



City Council Meeting Agenda

Tuesday, February 21, 2023

1) Call to Order

2) Roll Call of Members

3) Pledge of Allegiance

4) Presentations/Special Guests

- a) Bexley Police Department Swearing In Ceremony for Officer Iorio
- b) Bexley Police Department Swearing In Ceremony for Lieutenant Holdren, Lieutenant Kenefick, and Lieutenant Overly
- c) Bexley Police Department Swearing In Ceremony for Deputy Chief Gough

5) Public Comments (Speaker Slip Required)

6) President's Report

7) City Attorney Report

8) Auditor's Report

9) Administrative Update

- a) Police Department Update – Chief Gary D. Lewis, Jr.
- b) Service Update – Andy Bashore
- c) Finance Department Update – Beecher Hale



- d) Recreation Department Update – Mike Price
- e) Mayor’s Update

10) Ordinances with Visiting Presenters

11) Consent Agenda (No Speaker Slip Required)

- a) Meeting Minutes from February 7, 2023
- 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.

12) Third Readings (No Speaker Slip Required)

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

13) Second 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



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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.

14) First Readings (Speaker Slip Required)

- a) Ordinance 6-23 to amend the zoning of certain parcels in the City, in order to zone the property at the southwest corner of Sheridan Avenue and Main Street, herein further described, as Mixed-Use Commercial (MUC) with a Main Street District (MS) overlay, and to amend and replace the Official Zoning Map of the City of Bexley. Introduced by Matt Klingler on February 21, 2023.
- b) Ordinance 7-23 to amend the zoning of certain parcels in the City, in order to zone all property located within Schneider Park as Open Space (OS), and to amend and replace the Official Zoning Map of the City of Bexley. Introduced by Matt Klingler on February 21, 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) Service and Environmental Committee – Lori Ann Feibel, Chair

17) Finance Committee – Monique Lampke, Chair



- 18) Safety and Health Committee – Sam Marcellino, Chair**
- 19) Strategic Committee – Jen Robinson, Chair**
- 20) Zoning and Development Committee – Matt Klingler, Chair**
- 21) Recreation and Parks Committee – Jessica Saad, Chair**
- 22) Public Comments (No Speaker Slip Required)**
- 23) Adjourn**



Council Update – Chief of Police

February 21, 2023

Sergeant Promotion Process – We are currently working with the Ohio Association of Chiefs of Police (OACP) to conduct testing and assessments of our internal candidates.

Donation – The BCPAAA approved a donation in the amount of \$2,500.00 for the K9 program. In addition, a member of the association, Mr. Alan Rosen, generously donated \$500.

Events – The department will be hosting the following programs this summer:

June 5th, 7th and 9th: Rape Aggression Defense (RAD) and June 10th: Vehicle Maintenance and Road Safety. More information can be found in the Jeffrey Mansion Summer Program.

Detective Bureau – Detective Fleming is working on several forged check cases and awaiting information he requested from subpoenas. He also processed a burglary scene over the weekend. Detective Fleming attended training on a new BAC machine. He also worked OVI saturation patrol for Super Bowl Sunday where he made several traffic stops and made one arrest for an OVI.

Detective Briley received lab hits on several pieces of evidence and he now has leads on several stolen vehicle cases. He also received a lab submission return from a felonious assault that occurred in September of 2021 that he will be following up on. He is also working with a Grand Jury Prosecutor to present a sexual battery case for indictment.

Detective Byrd is continuing his diligent work on identifying suspects out of the numerous forgery cases he is working on. He has developed several new suspects that he is working to track down.

Detective Sergeant Otte and Detective Fleming interviewed an elderly victim that was being scammed by telephone. Luckily a family member stopped the scam before any money was lost. This is a good reminder that with tax season around the corner there will be many people attempting to take advantage of others. Be wary of anyone asking for money over the phone that you do not immediately recognize, and if they tell you that a family member is in trouble, reach out to the family member that is supposedly in trouble to verify what it is going on. It is very common for scammers to claim that your cousin, nephew, grandson etc. is in trouble and they

need money to keep your relative out of trouble. Scammers may know the name of that relative as well, so be skeptical, especially if you don't recognize the caller.

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	2/15/2023	2241	325	2,612	114	35	17	166	21	11	8	0
1/1/2022	2/15/2022	1534	0	1,580	113	40	19	172	31	1	10	0
2/16/2022	2/15/2023	13999	881	14,880	984	380	186	1,550	233	75	57	10
2/16/2021	2/15/2022	12555	5	12,560	1,119	459	219	1,797	317	29	73	7



Service Department Update

Service Director

Andy Bashore

February 21st 2023

Street Department:

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

Water and Sewer Department:

The Water/Sewer crew is working on the valve turning program, the crew has started the annual catch basin cleaning program.

Urban Forestry/Grounds Maintenance:

The crews are 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 completed the pole replacement program. The city's right of way coordinator is working with the utility companies to get their lines removed and old poles removed.

2022 Street Project-

The project is complete.

2023 Street Project

Will be going out to bid in mid- March.

Chelsea Sewer Relining Project

The project is underway. The project will be complete in late 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-June.

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.

2023 Sidewalk project

The 2023 project is currently out to bid. The project will be in the western part of the city from Parkview to Cassady.

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.
- Service Dept. staff just completed the annual pollution prevention training.
- The city's tree crew completed the annual ISA annual training.

Recreation Board Meeting:

- The Recreation Board met on Wed., Feb. 8th at 5:30p at the Senior Center
 - The board approved a \$40 senior pool membership rate.
 - The board was updated on the Alcohol Framework Resolution discussion that took place at City Council on Feb. 7th.
 - The board assigned Ann Brennan to fill the vacant seat on the Senior Advisory Committee.
- The next Recreation Board meeting is scheduled for Wed., Mar. 1st at 530p at City Hall.

Year of the Parks – Update:

- Bexley City Hall will host the Commonwealth Park Community Workshop on Mon., Mar. 6th from 6p-7:30p. Items of discussion/review:
 - Public Workshop for the Columbia Project Design
 - Commonwealth Park Arboretum and Pond Update
 - Update on the overall Commonwealth Park Master Plan
- We have put together a small working group of residents that are skate board enthusiast with the goal of evaluating the potential for the installation of a community skate park.
 - We have identified potential space at Schneider Park and will be working on engaging a design team to help us through the process.

