



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Meeting Minutes Committee of the Whole

Trenton I. Weaver, Chair
Karen J. Angelou
Merisa K. Bowers
Nancy R. McGregor
Kaylee Padova
Stephen A. Renner
Michael Schnetzer

Jeremy A. VanMeter, Clerk of Council

Monday, January 23, 2023

7:00 PM

City Hall, Council Chambers

A. CALL TO ORDER:

Vice President of Council Trenton I. Weaver, Chair, called the meeting to order at 7:00 p.m. Weaver asked for members to stand and join him in a moment of silence for the victims of violence in Monterey Park, California, as well as Baton Rouge and Shreveport, Louisiana. The agenda for the meeting was published on January 20, 2023. Councilmember Schnetzer was absent. All other members were present for the meeting. There were no additions or corrections to the agenda.

B. DISCUSSIONS:

1. Tobacco Licensing - Franklin County Public Health

[2023-0029](#)

FCPH Draft Template - Tobacco Licensing

President Renner noted tonight's discussion is a continuation from last year's discussion with an activist group, Tobacco 21, who presented and touched upon the tobacco licensing program at Franklin County Public Health (FCPH). Renner thought that Council should probably hear from the authors of the program. Renner turned the presentation over to Theresa Seagraves, Assistant Health Commissioner at FCPH, and Lindsey Rodenhauser, Division Manager within the Division of Health Systems and Planning at FCPH.

Ms. Seagraves introduced herself and noted that she is also the Director of Health Systems and Planning. This area includes programs that are not mandated, such as tobacco work. Ms. Rodenhauser introduced herself and added that she oversees the care coordination programs, which consists of community health workers linking residents to medical and social services.

Seagraves explained that many cities in Franklin County approached FCPH about tobacco licensing. They first started with the City of Hilliard. Hilliard was concerned because they were getting complaints from the school system

that more and more youth were using tobacco products and that there were so many tobacco retailers within close distance from the school that were selling to kids. Hilliard wanted to do something about that. They did not want to just punish kids without having addressed the real issue, which is the retailers selling to underage kids and also the types of products that they were selling. There was conversation between FCPH and Hilliard on what services FCPH could provide, and what the responsibilities of the city would be. Seagraves added that the City of Dublin had done this, not to the full extent, but they had implemented a tobacco retail license (or "TRL") after the Tobacco 21 law passed. FCPH had experience working with Dublin and implementing it, which served as a baseline upon which they could expand. She said that what FCPH is considering, and what Hilliard has signed onto through an ordinance that has been approved, is that FCPH would act on the City's behalf to go in and identify the retail providers and license them all. Seagraves said the state actually does this. Their ordinance requires their retailers that sell tobacco products to be licensed. The licensing part is a lot of administrative paperwork. FCPH would provide the application to the retailer. The retailer would need to complete the application and send it back directly to FCPH. FCPH would process it, and then FCPH would go out and engage with the retailer as far as education and training for any staff that works in that particular retail establishment. The training would focus on the ordinance, the law, and tobacco products (what is really in the tobacco products), as well as training about the signage that is required in every establishment that is licensed. This also includes training on where that signage must be. After that, FCPH would issue the license. There would be a fee for the license. As FCPH dealt with Hilliard, one of the considerations for the license fee was to have it be enough to get the attention of the retailers, but also to offset expenses that would be incurred through administering the licensing program. FCPH does not have that staffing capacity. This is a lot of administrative work on the front side with training, going out to retail establishments, and all of the signage that is installed at cost to FCPH. Hilliard has set their fee at \$500. That is what they are going to charge all the retailers. In addition to the licensing piece, of which FCPH would track in their database, there would be annual compliance checks. Hilliard agreed to two annual compliance checks. FCPH would also do underage buys. This is a big part of the program and is kind of how it started. For any retailer found not to be following the ordinance, FCPH would issue a warning. Then, FCPH would go back and make sure that anything that was out of compliance had been corrected. This is in addition to the annual check. All of this would be in writing to the retailer. If they still are not in compliance, then fees and penalties begin to apply. Every city can identify their own fees and penalties. Hilliard came up with a list for themselves. With each occurrence, that penalty grows. There is also the option of suspending or revoking a license if the retailer does not come into compliance. At that point, an investigator would go out and draft up all the letters to send out. The retailer would have a certain number of days to come into compliance. If they did not, then their license could be suspended or revoked. In Hilliard's case, they gave FCPH and the health commissioner the authority to make the revocation or suspension decision. Seagraves explained that this was all the big picture of the program, and that there is a lot

more detail involved. One part that FCPH is still carving out is the appeals process. If someone has their license revoked or suspended, they can appeal. Who hears the appeal is the piece still being discussed. Currently, the thought is that the city may need to be the one to hear the appeal if FCPH is the one revoking or suspending.

