section, “applicant” shall include entities with common ownership or management to the entity or natural person listed on the application.
- (f) If a license is mistakenly issued or renewed, the city shall revoke the license upon the discovery that the applicant was ineligible for the license under this ordinance. The city will provide the applicant or licensee with notice of the revocation, along with information on the right to appeal.
- (g) The fee for a tobacco retail sales license shall be set by the Health Department, who shall have the authority to adjust the fee as deemed necessary. Such fees shall be calculated to recover the cost of administration and enforcement of this Ordinance, including, but not limited to, issuing licenses, administering the license program, tobacco retailer education, tobacco retailer inspection and compliance checks, documentation of violations, and prosecution of violators. All fees and interest on proceeds from fees shall be used to exclusively fund the administration and enforcement of this Ordinance.
- (h) All licenses issued are valid only on the premises for which the license was issued and only for the applicant to which the license was issued. The transfer of any license to another location, person, or entity is prohibited.
- (i) Such license shall be renewed annually and is valid for a period beginning with the date of license to the first day of [Month] next succeeding the date of the license unless sooner revoked as allowed by penalties in this article, or unless the tobacco retailer to whom it was issued discontinues business, in either of which cases the holder of the license shall immediately return it to Franklin County Public Health. A license shall not be transferred from one tobacco retailer to another or from one location to another.
- (j) The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.
- (k) No tobacco retail license shall be issued or renewed unless the tobacco retailer signs a form stating that the tobacco retailer has read this ordinance and has provided training to all employees on the sale of tobacco products. Such training shall include information that the sale of tobacco products to persons under 21 years of age is illegal and shall

subject the tobacco retailer to penalties, the types of identification legally acceptable for proof of age, and that the sale of flavored tobacco products is illegal and shall subject the tobacco retailer to penalties.

- (l) Tobacco retailing without a valid license. In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the Department finds based on a preponderance of evidence, after notice and an opportunity to be heard, that any tobacco retailer has engaged in tobacco product retail sales at a location without a valid tobacco retail license, either directly or through the tobacco retailer's agents or employees, the tobacco retailer shall be ineligible to apply for, or to be issued, a tobacco retail license as follows:
 - 1) After a first violation of this section at a location within any 36-month period, the location shall receive a written warning from the Department (unless ownership of the business at the location has been transferred in an arm's length transaction).
 - 2) After a second violation of this section at a location within any 36-month period, no new license may issue for the tobacco retailer or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until ninety (90) days have passed from the date of the violation.
 - 3) After a third or subsequent violation of this section at a location within any 36-month period, no new license may issue for the tobacco retailer or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until five (5) years have passed from the date of the violation.

837.04 Prohibited Sales

- (a) Minimum Legal Sales Age for Tobacco Products

The sale of any tobacco product to a person under the age of 21 is prohibited.

- (b) Age Verification

Before distributing any tobacco product, the tobacco retailer or the tobacco retailer's agent or employee shall verify that the purchaser is at least 21 years of age. Each tobacco retailer or tobacco retailer's agent or employee shall examine the purchaser's government-issued photographic identification. No such verification is required for a person over the age of 30. That a purchaser appeared to be 30 years of age or older shall not constitute a defense to a violation of this section.

- (c) Signage

- 1) No tobacco retailer shall sell, permit the sale of, or furnish tobacco products in the City unless a notice, as proscribed in this section, is posted at all locations where tobacco products are available for purchase. All notices must be posted in a manner conspicuous to both employees and consumers, unobstructed from view in their entirety, and within six feet of each register where tobacco products are available for purchase. Franklin County Public Health shall provide this notice, which shall prominently state “No person under the age of 21 may be sold nicotine or tobacco products, including electronic smoking devices”. The notice must be at least 14” by 11” and the words on the notice must be legibly printed in such a way as to be highly visible and easily legible.
- 2) Selling tobacco products in any place that does not have a sign consistent with this section is prohibited by law and punishable under this Chapter.

(d) Flavored Tobacco Product Sales Prohibition.

- 1) It shall be unlawful for a tobacco retailer or its agent, employee, or representative to sell or offer for sale any flavored tobacco product.
- 2) There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a tobacco retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer:
 - i. makes a public statement or claim that a tobacco product imparts a taste or smell other than the taste or smell of tobacco; or
 - ii. uses text, images, or coloring on the tobacco product’s labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a taste or smell other than the taste or smell of tobacco.