**Jeffrey Summer Camp Registration:**

- Registration for returning families opened online on Feb. 6th. That day we reached a tentative waitlist for all three summer camp programs.
 - Families are required to submit the weeks they want by Fri., Feb. 24th, at which point we will look to open additional weeks to those on the waitlist.
- New resident family registration opens up online on Mar. 6th at 5pm.
- Our goal is to work to accommodate as many families as we can safely service. Registration has been extremely high, but we will continue to work through the process to get as many families in as possible.

Pool Membership:

- The new \$50 individual pool membership structure opened up this month.
- We have a total of 318 memberships that have been sold to date.
- General feedback has been positive around the new structure and the savings it will provide for families.
- This month, the board approved a discounted rate for seniors of \$40 per senior.





February 21, 2023

MAYOR'S UPDATE

Coming up in Bexley:

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 6, 6:00 - 7:30 pm:	Commonwealth Park Plaza Public Workshop
March 7, 6:00 pm:	City Council
March 8, 5:30 pm:	Chamber of Commerce
March 8, 6:00 pm:	Board of Education
March 9, 6:00 pm:	Architectural Review Board
March 14, 6:30 pm:	State of the Community Address
March 20 - March 24:	Bexley City Schools Spring Break
March 28, 6:00 pm:	City Council

Some of What I've Been Up To:

- Weekly departmental meetings
- Routine staff and cabinet touch-base meetings
- Extensive work on Strategic Plan Refresh
- Prep work and presentation for City Council Strategic Meeting
- Met with multiple potential developers and residents regarding Trinity Apartments site
- Work for displaced resident to secure housing
- Met with BCF regarding existing grants
- MORPC Commission/Transportation Meeting
- Met with reporter from Columbus Business First
- Extensive work on training, assessment, and strategy for City communication work
- Meetings and research on Land Use Strategy 2.0
- Meetings and calls regarding plans for community education on racism
- Planning and work for Maple Syrup and Jeffrey Woods festival
- Extensive work on Year of the Parks including meetings, calls, research on easements, a tour of Alum Creek, and work on skate park plans
- Alley of the Future site walk
- COMMA Executive Committee Meeting
- Work and meetings on electrical aggregation RFP
- Work and posting of RFP for Universal Recycling
- Interview with Bexley Torch on Commonwealth
- Tree and Garden Commission Meeting
- Traffic Calming for Bike Traffic Meeting
- Livingston Avenue next steps Meeting
- Meeting with Christ Lutheran leadership team
- Attended police physical fitness test
- Year of Parks Presentation at Bexley Lions
- Reception for Sam's last day
- Hosted two Boy Scout troops for City Hall tour and discussion of local government

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



A Statement from Mayor Kessler and Council President Troy Markham

FRIDAY, FEB 10, 2023 AT 5:30 PM

CATEGORIES: [MAYOR'S JOURNAL](#)

This past week our Bexley community has been rocked by a series of racist incidents that have caused a tremendous amount of pain and hurt. For many of us, this week has been marked by profound sadness and dismay, and for others it has only reaffirmed a truth that has been felt within our families for generations. Whatever our lived experience or perspective, we must do all we can so every resident feels safe and welcomed as an integral part of our community.

The roots of racism run deep in America, and as much as we self-identify as being open and welcoming to all, historically blue-lined communities such as Bexley carry a substantial historic weight that must be acknowledged, understood, and reckoned with. The stories of Black visitors and residents being made to feel unwelcome in Bexley over the decades are so painful and real because they're true. It's hard to acknowledge the depth and weight of generational trauma created by a legacy of systemic segregation and the explicit racism that underpinned it. If we do not allow ourselves to understand our history and its implications, then we will never be able to move forward and overcome it.

We have come a long way as a community, but we still have much further to go to become a Bexley that is firmly and consistently rooted in anti-racist resolve... one that creates a secure and caring environment for all of our households, places of work, and centers of learning. One that models allyship with a singular sense of purpose and shared trajectory. One where our Black neighbors feel safe and secure. One where we fully transition from a we-don't-talk-about-it community to a we-must-talk-about-it-and-do-something-about-it community. One Bexley, authentically welcoming to all and for all.

The leadership of Bexley is earnestly and universally committed to this cause. We wholeheartedly believe that Bexley is capable of this journey and that it's essential that we take it. This will entail new types of conversations taking place, new vulnerabilities, and new paths to forge as a community. We are determined to re-double our efforts today so that we can share a better tomorrow. We need you to join us.

Mayor Ben Kessler



Council President Troy Markham



Year of the Parks Update

Work and meetings for Year of the Parks continues with substantial progress on the skate park location and design, easement research, design services for the pedestrian bridge, and continued approvals on the Outdoor Reading Garden. The Invitation to Bid for the Commonwealth Park Pond is publicized and available on our website as well.



Meetings and Progress Over Past Couple Weeks:

- Invitation to Bid publicized for Commonwealth Pond
- Proposal signed for pedestrian bridge design services
- Skate park research and input meetings
- Surveys being collected on Outdoor Reading Garden and Schneider Park (regarding possible wheel park)
- Continued progress on dog park and Schneider Park trails
- Tree and Garden Commission approval of Outdoor Reading Garden

Next Steps Coming Up Soon:

- Invitation to Bid to be posted for Commonwealth Park Follies
- Commonwealth Park Public Workshop - March 6th
- Assessment of survey data

Community Anti-Racism Programming

Dismantling patterns of racism and injustice is a critically important priority for our community. We must embrace opportunities to implement positive change, and education is a vital component in driving this process. I've spent time meeting with community stakeholders and leaders and am working in partnership with Dr. Jason Fine at Bexley City Schools and Ben Heckman at Bexley Public Library to determine how we can support this education in our community, and create a consistent and powerful culture of allyship. We are in the process of researching robust educational resources that will deepen understanding of the history and impact of racism with the goal of providing all community members with the information and resources to support critical thinking, and to champion change, healing, and racial equality. More to come soon.

