



**COMMUNITY DEVELOPMENT COMMITTEE - DAN SKINNER
MONDAY OCTOBER 9, 2017**

COMMITTEE MEETING: 7:30 PM

**PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDSBURG, OH 43068**

President: DOUG JOSEPH

Ward Members: Ward I – Stephen M. Cicak
Ward II – Brett Luzader
Ward III – Marshall Spalding
Ward IV - Mel Clemens

At Large Members: Barth R. Cotner
Chris Long
Dan Skinner, Esq.

COMMITTEES:

Community Development: Chmn Skinner, Spalding, Cicak, Clemens
Safety: Chmn Long, Cicak, Clemens, Spalding
Service: Chmn Luzader, Clemens, Spalding, Cicak
Finance: Chmn Cotner, Long, Luzader, Skinner

* * * * *

Agenda is subject to amendment by Committee/Council at the time of the meeting.

All meetings of the Council shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

If you wish to speak before City Council concerning a specific topic on the agenda, or about a specific topic not on the agenda, please complete a “Speaker Form” and give to the Clerk of Council. Forms are located in the wooden box on one of the bench seats in the atrium. Copies of the Rules of Discussion are available next to the wooden box.

*April Beggerow
Clerk of Council*

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes
 - a. Community Development Committee – Committee Meeting – September 25, 2017
4. Discussion
 - a. Tobacco/Smoking in City Parks



**COMMUNITY DEVELOPMENT COMMITTEE - DAN SKINNER
MONDAY SEPTEMBER 25, 2017**

COMMITTEE MEETING: 7:30 PM

**PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDSBURG, OH 43068**

1. Call to Order

PRESENT: Clemens, Skinner, Cicak, Spalding, Joseph

ABSENT:

2. Approval of Agenda

3. Approval of Minutes

a. Community Development Committee – Committee Meeting – September 11, 2017

RESULT:	ACCEPTED
----------------	-----------------

4. Discussion

a. Tobacco/Smoking in City Parks

Mr. Skinner: Mrs. Beggerow would you mind, I know we have had a draft, is there somebody that would be more appropriate to speak to that issue, did you want to speak to that issue? Was it Mr. Hood that drafted it?

Mrs. Beggerow: Yes. I have some items I can put on the screen if you would like to look at these.

Mr. Skinner: Sure. Mr. Hood is there something you would like to add?

Mr. Hood: As requested, I put together some language for you all to consider about a Tobacco free zone in our parks. I did it two different ways, as we discussed at the committee meetings, we have a personal conduct ordinance in the parks currently and one of the versions amends that existing ordinance to include tobacco use in our parks. The second is modeled after the City of Columbus that their Parks and Recreation Commission adopted to make their facilities tobacco free. So we have the whereas clauses and it's a stand alone ordinance that would need to have some type of penalty phase or penalty added to it. In my research, I did find Councilman Skinner, that you were concerned with the conduct. Generally the conduct often rises to the level of the criminal offense themselves, but because they occur in a park they're charged a little bit differently but they're mostly minor misdemeanors, some are more significant based on conduct but none the less they are

Minutes Acceptance: Minutes of Sep 25, 2017 7:30 PM (Approval of Minutes)

criminal violations. Happy to report, as we suspect, most people behave well in our parks and since I've been here, almost 12 years, we really haven't prosecuted anybody for this type of violation.

Mr. Skinner: Thank you sir, any questions from the Committee or from Council?

Mr. Clemens: *inaudible*

Mr. Skinner: Well, it is still for discussion, this would be the first...

Mr. Clemens: *inaudible*

Mr. Spalding: Can you please share with us what does the ordinance look like in the Columbus parks now?

Mr. Hood: I wasn't able to find a codified ordinance for the City of Columbus. It appears as I showed you the second, that one is modeled after the City of Columbus and it appears that their Parks and Recreation Commission has the authority to make rules. What they've done as well, and I've talked to Director Bauman this morning about not only doing, after this process is completed, we will do an educational campaign with not only our youth participants and their parents and to make sure they understand that we are moving towards a tobacco free parks and to do a campaign with that as far as when someone comes to sign up, when we do brochures to our residents and to our participants, that way they know. Obviously we'd put signage up for folks that may not be a participant or parent of a youth participant, so they know, we'll do some signage, put it on the website and any of the things that parks and rec programming does to get the word out. Columbus did a very good job in my opinion of doing that and have had success.