(e) Delivery Sales

Delivery sales of tobacco products by any means are prohibited under this ordinance.

(f) Self Service Displays

No tobacco retailer or their employee or agent shall sell or otherwise distribute tobacco products by or from a self-service display, including through vending machines, except in places where persons under the age of 21 are not permitted access at any time.

837.05 Education

Franklin County Public Health shall engage in a continuing public health education program to explain and clarify the purposes and requirements of this ordinance to persons and entities affected by it, and to guide tobacco retailers and their agents or employees in their compliance. The program may include publication of a brochure for affected tobacco retailers explaining the provisions of this ordinance and signage mandated by this ordinance.

837.06 Proximity to youth-oriented facilities

No license shall be granted to any person or entity for a tobacco retail establishment location that is within 1,000 feet of a youth-oriented facility, as measured by the shortest line from the property line of the space to be occupied by the proposed licensee to the nearest property line of a youth-oriented facility. This restriction does not apply to an existing license holder that holds a current state tax license for the sale of tobacco products in that same location for at least one year before the date this section was enacted into law.

837.07 Responsibility

All licensees are responsible for the actions of their employees regarding the sale, offer to sell, and furnishing of tobacco products on the licensed premises. The sale, offer to sell, or furnishing of any tobacco product by an employee shall be considered an act of the licensee.

837.08 Enforcement

Each individual licensed tobacco retail establishment shall be subject to at least two unannounced compliance checks per year. The [Health Department/Designated Authority] shall conduct compliance checks by engaging persons between the ages of 18 and 20 to enter the tobacco retail establishment to attempt to purchase tobacco products. Unannounced follow-up compliance checks of all non-compliant tobacco retailers are required within three months of any violation of this ordinance. The results of all compliance checks shall be published by Franklin County Public Health at least annually and made available to the public upon request.

837.09 Penalties

(a) Tobacco retailers

Any tobacco retailer found to have violated this ordinance in person, by agent, representative, or employee or in any other way shall be subject to:

- 1) For a first violation, a fine no less than \$500;
- 2) For a second violation within a 36-month period, a fine no less than \$750 and the tobacco retailer shall be prohibited from distributing tobacco products for a minimum of seven days;

- 3) For a third violation within a 36-month period, a fine no less than \$1,000 and the tobacco retailer shall be prohibited from distributing tobacco products for a minimum of 30 days; and
- 4) For a fourth and any subsequent violation within a 36-month period, a fine no less than \$1,000, revocation of the current tobacco retail license, and prohibition from distributing tobacco products for a period of three years.

(b) Related violations

A violation of any federal, state, or local law, ordinance provision, or other regulation relating to tobacco products is also a violation of this ordinance and shall be considered an enumerated violation under this ordinance. In addition to any other penalty, a tobacco retailer who violates any provision of this ordinance or any federal, state, or local law, ordinance provision, or other regulation relating to tobacco products, shall be subject to penalties stated in this ordinance, including fines and a prohibition of the distribution of tobacco products.

(c) Exceptions

- 1) Nothing in this ordinance prohibits an underage person from handling tobacco products in the course of lawful employment by a tobacco retailer.
- 2) Nothing in this ordinance prevents the provision of tobacco products to any person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.

837.10 Rules and Regulations

Franklin County Public Health is hereby authorized to promulgate rules and regulations to carry out the purpose and intent of this Ordinance in order to protect the public health, safety, and welfare.

837.11 Liberal Construction

This ordinance shall be liberally construed so as to further its purposes.

837.12 Severability

If any provision of this ordinance, or the application thereof to any person, entity, or circumstance, is held invalid, such invalidity shall not affect any other provision of this ordinance that can be given effect without the invalid provision or application. Each invalid provision or application of this ordinance is severable.

Section 2.

That Section 636.16 shall be removed from the Codified Ordinances and shall no longer be in effect.

Section 3.

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

Passed: _____, 2022

Troy Markham, President of Council

Attest: _____
Matt McPeck, Clerk of Council

Approved: _____, 2022

Benjamin J Kessler, Mayor

First Reading
Second Reading
Third Reading