Livingston Avenue Funding Update

The Columbus/Bexley Joint Livingston Avenue Plan lays out a bold new vision for Livingston Avenue, and the re-configured lanes on Livingston that took place this past fall is a first (albeit meaningful) interim step along the way. We've jointly applied with Columbus for federal funding to help bring the full plan to reality, including the medians, multi-use paths, tree lawns, and pedestrian crossing components of the plan, and we were the top scorer for our category in the regional funding matrix. This means a very high probability that funding comes through - something we'll know for sure in the coming months. This week our team met with our counterparts in Columbus to start planning the project launch, and I can't tell you how excited we are to see this substantial investment moving forward. Just to keep expectations realistic, know that federally funded projects take many years to complete, with rigorous and detailed planning processes, so this would be a 7+ year project from start to finish.

Let's Talk Calm Corridors*

We've been meeting with resident bike/ped/safety advocates for awhile now, and after some productive brainstorming sessions we met last week with our City Engineering team to discuss creating a "Calm Corridor" infrastructure campaign around Cassingham Road throughout the entire city.

Some concepts being explored:

- Tabled intersections to slow traffic and elevate pedestrians
- Bump outs at intersections and mid-block alleys - either paint, paint/bollard, or curb-based
- Dedicated bike lanes on Cassingham between Main and Fair
- "Scramble" intersections at Elm/Cassingham and Maryland/Cassingham

Because of our work on the South Drexel plan, as well as devices installed in the past year on South Roosevelt and on Bellwood we have experience with most of these concepts. This would take what we've learned from recent calming efforts and apply them in a concerted, cohesive fashion along the primary north/south school route that connects north/central/south Bexley.

At that same meeting we discussed speed concerns on Roosevelt between Main and Fair. Our traffic engineer is going to study speed and traffic patterns to determine what speed mitigation devices might be appropriate.

**Fun Fact: a quick Google search suggests that the term "Calm Corridor" doesn't seem to be a thing. It's a great idea, and naming attributes go to Mark Subel and Erik Bjornard.*



Electrical Aggregation RFQ

With electrical rates due to increase significantly this summer, it looks like a good time to explore a 2-3 year aggregation concept based on renewable energy credits. More to come soon!

A Fond Sendoff to Sam

Sam Metcalf, our Communications and Community Affairs Manager, came to my office as a bright-eyed, bushy-tailed intern, and after six years of awesomeness and professional growth he's flying the nest. Sam has been editing and getting these Blasts out for over five years, and let me tell you it's been such a gift to have him help out and lead communications efforts (if you ever read a dud Blast, it's probably a Friday when he's been on vacation and you've been stuck with me - ha!). Sam has schlepped alongside me during COVID communications, a tornado, floods, countless community events, and all manner of excitement in between. I always knew this day would come, but it's so very bitter sweet to send him off with all of the best wishes in the world. Thank you, Sam, for all you've done for our City and our community! #LifeInBex

Capital University - Trinity Apartments Site

As you may have seen in the news, Capital University has offered up its Trinity Apartments site for sale, with a Request for Proposals out to the development community. We've fielded a lot of calls from developers and residents interested in the future of the site. We're hoping to see a quality new development that brings exciting new energy to Main Street. Keep your eyes peeled for an announcement from Capital in the coming months, as they consider proposals they receive.

Jeffrey Woods Festival is March 4th
(In Case You Didn't Get the Message)

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 impermeable 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





**ALLEY OF THE
FUTURE
ONSITE VISIT**

Mayor's Update to City Council





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1) Call to Order

Council President Markham called the meeting to order at 6:02 pm.

2) Roll Call of Members

Council Members in Attendance: Jen Robinson, Sam Marcellino, Lori Ann Feibel, Troy Markham, Monique Lampke, Matt Klingler, Jessica Saad

3) Pledge of Allegiance

4) Presentations/Special Guests

5) Public Comments (Speaker Slip Required)

6) President's Report

No report this evening.

7) City Attorney Report

No report this evening.

8) Auditor's Report

Mr. McPeck briefly covered some purchases over \$10,000 which he's spot auditing, not in response to any issues or concerns but just in a proactive effort to periodically audit expenditures.



9) Administrative Update

a) Recreation and Parks Update – Mike Price

Mr. Price has no updates to his report. Mr. Klingler complimented the Texas Hold 'Em event for the Bexley Community Foundation.

b) Service Update – Andy Bashore

Mr. Bashore is not present, but the Mayor invited questions. Mr. Klingler asked about recent funding received by the City of Columbus for Livingston Avenue work, and Mr. Kessler said he doesn't think this is related, but the attributable funds process has resulted in the Livingston area that would impact Bexley was top rated and is likely to receive funds. This process is still in progress. Ms. Lampke asked about potential work on Bryden Park.

c) Finance Department Update – Beecher Hale

Mr. Hale will provide January numbers at the next meeting.

d) Police Department Update – Chief Gary Lewis

Deputy Chief Gough is present in Chief Lewis's absence. Ms. Saad spoke about Officer's Shawver's selection as the K-9 officer and complimented Detective Briley on some of the great work he's done recently. Mr. Klingler asked Deputy Chief Gough asked Mr. Klingler to pass along his compliments on the uptick in positive social media outreach from the Police Department.

e) Mayor's Update

Mr. Kessler covered some of the highlights of his report, including an update on the Trinity Apartments, an anniversary celebration at St. Charles, and other projects. Ms. Saad asked for an update on the possibility of sand volleyball courts and Mr. Kessler reported that sadly, the study of the sand volleyball near the pool proved this isn't a feasible area given the limited space and the potential impact on pool equipment. Mr. Klingler asked if there would be the potential for more



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pickleball courts and Mr. Price confirmed they are looking at that possibility among others.

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)

Mr. Fishel read the ordinance and Ms. Saad briefly discussed the background, inviting Mr. Price to present on the new policy. Mr. Price presented on the proposed new alcohol policy at some length and answered multiple questions from Council Members. This presentation concluded around

11) Consent Agenda (No Speaker Slip Required)

- a) Meeting Minutes from January 24, 2023

Mr. Markham moved and Mr. Klingler seconded.

All in Favor:

Opposed: None

Motion Passed 7-0.

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.



Mr. Fishel read the ordinance and Mr. Kessler provided some detail. Ms. Lampke asked about putting this ordinance on the consent agenda for the next meeting, and council members agreed.

- 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.

Mr. Fishel read the ordinance and Ms. Lampke provided some brief background on this ordinance and then asked about putting this ordinance on the consent agenda for the next meeting. Council members agreed.

- 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.

Mr. Fishel read the ordinance and Ms. Lampke provided some background on this ordinance and Mayor Kessler provided some additional detail. Ms. Lampke asked if there are any questions.