Mr. Long: I agree with Mel Clemens in that we need to structure it in a way that makes sense and it also becomes enforceable but fair to both sides and as he mentioned, a provision that would allow smoking in the parking lot areas except when there is an organized event such as the Food Truck Festival, Farmers Market or Tomato Festival, then that becomes a no smoking area that makes it workable to our community. It keeps it away from the kids and the families for movie nights, ball diamonds, everything else, but at the same time allows for a provision for those who still do smoke in our community.

Mr. Hood: I think that is an absolute right way to go. However, at our last meeting, because this was a new topic there wasn't a bunch of consensus that I saw, I think we're talking about maybe smaller zones inside the parks that are smoke free and some that are not, it sounded to me that that was something Council was considering, so I went with this to try to temper that and Mr. Clemens and I spoke right before the meeting and if there is a majority of Council that is in favor of making the entire park smoke free and the adjacent grounds whether they be parking lot or what have you, the smoking areas if you will, that the Parks and Rec Department would be satisfied, the City Administration would be satisfied and it strikes the perfect balance, in my opinion.

Mr. Skinner: Would that be, Jed, under the 971.18 ordinance proposal? Is that what we're talking about?

Mr. Hood: It could be either, because we've been talking about our parkland, we haven't been talking about other public areas that the City controls, unless you want to expand that, but that is not something we've discussed yet.

Mr. Skinner: So that would require us to edit this proposal then?

Mr. Hood: A bit. I think, based on the feedback that I'm hearing that if we remove the 100 feet designation way and our Tobacco free zone would be our public park any area adjacent would not be under the ordinance or conduct policy and that would achieve the goal and strike the appropriate balance.

Mr. Long: The definition of park is just the grassy area and not the parking lot that is in the park? Isn't that all inclusive?

Mr. Hood: It's common area, it's public area but I don't know that we define it. Like I said, I envision us putting signage up, no smoking past this sign.

Mr. Long: I see your point, but you don't feel we need a provision in here stating that Huber Park, Kennedy Park is the parking lot?

Mr. Hood: I don't think so no. I think the opposite is better suited where we tell them where the prohibition starts.

Mr. Skinner: Any other questions? Would you Jed mid tinkering with that language?

Mr. Hood: Sure, yeah. Are there any other questions? I want to make sure I'm doing what you're asking.

Mr. Skinner: I think we're behind you.

Mr. Hood: Then I'll have something for you next committee meeting.

Mr. Skinner: Thank you sir. Before we move from this item, Mr. Jennings, Mr. Robert Jennings, would you mind coming to the podium and state your name and address for the record, you'll have up to 3 minutes.

Robert Jennings, 1721 Leighton Dr, Reynoldsburg: Good evening Council, I am a resident of Reynoldsburg obviously, but the reason I'm here tonight is that I'm also a consultant with Franklin County Public Health. My wife happened to find out that you were talking about this issue tonight and it actually falls within the area of what I'm assisting Franklin County Public Health with doing. I took the liberty of reading through the minutes of your last meeting and as a community you're dealing with the same things that every community deals with when they are addressing this or when they are considering going smoke and tobacco

free in the community. The main issue always is taking away people's rights and while yes, it is a right, you're not asking people to stop smoking, you're asking them not to smoke in this particular area the same way you can't drink everywhere you want to drink or you can't carry your weapon anywhere you want to carry it. Those protections are there to protect those who don't smoke. There is always enforcement and we have found at Franklin County Public Health that 90% of the time, when you put up a sign, people comply. The 10% that don't comply need to be told once, they'll comply, and then you just have that small percentage of people that never seem to ever want to comply. If you don't mind I'd like to hand out this ordinance from Grove City. What you will see there is what Grove City recently implemented this past May and so, you'll see that they actually codified this back in 2016 but they put up the signs in the park this year, they had a big public awareness campaign around this, the public really embraced this, there was a lot of publicity from the local media in Grove City so it was a win win for everyone. What I'm concerned with and what I'm hearing is that you're considering allowing smoking in the parking lots because it seems to be the middle ground for allowing those who do smoke to have a place to go. That certainly is the community's prerogative on what they would want to do. A clean way of doing it would be to make the entire park grounds smoke free that way there is no grey area, am I in the parking lot, out of the parking lot, is this part of it, is it not and so you just really should consider that. Grove City went through this and they really took the pains to find out the best way to implement the policy. I can be a resource for you and for Mr. Hood to connect them with the legal folks in Grove City to help you put the best policy that you can together. If you have any questions I do have a model policy in your packet that the Center for Public Health Law put together so you can just glean from that to take a look at ways that you can implement a policy here in Reynoldsburg. I also have and will offer this as a service, signs that you can post that says "Young Lungs at Play" which you can put at playground areas, and this one is basically has electronic cigarettes as well that says this area is smoke free. The way that Grove City did it regarding smoke free zones is they just said, yes, this is a smoke free zone, however the entire park is in this zone. So that's how they got around having a smoke free zone. Obviously the enforcement piece, it's a minor misdemeanor for the first offence and a fourth degree misdemeanor if you have a second offence within a 12 month period. The Health Commissioner for Franklin County Public Health did say and offer to come back and speak to you if you would like and would also like to talk to Council about Tobacco 21, you'll see that many other communities, Columbus has already adopted it, that you have to be 21 years of age before you can purchase Tobacco products. That's a much tougher road to hoe but communities all around us are doing it, so that might be something that Council would consider in the coming days, weeks and months.