Councilmember McGregor asked if this is not being enforced now, why does FCPH think this will be successful? She noted the law has been in effect for a few years now. Seagraves said the law has been in effect, but there is nobody going out to retailers and checking and saying, "Oh, you're doing this. You're not doing that. Oh, you have your signage up or you don't have signage up." So, retailers are not doing that right now because nobody is enforcing the law and making them. Columbus has been enforcing it more consistently for longer than any other city. They believe it is working there. She said that this is the piece that everyone thinks was missing in the law. Rodenhauser responded that the state does underage buys. These are for tobacco cigarette retailers. We know that the youth are being impacted by vape shops and vaping. That is something this TRL would include (vape shops). If an underage buy would occur, that penalty or misdemeanor goes directly to the individual who sold, so the cashier or the clerk. A lot of the time, the owner of the establishment is telling their staff or clerks that it is ok and to go ahead and sell the product. It is the clerks or the cashiers that receive the penalty or fine. Rodenhauser said the goal is to educate the establishment, the owner, and then hold the owner accountable and not necessarily the cashier. She stressed that this is not supposed to be a penalty, but more of the education and compliance piece that is currently missing.

Councilmember Angelou said she did not know if it was a year ago, two years ago, or if it ever happened at all, but she thought vaping was being taken out, or that people could not vape anymore. Was that true? Rodenhauser responded there has been a lot of discussion around vaping and vape stores. What FCPH is seeing, and what the trend is, is vaping is actually increasing at a much higher rate. With vaping, one can buy the cartridges online. That is one thing that they are trying to enforce, the online purchases and having some type of ID check. In previous years, that was not the case. Someone could just put in a date say they were 21 and buy online. Angelou said it seemed that for the wellness aspect we would want to be trying to get rid of vaping because vaping has been a serious public health matter. Seagraves said, yes, this is why education is part of this. People tend to have the impression that vaping is better for you. Seagraves said it really is not. All of that is part of the education that FCPH would do with retailers and their staff. Angelou asked if they were talking about tobacco as well. Seagraves said this was for all tobacco products. The only sort of caveat to that is when FCPH started this, the whole flavor ban was still up in the air. It was not specifically addressed at that time in the TRL process. Seagraves said FCPH is willing to include it for the cities that choose to go in that direction.

Councilmember Bowers acknowledged there was a lot of discussion around this issue regionally. It was good to hear what FCPH is doing to support these

policy considerations. She asked if the tobacco retail license currently would include vape stores that only sell nicotine products and not tobacco-specific cigarettes. Seagraves responded they are including all tobacco products as part of this. Bowers said specific to the scope of services template that Council had in front of them, it references a board. Does Seagraves know what that is in reference to? Seagraves said FCPH has a five-member Board of Health that governs the public health entity. Typically, whenever FCPH contracts with anyone, the board that is referenced is the Board of Health. Seagraves noted that language has changed just a little bit. Instead of saying the board, contracts are now saying the health commissioner. They want this to be more in-house versus the board making those decisions. Bowers thanked Seagraves for the clarification and noted Council has had just one other introductory conversation on this topic so far. As representatives of Franklin County Public Health, could Seagraves and Rodenhauser speak a little bit as to the public health policy and public health concerns behind why FCPH is putting resources behind this? Seagraves stated that for the county, consuming tobacco products is behind some of the leading causes of death for individuals, whether that is lung cancer or other forms of cancer. These are really concerning and pressing issues that FCPH is faced with. FCPH knows from the data that it is the consumption of tobacco products and the content of what is in the tobacco that is leading to some of the chronic conditions that many of the residents in Franklin County are dealing with. She said FCPH is also very concerned because the youth are starting to use tobacco products in earlier and earlier ages. They also know based on the data that oftentimes tobacco can be the gateway to other drugs. It is for all of those reasons, but especially with the youth population beginning to embrace and consume more tobacco with vaping and flavored tobacco products, this is really concerning. Teachers are having to deal with this on a day-to-day basis. Oftentimes it is asked, "Well, where are the parents?" Seagraves said sometimes the parents do not know that their children are consuming these products, but the teachers know. Those are some of the really concerning issues for FCPH as a public health system. Each one of those issues are things that FCPH addresses. Rodenhauser added that especially with our youth, our teens, and flavor products, we know, and research has shown, if you look 50-60 years ago at tobacco products, the options look different now. Youth and adults are given so much access to different kinds and different flavors. It does not taste like tobacco. The nicotine levels are not much different, and as a result, people are getting addicted. Then, there is the cost of these tobacco products and vaping. Tobacco and nicotine have always been an issue, but FCPH is seeing rates increase, and seeing youth rates increase. Rodenhauser has two nephews, ages five and two. The five-year-old is about to go into kindergarten. During the PTA meeting, it was shared that a first grader had in his bookbag a vaping product and was passing it around at recess. From a public health standpoint, this is about wanting to protect future generations and residents, too. Seagraves said FCPH hears these stories every day and the data supports that the initiation of these products is younger and younger. This is FCPH's attempt to help do something to combat that.