Mr. Klingler asked about the Drexel project and when it will resume. Mr. Kessler provided additional information.

Ms. Lampke asked if anyone would object to placing this on the consent agenda. Council members agreed.

- e) 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 on this ordinance and Mayor Kessler provided some additional information. Hearing no questions on this ordinance, Ms. Lampke asked if members were comfortable putting this ordinance on the consent agenda. Council members agreed.



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

Mr. Fishel read the ordinance and Ms. Lampke provided some detail on this ordinance. Mr. Kessler also provided some additional information and clarified there will be some amendments to language in section one.

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.

Mr. Marcellino moved to bring 48-22 off the table.

Ms. Feibel seconded.

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

Motion passed 7-0.

Mr. Marcellino talked about a recent conference call with Franklin County Public Health. Mr. Marcellino also spoke about his continued desire for stronger penalties with increasing penalties based on a strike system. Mr. Marcellino clarified his specific



recommendations for penalties which are currently being reviewed by the Board of Health attorney. Mr. Marcellino intends to bring this back off the table with proposed amendments. Ms. Saad asked a question about his proposed penalties and his source of research, which Mr. Marcellino expounded on. Ms. Robinson made some comments in support of this ordinance.

Mr. Marcellino moved to place 48-22 back on the table.

Mr. Klingler seconded.

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

Motion passed 7-0.

16) Recreation and Parks Committee – Jessica Saad, Chair

Ms. Saad reminded everyone of the March 6 Year of the Parks workshop.

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

Ms. Feibel spoke about the difference between recycling and repurposing and the negative impact of the textiles industry.

18) Finance Committee – Monique Lampke, Chair

Mr. Kessler brought two potential motions that will need to be approved by Council. Mr. Kessler provided some background behind each invoice and project.

Ms. Lampke moved to approve a payment of \$7,000 to Ditmer Wagner and Steel

Mr. Klingler seconded.

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

Motion passed 7-0.

Ms. Lampke moved to approve a payment of \$25,155.95 to Columbus Asphalt Paving.

Mr. Klingler seconded.



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

Motion passed 7-0.

19) Safety and Health Committee – Sam Marcellino, Chair

Mr. Marcellino noted welcoming Officer Iorio to the department and a more formal ceremony is planned for the next Council meeting. Mr. Marcellino also spoke against the recent racist act at the Bexley Middle School, expressing his outrage and stating the importance of an appropriate reaction to this act.

20) Strategic Committee – Jen Robinson, Chair

Ms. Robinson reminded Council of the upcoming Council Strategic retreat and asked Council members to add any items they want to talk about to the spreadsheet she sent. Breakfast will be catered by What the Waffle. Next Wednesday.

21) Zoning and Development Committee – Matt Klingler, Chair

Mr. Klingler mentioned the upcoming ARB meeting.

22) Public Comments (No Speaker Slip Required)

No comments at this time.

Mayor Kessler thanked Mr. Marcellino for bringing this to his attention and also spoke against the recent racist act and stated the importance of working to overcome racism in our community.

Ms. Saad thanked Mr. Marcellino for his comment and mentioned that it brought up important conversations with her middle schoolers at home.



23) Adjourn

Mr. Klingler moved to adjourn the meeting.

Ms. Feibel seconded.

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

Motion passed 7-0.

The meeting was adjourned at 7:46 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 McPeek, 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:

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.

PROPOSED AMENDED ORDINANCE NO. 5-23

By: Monique Lampke

An Ordinance to certify special assessments for participants in the Residential Sewer Remediation Loan Program, and to certify special assessments for various sites after being ordered by the City in accordance with code section 1490.15(b)(4) or Bexley Code Section 1492.04(b)(1), where the work not done by the owner is assessed to the owner.

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

Section 1.

That the properties whose owners participated in the Residential Sewer Remediation Loan Program, in accordance with Ordinance 60-20, shall be assessed over a ten year period as specified herein:

Parcel ID:	Address	Total	Annual Installment	Term
Thomas Shankle 020-003723-00	2809 E. Broad St.	\$ 3,444.18	\$ 344.42	10 years
Katie Arbeiter 020-000541-00	2675 Columbia Ave.	\$12,756.22	\$1,275.62	10 years

Section 2.

That the assessment for various sites after being ordered by the City in accordance with code section 1490.15(b)(4) or Bexley Code Section 1492.04(b)(1), where the work not done by the owner is assessed to the owner; notice of filing the assessment has been given as required by law to be and the same is hereby adopted and confirmed to wit:

David Pigg 020-000164-00	2798 Allegheny Ave.	\$ 105.00
Michael Hassel 020-003781-00	1033 Montrose Ave.	\$ 290.00
Shear Family LLC 020003499-00	960 Ferndale Pl.	\$ 105.00
Findley Ohio LLC 020-003493-00	926 Ferndale Pl.	\$ 190.00
Rufino Patron 020000356-00	162 N. Roosevelt Rd.	\$ 300.00

Danie Lieberman 020-00-4429-00	959 Francis Ave.	\$ 105.00
Findley Ohio LLC 020-003778-00	940 Ferndale Pl.	\$ 300.00
FM Ventures 020-003503-00	936 Sheridan Ave.	\$ 105.00
Edward Goldhardt 020-002384-00	969 Sheridan Ave.	\$ 105.00
Sigrid Wells 020-003722-00	228 S. Roosevelt Ave.	\$ 135.00
Joe Chay 020-002366-00	2730 E. Broad St.	\$ 110.00

Section 3.

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: _____
Matthew McPeek, Clerk of Council

Approved: _____, 2023

Ben Kessler, Mayor

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

ORDINANCE NO. 5-23

By: Monique Lampke

An Ordinance 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 1492.04(b)(1) and it was necessary to do the work and assess the owner.

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

Section 1.

That the assessment of the cost of repairing sanitary sewer lines, where the work was not done by the owner is assessed to the owner; notice of filing the assessment has been given as required by law to be and the same is hereby adopted and confirmed to wit: **and the assessment shall be divided evenly over a ten year period.**

Parcel ID:	Address	Total	Annual Installment	Term
Thomas Shankle 020-003723-00	2809 E. Broad St.	\$ 3,444.18	\$ 344.42	10 years
Katie Arbeiter 020-000541-00	2675 Columbia Ave.	\$12,756.22	\$1,275.62	10 years

Section 2.