Mr. Joseph: Question for the City Attorney, Mr. Hood, were you aware of the Grove City ordinance?

Mr. Hood: I was aware of it, I don't have any public comment on it.

Mr. Joseph: I was just curious if you could do some checking to see how their ordinance has done since it's been on the books, whether they've had a lot of violations, repeat violations and how they've dealt with it, it might give us some guidance.

Mr. Hood: I certainly will, but as the gentleman said, and our assumption has been, their statistics on the website for Columbus bear out that a vast majority of folks voluntarily comply and as he said that generally, after being made aware of the violation, the second set comply and then your left with the very small percentage of people that just won't no matter what you do. I suspect that Grove City is similar in that situation, but I'll look at the statistics. It might be challenging because it's less than a year old, but we'll see.

Mr. Jennings: If I may add, one thing that I read in those minutes, that I think that is pretty important to consider, the Chief pointed out that this gives him another tool in the toolbox when you're going smoke free in the parks to approach minors, those that should not be smoking in the first place and it just gives the police another tool in the toolbox and this is not in any way meant to burden the police with an additional responsibility.

Mr. Cotner: Thank you for being here, great information and a great resource for our community. You brought Grove City, are there any others nearby that you use as a model that you like to look at as an examples as well?

Mr. Jennings: I would go with Hilliard, they just, either last week or the week before or they're going to be doing it this week but they're actually combined their smoke free parks with their tobacco 21 ordinance. That is a little bit tougher because of the enforcement piece for compliance and enforcement, taxes and licensing and all that. It's a little tougher but they do have a policy that is very comprehensive.

Mr. Skinner: Thank you sir. So we will hold this item for the next meeting.

RESULT:

ITEM HELD

Next: 10/9/2017 7:30 PM

Community Development Committee**Dan Skinner****Phone****ORDINANCE REQUEST**

DATE: **October 9, 2017****TO:** **Community Development Committee****RE:** Tobacco/Smoking in City Parks

See attached for sample legislation from other Ohio Cities.

523.02 PROHIBITIONS.

(a) Indoor Smoking Ban.

(1) No proprietor of a public place or place of employment shall permit smoking in said public place or place of employment within the City of Grandview Heights, except as provided in Section 523.03.

(2) All enclosed areas, including buildings and vehicles owned, leased, or operated by the City of Grandview Heights, shall be subject to the provisions of this chapter.

(b) Outdoor Smoking Restrictions.

(1) All areas immediately adjacent to the ingress and egress of any enclosed area shall be subject to the provisions of this Chapter so as to ensure that tobacco smoke does not enter the enclosed area through entrances, windows, ventilation systems, or other means.

(2) Smoking is prohibited in City parks and other public recreational facilities.

(c) Sale to Persons Under 21 Years of Age Prohibited.

(1) No person, business, retailer, or other establishment shall sell, permit to be sold, or offer for sale to any person under 21 years of age any cigarette, smoking materials or liquid nicotine within the City.

(2) Before selling any cigarettes, smoking materials, or liquid nicotine to another person, the person selling such smoking materials or liquid nicotine shall verify the person is 21 years of age or older by examining from any person that appears to be under 30 years of age a government- issued photographic identification that establishes the person is at least 21 years of age.

(3) No person, business, retailer, or other establishment shall sell, or offer to sell cigarettes, smoking materials, or liquid nicotine, by or from a vending machine, except in an area within a business, office, or other place not open to the general public or an area to which children are not generally permitted access.