President Renner thanked Seagraves and Rodenhauser. He said what is being discussed is just the licensing of a tobacco retailer, which would involve FCPH going in and reviewing some "Do's and Don'ts" in accordance with the Tobacco 21 state law. Renner does not think he has heard anything that should scare any retailer if they are being a good retailer anyway. Maybe they have to pay a fee, but times change. Could Seagraves and Rodenhauser speak to the regulation of the types of products? What are some of the tolerances that the City can discuss? If one does sell vape products, can the regulation be specific to whether they must be put in the back of the store or in a box? Can we be very explicit about the "Do's and Don'ts" in how retailers can actually show it or not? Seagraves responded that this can be done. She noted that Rodenhauser had indicated previously that the retailers faced no repercussions. With the TRL, [the retailers] are who are targeted. That is who FCPH would be going after. There may be the license fee and they pay that, but if they are not compliant, there are repercussions and they do not get multiple times. The first time there is a fee. The second time there is a fee. At that point, FCPH starts talking about suspending a retailer's license. If they suspend a retailer's license, they cannot sell product. That is where it really hurts the retailer. Seagraves added that they want to think that this is going to be educational, but it must be backed up with something. Rodenhauser said that as it pertains to the language, this is a conversation between FCPH's legal and the city. Hilliard has adopted an ordinance. It may look different than Whitehall's ordinance. Whitehall just recently adopted an ordinance. The language would involve FCPH and the city coming to some agreement and understanding based on the city's needs and the residents. Seagraves said she is not sure which version of what Council is looking at. Did it include definitions of all the tobacco products? She said they do spell that out. That is the language that FCPH started with the City of Hilliard. FCPH is probably sharing a condensed version that just highlights those specific areas that FCPH and the city are going to do. What Council has is not the actual TRL (or the ordinance) that was approved in the end by the City of Hilliard. These do start with a definitions section that talks about every tobacco product and what it means, such as flavored tobacco. What does that mean? It is defined. When we say vaping, it is defined. These are written out so that everyone understands what we are saying and what specifically is included in that ordinance. Renner responded that what Council has is the version that was passed out at the Thursday meeting. Rodenhauser said there were a few edits for that version, and they could get Council the final draft version. Renner asked for whatever template FCPH had for Council to work on, could they get it to him or to the Clerk to distribute to members and the administration? He said understanding what other communities are doing or thinking about doing would also be very helpful. Seagraves confirmed that they could provide this information. She said FCPH is sharing as much as they can because it will be easier on FCPH if [the TRLs] are all similar and it is not a situation where you have an ordinance in one city that says these things, but then they go to another city and they only say these two things. She said it would really be good if the cities were more alike. FCPH knows there may be some nuances based on one's community, but for the most part, they are hoping ordinances will be more similar than dissimilar.

Councilmember Angelou asked whether anyone knew how many retailers were in Gahanna. Mayor Jadwin said in Gahanna there are nine. There are nine businesses that specifically sell tobacco-related products, but that does not include the number of gas stations and those types of businesses that also sell those types of products, such as grocery stores or convenience stores, etc. Vice President Weaver said he pulled the list, including the convenience stores and the gas stations, and believes the number is 29. Rodenhauser said she believes that data from the auditor looks at the cigarette retail license. She cautioned there are some caveats here. There are businesses that do not fall under the state language, and, therefore, may not be required to license. That 29 number may be skewed a little with having a few more, but FCPH is working on the data. That is something they are looking to provide a snapshot for not just Gahanna but also for all the other jurisdictions.

Vice President Weaver noted that what Rodenhauser said brings up an important point. Can she explain the distinction of what the auditor's office is collecting, or licensing, versus what would be the goal here? Rodenhauser responded the auditor just has that cigarette retail license. The compliance checks and underage buys are not necessarily associated with that license. The tobacco retail license from the local level would be based on the definitions that would be in the ordinance and the scope of work, which could broaden the retailers but then also enforce compliance and provide the education, underage buys, and the penalties associated with noncompliance. Seagraves apologized, as they were not thinking that Council did not already have those definitions. She said they would get those to Council tomorrow.