That the assessment for various sites after being ordered by the City in accordance with code section 1490.15(b)(4) or Bexley Code Section 1492.04(b)(1), where the work was not done by the owner is assessed to the owner; notice of filing the assessment has been given as required by law to be and the same is hereby adopted and confirmed to wit:

David Pigg 020-000164-00	2798 Allegheny Ave.	\$ 105.00
Michael Hassel 020-003781-00	1033 Montrose Ave.	\$ 290.00
Shear Family LLC 020003499-00	960 Ferndale Pl.	\$ 105.00
Findley Ohio LLC 020-003493-00	926 Ferndale Pl.	\$ 190.00

Rufino Patron 020000356-00	162 N. Roosevelt Rd.	\$ 300.00
Danie Lieberman 020-00-4429-00	959 Francis Ave.	\$ 105.00
Findley Ohio LLC 020-003778-00	940 Ferndale Pl.	\$ 300.00
FM Ventures 020-003503-00	936 Sheridan Ave.	\$ 105.00
Edward Goldhardt 020-002384-00	969 Sheridan Ave.	\$ 105.00
Sigrid Wells 020-003722-00	228 S. Roosevelt Ave.	\$ 135.00
Joe Chay 020-002366-00	2730 E. Broad St.	\$ 110.00

Section 3.

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: _____
Matthew McPeek, Clerk of Council

Approved: _____, 2023

Ben Kessler, Mayor

First Reading: February 7, 2023

Second Reading:

Third Reading:

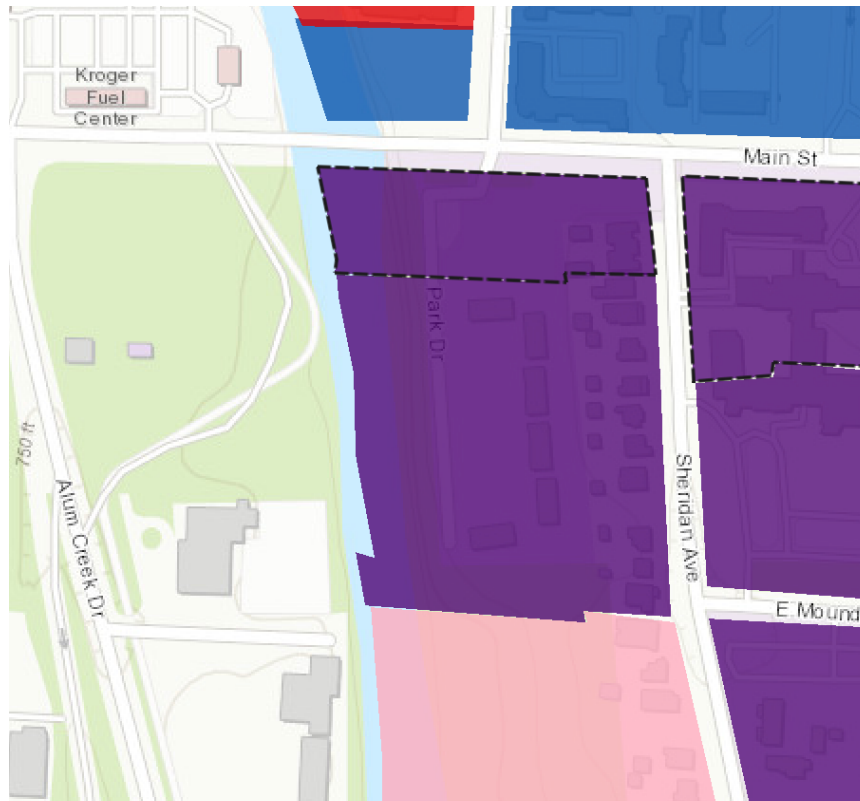
Ordinance 06 -23

By: Matt Klingler

An Ordinance to amend the zoning of certain parcels in the City, in order to zone the property at the southwest corner of Sheridan Avenue and Main Street, herein further described, as Mixed-Use Commercial (MUC) with a Main Street District (MS) overlay, and to amend and replace the Official Zoning Map of the City of Bexley.

WHEREAS, Through a series of real property transfers from 2006 through 2018, the property commonly referred to as “Gateway South” has transferred from University ownership to private ownership; and

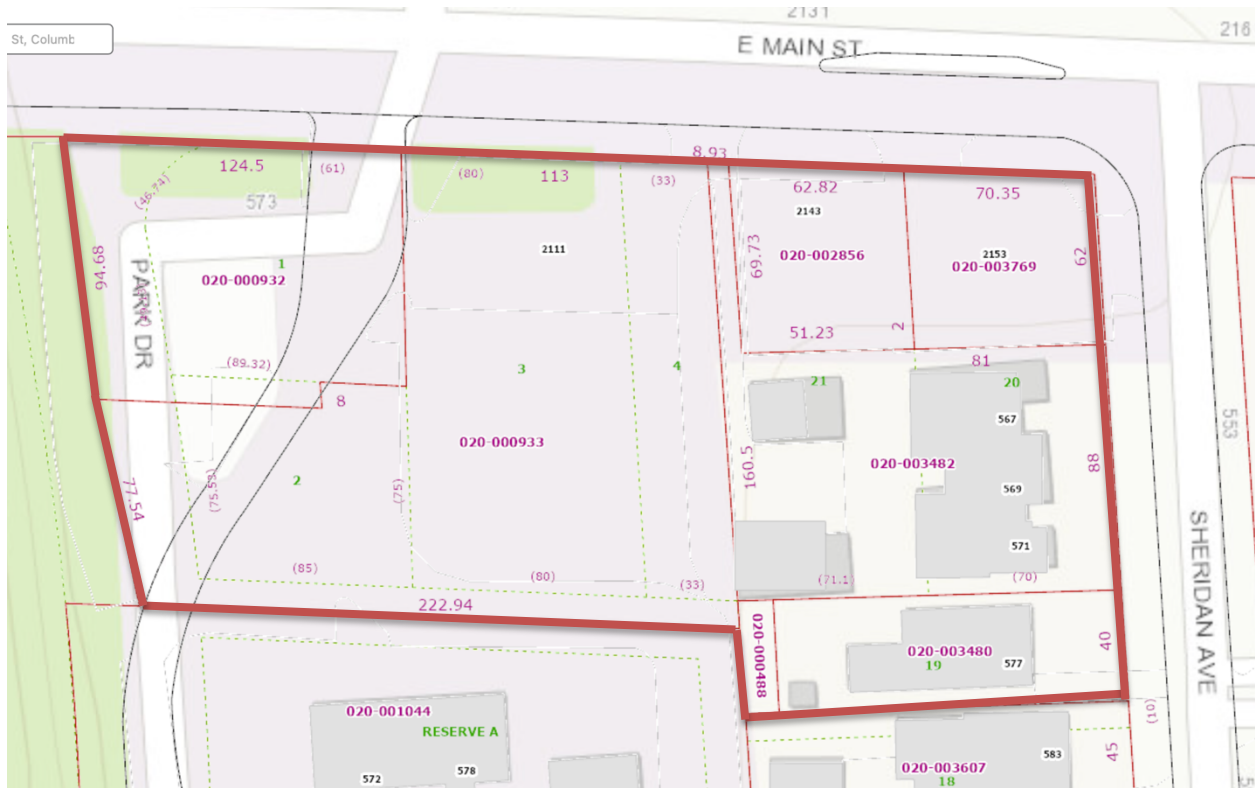
WHEREAS, The collective site has retained Campus Planning District zoning designation despite no longer being a part of the Capital University campus; and