(4) A violator of this section includes the person who sells, permits to be sold, or offers for sale cigarettes, smoking materials, or liquid nicotine to a person under 21 years of age as well as his or her employer and any person who controls the person who sells, permits to be sold, or offers for sale any such product to a person under 21 years of age.

(5) The following affirmative defenses shall apply to the prohibition on selling to persons under 21 years of age:

A. The person attempting to purchase was accompanied by his or her parent, spouse who is 21 years of age or older, or legal guardian; or

B. The person who sold, permitted to be sold, or offered for sale any smoking material or liquid nicotine is a parent, spouse who is 21 years of age or older, or legal guardian.

(6) Any cigarettes, smoking materials or liquid nicotine sold, permitted to be sold, offered for sale, or used by a person under 21 years of age in violation of this Chapter is subject to seizure, forfeiture, and disposal.

(d) No person under 21 years of age shall knowingly furnish false information concerning his or her name, age or other identifying factor for the purpose of obtaining cigarettes, tobacco products, e-cigarettes, or liquid nicotine.

(Ord. 2015-28. Passed 10-19-15.)

971.15 PERSONAL CONDUCT.

(a) No person in or adjacent to a park shall conduct himself/herself by word or by act, in a riotous, disorderly, boisterous, threatening or other manner so as to disturb the peace and good order of the park.

(b) No person shall use any sound amplification device audible more than 20 feet from the device without specific written permission from the Director. No speaker, amplifiers, or similar equipment shall be displayed outside of a vehicle.

(c) No person shall remain within the park that does not abide by conditions adopted and posted by the Department for the preservation of good order and the protection of property within the park; and no person shall remain within the park who does not abide by the instructions of a duly authorized peace officer or Department staff member in the lawful performance of their duties. Any person directed by a peace officer or Department staff member shall do so promptly and peaceably.

(d) No person shall obstruct, resist, or be abusive of, or use profanity to a peace Department staff member in and during the lawful performance of his/her duties.

(e) No person in the park shall willfully assault or commit bodily injury upon another or engage in or abet or aid in any fight, quarrel, or other disturbance.

(f) No person or groups of persons shall assemble in or adjacent to a park for any unlawful purpose or riotous assemblance or with intent to annoy, harass, or inflict property damage or bodily injury upon another person or persons or inflict damage to a park.

(g) No person in a park shall solicit or attempt to solicit another to engage in an act of sex perversion or solicit or request another to commit, perform or engage in any lewd, lascivious, obscene, or indecent act or behavior.

(h) No person with the intent to do so shall willfully interfere with, disrupt, or prevent the conduct of any recreational program event or activity conducted by or having been scheduled through the Department at a park or recreational facility.

(i) No person shall enter restrooms designated for the opposite sex unless necessary for maintenance, service or safety reasons.

(j) No person shall use any form of tobacco at or within 100 feet of the created zones in city-owned parks or operated outdoor facilities including the restrooms, spectator and concession areas, playgrounds, aquatic areas, athletic fields/courts, and special event venues.

(Ord. 37-03. Passed 5-27-03.)

AN ORDINANCE ESTABLISHING REYNOLDSBURG PARKS AND RECREATION TOBACCO FREE ZONES

Whereas, the City believes that tobacco use in the proximity of children and adults engaging in or watching outdoor activities at city-owned or operated facilities is detrimental to their health and that secondhand smoke can be dangerous for those using such facilities; and

Whereas, the City has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free zone policy, rule enforcement, and adult-peer role modeling within city-owned parks; and

Whereas, the City believes parents, leaders, coaches, and officials involved in recreation and leisure activities are role models for youth and can have a positive effect on the lifestyle choices they make; and

Whereas, cigarettes and smokeless tobacco products once consumed in public spaces become debris material and waste and are often discarded on the ground requiring additional maintenance expenses, can diminish the beauty of the City's facilities; and

Whereas, the City's Parks and Recreation Department determines that the creation of tobacco free zones in city parks serves to protect the health, safety and welfare of the citizens of Reynoldsburg.

Now Therefore, be it ordained by the City Council of the City of Reynoldsburg, Fairfield, Franklin, and Licking Counties, Ohio, that,

971.18 Tobacco Free Zones

No person shall use any form of tobacco at or within 100 feet of the created zones in city-owned parks or operated outdoor facilities including the restrooms, spectator and concession areas, playgrounds, aquatic areas, athletic fields/courts, and special event venues.