Councilmember McGregor asked how long Columbus has had this in effect. Rodenhauser responded that it was around 2018 when their program began. She clarified, was McGregor talking about the flavored tobacco ban or the tobacco retail license, this type of legislation? McGregor clarified she meant this type of legislation. Rodenhauser said she thought it was in 2017 or 2018 that it began. They have been implementing this program for several years. McGregor asked how many licenses had been suspended or revoked. Seagraves said they could not provide that because FCPH does not get Columbus' data, but they could probably ask. McGregor asked if Columbus was doing this through Franklin County. Rodenhauser said, no, the City of Columbus (Columbus Public Health) is implementing their program. Rodenhauser said they could reach out to see if Columbus may be willing to share that data, at least on an aggregate level. If they provide that to FCPH, Rodenhauser said they would be happy to share with Council. Seagraves said that Columbus came to the meeting that FCPH had with all the cities because they are very interested in FCPH moving forward. Part of the reason is that they put the compliance part in place, but if you live in Columbus, you just go to one of the suburbs and buy your product. She said it benefits everyone in the county if we are doing something similar.

Councilmember Padova thanked Seagraves and Rodenhauser. With the

licensing, did they say a retailer would not receive the license until after they have completed the education part? Seagraves said that was correct. They do the education first. Padova asked if this would be used for the grocery stores. Would FCPH be educating all of the employees that work for grocery stores? Seagraves said that would be their goal. Rodenhauser said the goal is all employees. She said they understand that a Kroger, or something along those lines, may be difficult. They have discussed having some training, such as online, video, or prerecorded that could be placed in a break room or part of a new hire orientation or even do a "train the trainer" with the larger businesses. They are open to different options, understanding it is much easier to educate a small convenience store of four to five employees than a larger one. Padova asked whether there is any type of education piece like this happening with the cigarette license, or is it just if you want to sell tobacco in Franklin County, you sell tobacco? Rodenhauser said from her understanding from a couple conversations with the auditors and collecting their data on requests, it is really a document that the retailers fill out, send it to the auditors, and as long as everything has the I's dotted and Ts crossed, the retail license is issued. Padova asked with the fee, the \$500 fee or whatever amounts Council would decide to make that, is that yearly or is that just to get the license? Does one renew that every year? Rodenhauser said it is annually. They looked at the \$500 fee to cover the costs of salary or time spent from FCPH's administrative staff, as well as a staff member who would be going out and doing the compliance checks and working with the businesses, educating the businesses, etc. Some of that fee is also to cover the signage cost. Padova noted that it was said that the state does underage buys. Does Rodenhauser or Seagraves have any idea what that amount looks like in Franklin County? How many of these are occurring? Seagraves responded that when they say, "the state does..." they are being kind. FCPH does it on behalf of the state. Rodenhauser said that this grant year, FCPH has 86 establishments throughout the county and jurisdiction. That is a very, very small percentage. She thought it was maybe 10 percent of all of the retailers in Franklin County.

Mayor Jadwin thanked Seagraves and Rodenhauser for sharing more details on this. Jadwin said she wanted to make sure she is understanding what Franklin County Public Health's role would be versus what the City's responsibilities would be. For instance, say we have a retailer here in the city. They have to go to [FCPH]. They have to go through the education process. They pay \$500 or whatever fee to be determined, which [FCPH] then uses for the educational and signage, etc. From that point on, who bears the burden of enforcing and regular inspections and holding those folks accountable? Is that all FCPH? Seagraves said, yes, that is all FCPH, all the inspections, any retraining that needs to be done, additional signage they may request, all of that. She restated that they are still trying to figure out the appeals process because that may be the biggest part that the city would play, unless the city decided they wanted to have a different role. Pretty much everything involved in each aspect of the TRL is with FCPH. Jadwin said that in the template that was shared earlier, there is one section that talked about the city agreeing to manage the civil penalty process. Was this specific to Hilliard, or is this

something Hilliard decided to do? What is this? Seagraves said she thinks the language has been changed a little bit to say appeals process versus the civil penalty. What that is referring to is once a retailer is fined so many times, and FCPH determines they are just not in compliance, and so FCPH is revoking their license, then the city has to enforce that. Jadwin asked, was that after the revocation of the license? Seagraves said yes. The revocation part means you cannot sell. The question becomes, if they do continue to sell, at that point, FCPH does not have any authority to go in and make them stop. That is where Hilliard was saying, at that point, they are going to utilize their police to go in and close them down. This is standard with other programs that have to be shut down, such as a food establishment.