Current Zoning Map (purple is Campus Planning District)

WHEREAS, The City of Bexley has consistently encouraged private redevelopment of the site, and wants to ensure that underlying zoning is consistent with current and future use of the site; and

WHEREAS, The “Gateway South” site would more appropriately be zoned as MUC, Mixed Use Commercial; and



Parcel Map for “Gateway South Site”

WHEREAS, City Council has held public hearings upon the proposed change in district boundaries and zoning designation as required by the Planning and Zoning Code of the City of Bexley currently in effect;

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

Section 1. The current zoning map of the City of Bexley is hereby revised to change the zoning designation of the following parcels, further described by the corresponding legal descriptions assembled in “Exhibit A”, to MUC, Mixed Use Commercial, with the Main Street (MS) District Overlay:

- Parcel 020-000932
- Parcel 020-000933
- Parcel 020-002856
- Parcel 020-003769

Parcel 020-003482
Parcel 020-003480
Parcel 020-000488

All other zoning classifications and designations shall remain unchanged.

Section 2. The Zoning Officer is directed to make the change on the original zoning map in the City and the City Administration is directed to create a new Zoning Map in accordance with Section 1.

Section 3. This Ordinance shall become effective from and after the earliest period provided by law.

Passed _____, 2023

Troy Markham, President of Council

Attest: _____, 2023
Matt McPeek, Clerk of Council

Approved: _____, 2023

Benjamin Kessler, Mayor

First Reading: February 21, 2023
Second Reading:
Third Reading:

EXHIBIT A
LEGAL DESCRIPTIONS

Parcels 020-002856, 020-003769, 020-000933,
and 020-000932

PARCEL I:

Being a part of Lots 20, 21 of BEXLEY DRIVE SUBDIVISION, shown of record in Plat Book 14, page 22, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at an iron pin at the intersection of the southerly line of East Main Street (80 feet wide) with westerly line of Sheridan Avenue (50 feet wide) said point being at the northeasterly corner of said Lot 20;

Thence South 3'45' East, along the westerly line of said Sheridan Avenue and along the easterly line of said Lot 20, a distance of 62.00 feet to an iron pin;

Thence South 87'42' West, across said Lots 20, 21 and along a line parallel with the southerly line of said Lots, a distance of 81.00 feet, to a spike in said Lot 21:

Thence North 3'45' West, across said Lot 21 and along a line parallel with the westerly line of said Sheridan Avenue, a distance of 2.00 feet to a spike in said Lot 21;

Thence South 98'42' west, across said Lot 21, and along a line parallel with the southerly line of said lot, a distance of 51.22 feet to point in said Lot 21;

Thence North 4'02' West, across said Lot 21 and along a line parallel with the westerly line of said Lot 21, a distance of 69.73 feet to a drill hole in concrete on the southerly line of said East Main Street, and on the northerly line of said Lot 21;

Thence South 88'07' East, along the southerly line of said East Main Street, and along the northerly line of said Lots 21, 20 a distance 133.17 feet to the place of beginning, containing 8745 square feet, 0.2008 acres, subject however to all records, easements, and restrictions of record.

L-57
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3769

PARCEL II:

Being all of Lots 3, 4 and a part of Lot 2, and part of a 20 foot alley, Vacated by Ordinance #58-40 and a part of Park Drive (50 feet wide) Vacated by Ordinance #58-40, of Park Drive Addition shown of record in Plat Book 20, page 36, Recorder's Office, Franklin County and being more particularly described as follows:

Commencing at a spike at the intersection of the southerly line of East Main Street (80 feet wide) with the centerline of said Park Drive Vacated;

Thence South 88'07' East, along the southerly line of said East Main Street, and along the northerly line of said Park Drive Vacated, and along the northerly line of Lot 1 of said Park Drive Addition, a distance of 124.50 feet to a spike at the northeasterly corner of said Lot 1 and the northwesterly corner of said Lot 3 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

Thence 88'07' East, along the southerly line of said East Main Street and along the northerly line of said Lots 3,4 a distance 113.00 feet to an iron pin at the northeasterly

corner of said Lot 4, and the northwesterly corner of Lot 21 of Bexley drive Subdivision shown of record in Plat Book 14, page 22.

