



**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

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**