Grove City Tobacco Free Parks Ordinance

903.28 SMOKING PROHIBITION; SMOKE FREE ZONES.

(a) It shall be unlawful to smoke or carry lighted cigarettes, pipes, cigars, other tobacco products or smoking materials within all areas of public parks leased or owned by the City, which have been wholly designated as smoke free zones.

(b) Strict liability is intended for a violation of this section.

(Ord. C01-16. Passed 2-1-16.)

903.99 PENALTY.

(a) Whoever violates any provision set forth in Section [903.02](#) through [903.04](#), [903.06](#) through [903.11](#), [903.15](#), [903.19](#), [903.20](#), [903.24](#) and [903.28](#) shall be guilty of a minor misdemeanor for the first offense and guilty of a misdemeanor in the fourth degree for any subsequent offense within a twelve (12) month period.



[City/County]-Owned Outdoor Recreational Areas *Model Tobacco-Free Policy*



Section 1: Purpose

- 1.1. The [City/County] is committed to providing safe and healthy environments.
- 1.2. Tobacco use is the leading cause of preventable death and disease in the U.S.
- 1.3. Exposure to secondhand smoke has negative health impacts and the U.S. Surgeon General has determined there is no risk-free level of exposure to secondhand smoke.
- 1.4. Electronic delivery devices, more commonly referred to as electronic cigarettes or e-cigarettes typically contain nicotine, which is highly addictive, and their use (1) closely resembles and purposefully mimics the act of smoking, (2) produces an aerosol or vapor of undetermined and potentially harmful substances, (3) is increasing among both adults and youth, (4) is especially concerning among youth because of the negative impacts of nicotine on the developing adolescent brain, (5) threatens to re-normalize smoking, potentially jeopardizing tobacco control efforts of the past and present, and (6) creates confusion and leads to difficulties enforcing smoking prohibitions.
- 1.5. Cigarettes consumed in outdoor public places are often discarded on the ground as an environmental blight, diminishing the beauty of recreational areas, requiring additional maintenance expenses to clean up, and posing a fire risk as well as risk to human and animal health through potential ingestion and contamination of water sources.
- 1.6. The tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation.
- 1.7. The [City/County] believes parents, coaches, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make.
- 1.8. The [City/County] believes tobacco use is detrimental to the public's health and has determined that prohibiting the use of tobacco products and electronic delivery devices in all [City/County] recreational areas serves to protect the public's health, safety and welfare.

Section 2: Definitions

- 2.1. **All times** means 24 hours a day, seven days a week.
- 2.2. **Electronic delivery device** means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. The term includes, but is not limited to, devices manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or e-hookah.
- 2.3. **Recreational areas** means all facilities, parks, trails, open space, and other property owned, leased, rented, contracted, used, or controlled by [City/County] for parks and recreational purposes. The term includes, but is not limited to, restrooms, spectator and concession areas, playgrounds, athletic fields, beaches, and aquatic areas.

2.4. Smoke or smoking means inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. Smoking includes being in possession of a lighted or heated cigar cigarette, pipe, or any other tobacco or plant product intended for inhalation, or an electronic delivery device that is turned on or otherwise activated.

2.5. Tobacco or tobacco product means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes; cigars and other smoking tobacco; snuff and other chewing tobacco; electronic delivery devices; and any other kinds and forms of tobacco. The term excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

2.6. Tobacco use means the act of smoking, the use of smokeless tobacco, or the use of any other tobacco product in any form.

Section 3: Policy

3.1. Tobacco use is prohibited at all times in or on all recreational areas.

3.2. It is not a violation of this policy to use tobacco in or on recreational areas as part of a Native American spiritual or cultural ceremony. Approval from [City/County] administration must be requested and received prior to the ceremony.

Section 4: Enforcement

4.1. Signage will be posted at strategic locations to inform the community and recreational area users about the policy.

4.2 [City/County] staff and volunteers will be notified about this policy through the employee manual.

4.3 The success of this policy depends on the consideration and cooperation of all. Enforcement of the policy is a shared responsibility of [City/County] staff and recreational area users. [City/County] staff will communicate the policy to event organizers. [City/County] staff will also make periodic observations of recreational areas to monitor for compliance.

4.4 Any individual found violating this policy will be reminded and asked to comply before being subject to ejection from the recreational area. [City/County] staff found violating this policy may be subject to disciplinary action.

Section 5: Effective Date

This policy is effective on [effective date].

Appropriate [City/County] Official

Date