Thence South 4'02' East, along the easterly line of said Lot 4 and along the westerly line of said Lot 21, and along the westerly line of Lot 19 of said Bexley Drive Addition, a distance of 170.05 feet to an iron pin at the intersection of the centerline of said 20 foot alley Vacated, with the westerly line of said Lot 19;

Thence North 88° 07' West, along the centerline of said 20 foot alley Vacated, and along a line parallel with the southerly line of said East Main Street, a distance 222.94 feet to a spike at the intersection of the centerline of said Park Drive Vacated;

Thence in a northerly direction, along the centerline of said Park Drive Vacated, and along the Arch of a Curve to the left having a radius of 1525.00 feet a long chord bearing and distance of North 7°04'33" West, 77.54 feet to a spike;

Thence South 88°07' East, across said Park Drive Vacated, and across said Lot 2, and along a line parallel with the southerly line of said East Main Street, a distance of 82.26 feet to a spike;

Thence North 1°53' East, across said Lot 2 a distance 8.00 feet to a spike on the northerly line of said Lot 2, and on the southerly line of said Lot 1;

Thence South 88°07' East along the northerly line of said Lot 2, and along the southerly line of said Lot 1, and along a line parallel with the southerly line of said E. Main street, a distance of 31.00 feet to a drill hole in concrete on the westerly line of said Lot 3 at the northeasterly corner of said Lot 3, and the southeasterly corner of said Lot 1;

Thence North 4'02' West, along the westerly line of said Lot 3 and along the easterly line of said Lot 1, a distance of 85.00 feet to the place of beginning, containing 27.920 square feet, 0.641 acres, subject however to all highways and easements of record and of records, easements, and restrictions in the respective utility offices.

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(020)
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PARCEL III:

Being all of Lot 1, and a part of Lot 2 and a part of Park Drive (50 feet wide) vacated by Ordinance #58-40, of Park Drive Addition shown of record in Plat Book 20, page 36, Recorder's Office, Franklin County Ohio and being more particularly described as follows:

Beginning at a spike at the intersection of the southerly line of East Main Street (80 feet wide) with the centerline of said Park Drive Vacated;

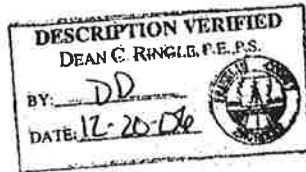
Thence, South 88°07' East, along the southerly line of said East Main Street, and along the northerly line of said Park Drive Vacated, and along the northerly line of said Lot 1, a distance of 124.50 feet to a spike at the northeasterly corner of said Lot 1;

Thence, South 4'02' East, along the easterly line of said Lot 1, a distance of 85.00 feet to a drill hole in concrete at the southeasterly corner of said Lot 1, and the northeasterly corner of said Lot 2;

Thence, North 88°07' West, along the southerly line of said Lot 1, and along the northerly line of said Lot 2, a distance of 31.00 feet to a spike;

Thence, South 1°53' West, across said Lot 2, a distance of 8.00 feet to a spike;
Thence North 88°07' West, across said Lot 2, and across said Park Drive Vacated, and
along a line parallel with the northerly line of said Lot 2, and the southerly line of said lot
1 and along said line produced westerly a distance of 82.26 feet to a spike on the
centerline of said Park Drive Vacated;
Thence in a northerly direction, along the centerline of said Park Drive Vacated, and
along the arc of a curve to the left having a radius of 1525.00 feet along chord bearing
and distance of North 10°18'54" West, 94.68 feet to the place of beginning, containing
0.2466 acres, subject, however, to all highways and easements of record and of records,
easements, and restrictions in the respective utility offices.

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Parcel 020 - 003482

Situated in the State of Ohio, County of Franklin, and in the City of Bexley:

Being a part of Lots Number 20 and 21, of MINARD HOLTZMAN'S BEXLEY DRIVE Subdivision the City of Bexley Marion Township, Franklin County, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 14, Page 22, Recorder's Office, Franklin County, Ohio and being more fully described as follows:

Beginning at appoint in the east line of said Lot No. 20, 88 feet north of the southeast corner thereof;

Thence Westwardly on a line parallel to and 88 feet distance from the south line of said Lots No. 20 and 21, 81 feet to a point;

Thence northwardly on a line parallel with the east line of Lot No. 21, 2 feet more or less to the southeast corner of a part of said Lot no. 21 heretofore conveyed by Alice R. and Edward R. Reeves to Walter W. Morrison by deed recorded in Deed Book 812, page 320, Recorder's Office, Franklin County, Ohio;

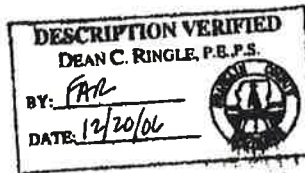
Thence Westwardly along the south line of said parcel so conveyed to said Morrison and on a line parallel to and 90 feet distance from the south line of Lot No. 21, 51.5 feet to a point, said point being 8.93 feet east of the west line of Lot No. 21 and being the southwest corner of the parcel so conveyed to said Morrison;

Thence Northwardly on a line parallel to and 8.93 feet distance from the west line of said Lot No. 21 and being the west line of the parcel so conveyed to said Morrison, to a point in the north line of said lot, said North line being the south line of East Main Street in said city;

Thence westwardly along the north line of said Lot No. 21 to the northwest corner of said Lot no. 21, Thence outwardly with the west line of said Lot No. 21 to the southwest corner of said lot No. 21;

Thence Eastwardly with the south lines of Lots 20 and 21 to the southeast corner of Lot no. 20;

Thence Northwardly with the east line of Lot no. 20, 88 feet to the point beginning



L-057
All of
(020)
3482

parcels 020 - 003480 & 020 - 000488

LEGAL DESCRIPTION

Situated in the County of Franklin in the State of Ohio and in the City of Bexley and bounded and described as follows:

Parcel I:

Being forty (40) feet off the north side of Lot Number Nineteen (19) to a depth of One Hundred and Twenty-five (125) feet, with the rear line parallel with the front lot line, of Minard Holtzman's Bexley Drive Subdivision, as the same is numbered and delineated upon the recorded plat of said subdivision, of record in Plat Book 14, page 22, Recorder's Office, Franklin County, Ohio.

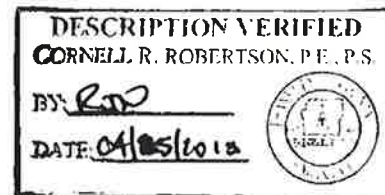
Parcel II:

Being 16.1 feet off the west end of Lot Nineteen (19) of Minard Holtzman's Bexley Drive Subdivision, as the same is numbered and delineated upon the recorded plat of said subdivision, of record in Plat Book 14, page 22, Recorder's Office, Franklin County, Ohio, EXCEPTING THEREFROM, a strip of land ten feet (10') in width off the south side thereof.

Parcel Nos.: 020-003480 and 020-000488

Also known as: 577 Sheridan Avenue, Bexley, Ohio 43209

<u>PARCEL I</u>	<u>PARCEL II</u>
ALLOF	ALLOF
(020)	(020)
003480	000488



Ordinance 07 -23

By: Matt Klingler

An Ordinance to amend the zoning of certain parcels in the City, in order to zone all property located within Schneider Park as Open Space (OS), and to amend and replace the Official Zoning Map of the City of Bexley.

WHEREAS, the City of Bexley has adopted an “Official Zoning Map” of the locations of districts established in the Bexley Planning and Zoning Code; and

WHEREAS, the City-owned parcels that comprise Schneider Park have retained their original zoning, being zoned similarly to adjacent properties along the course of the park, including CP, R-12, and PUD zoning; and

WHEREAS, the City-owned parcels that comprise Schneider Park would more appropriately be zoned as OS, Open Space, given their use as public park land; and

WHEREAS, City Council has held public hearings upon the proposed change in district boundaries and zoning designation as required by the Planning and Zoning Code of the City of Bexley currently in effect;

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

Section 1. The current zoning map of the City of Bexley is hereby revised to change the zoning designation of the following parcels to OS, Open Space:

020-001482
020-004750
020-004751
020-004752
020-004753
020-004754
020-004749
020-004747
020-004748
020-004746
020-004744
020-004745
020-000010
020-002657
020-002952
020-003563
020-003063

020-003710
020-003633
020-003106
020-003496
020-003497
020-003495
020-003692
020-003693
020-000157
020-000159
020-004696

All other zoning classifications and designations shall remain unchanged.

Section 2. The Zoning Officer is directed to make the change on the original zoning map in the City and the City Administration is directed to create a new Zoning Map in accordance with Section 1.

Section 3. This Ordinance shall become effective from and after the earliest period provided by law.

Passed _____, 2023

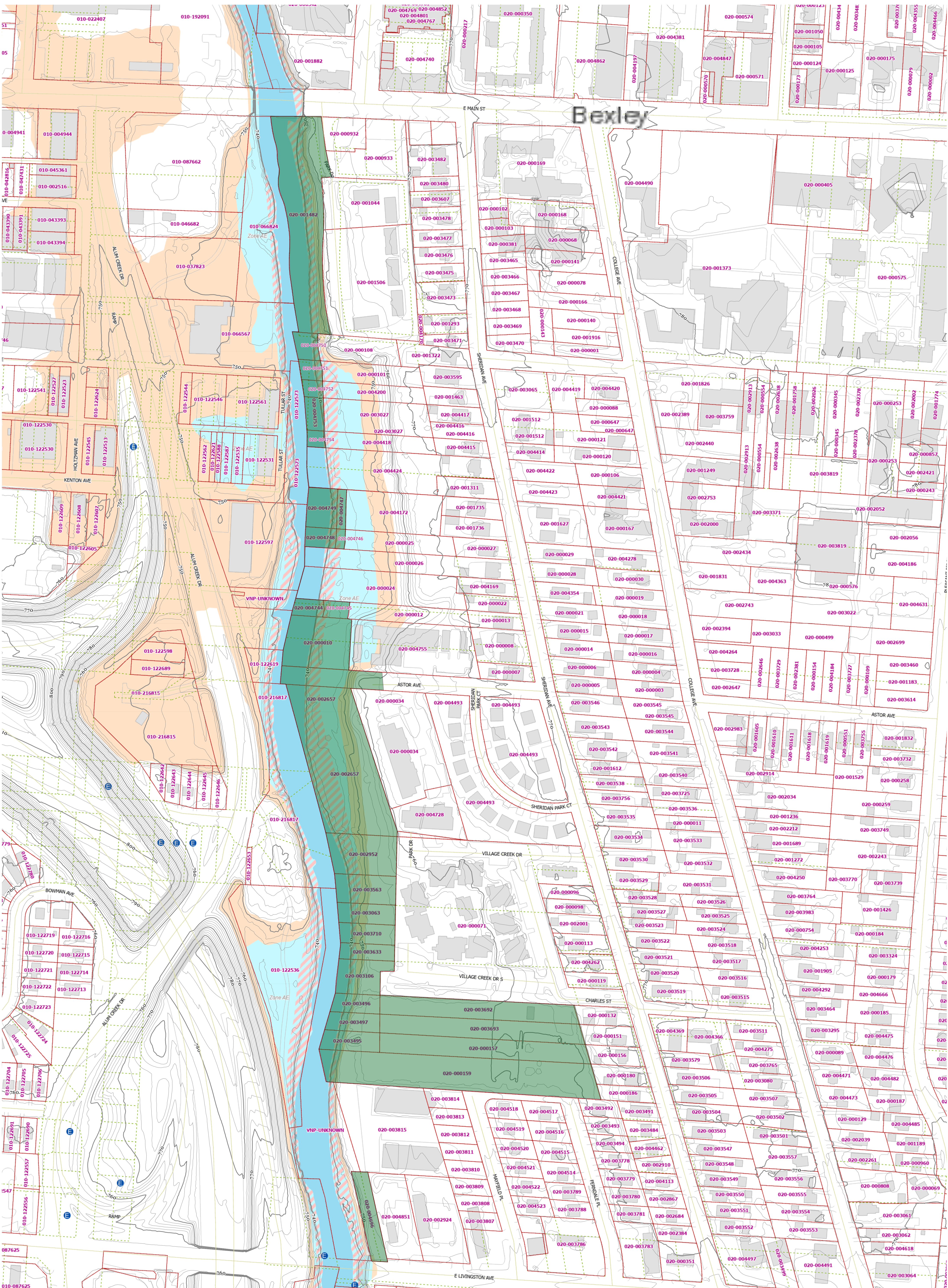
Attest: _____, 2023
Matt McPeek, Clerk of Council

Troy Markham, President of Council

Approved: _____, 2023

Benjamin Kessler, Mayor

First Reading: February 21, 2023
Second Reading:
Third Reading:



Bexley



Schneider Park Zoning

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:

PROPOSED AMENDED 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, Franklin County Public Health ~~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~~ Franklin County Public Health, 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 section, 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 Health 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.

Commented [MF1]: This presumes a revocation of the license after a second 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;

Commented [MF2]: This seems inconsistent with 837.03(l)(2).

- 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:~~ March 1, 2022.

Passed: _____, 2022

Troy Markham, President of Council

Attest: _____
Matt McPeek, Clerk of Council

Approved: _____, 2022

Benjamin J Kessler, Mayor

First Reading
Second Reading
Third Reading