City Attorney Mularski said he is trying to figure out how this is going to work, too, because under Section 5 (C), it says the prosecutor's office will be responsible for any litigation which would make it a criminal offense. Although, he is hearing FCPH wants this to be a civil offense and not a criminal offense. If it is not a criminal offense, then we do not have a vehicle in place to handle any of this. So, we would have to establish another board to do this. Then, who brings the allegations of a violation? Is that FCPH? Seagraves said, yes, all of that will be provided by FCPH. They do the inspections. They would write up the language that says why the retailer is not in compliance (the findings, pictures, etc.). Hilliard elected to have a civil penalty. They are saying they are going to enforce that part of it. Mayor Jadwin said if we were to create another board, then there is another administrative process with the extra expense related to that. That is why she is trying to figure out what the best way is, should Council decide that they want to go this route. What is the best way from an administrative standpoint? Vice President Weaver asked if there has been dialogue with the county prosecutor's office. Seagraves said the county prosecutors are involved. They have reviewed and signed off on any agreement that we have with the city. Attorney Mularski said this template document also refers to a section about nuisance, which the City would have to amend the nuisance statute to include this as well.

Councilmember McGregor asked if FCPH has instituted this in places other than in a city. Seagraves said the only other TRL is with Dublin, and their program is not this extensive, but is up for renewal now, and they will also be adopting this ordinance. McGregor asked if FCPH had anything for Franklin County that is not within another city. Rodenhauser asked if McGregor was referring to townships. McGregor said, yes, the unincorporated townships, anything outside of a city. Rodenhauser said that unfortunately FCPH is not able to do this outside of municipalities. They do not have tobacco retail license authority in unincorporated areas. They can work with cities and villages, but unincorporated areas, or townships, they cannot enforce. Mayor Jadwin said, when Seagraves had said Dublin was up for renewal, was that because the TRL that they did was only for so long? Seagraves said this was just their contract renewal with FCPH. Jadwin asked what the contract term period was. Rodenhauser said she thought the contract is yearly. The licensing is yearly for Dublin. Seagraves responded that the contract can be however many years a City would want. They could do an annual contract, or

they could do a two-year contract. Seagraves thinks Dublin's contract was at least two years, with this year being the renewal year. They put their TRL in place about the same time as Columbus in 2017 or 2018. Since FCPH is now doing this on a wider scope, instead of just renewing the contract that they had, Dublin is going to come into compliance with what FCPH is doing with all the other cities. Jadwin asked, if Dublin has had their ordinance in place for that long, how many suspensions or revocations of license issues had FCPH had to deal with in that time? Seagraves said not very many. She did not know the number because they did not have the full scope of work with Dublin. With Dublin, Seagraves said she thinks FCPH did one inspection a year. This is why FCPH is talking to Dublin now about coming into compliance with what FCPH is doing now. Jadwin asked if Dublin had anything in place that was like Hilliard where they chose to say unilaterally they would take care of this. Did Dublin do something similar where they are enforcing on their own? Seagraves said no. Jadwin said besides Dublin and Hilliard, Seagraves and Rodenhauser had mentioned Whitehall. Rodenhauser said Whitehall had just last week passed their ordinance. FCPH is in conversations with them to begin that discussion on a scope of work and contract. Jadwin asked if there are any other municipalities or cities around Central Ohio that have this in place. Rodenhauser noted that Reynoldsburg and Upper Arlington have been in discussion. Dublin is looking to modify. Seagraves added that Westerville is in conversation. She said it is probably easier to say who is not at this point (who FCPH is not having conversations with yet). Jadwin said she understood and was just trying to get a sense of which cities have taken the official step of actually implementing legislation. Seagraves said she thought Reynoldsburg has had two readings and then it was the holidays. She does not know if they are in their third reading or not. She said she looks for Bexley to push their ordinance through quickly. She thought Upper Arlington would be as well. Upper Arlington, she believes, scheduled their first reading.

President Renner confirmed that FCPH is going to give Council a list, with what all communities are doing, and any of the variations. He did not want to put the speakers on the spot and try to remember everything. He knows that there is a large number [of municipalities] having various conversations with FCPH.

Councilmember Padova asked if Seagraves and Rodenhauser had said Hilliard had already voted on this and the TRL was currently in place. Rodenhauser confirmed, yes. They are now working on just finalizing the scope of work and contract and scheduling a start date to begin the education component with the retailers and announcing the TRL. Padova asked how the process looks once the scope of services is completely ironed out. How does FCPH get started with that and how long does it take to start doing the reviews? Seagraves said there are a lot of behind-the-scenes things that have to happen. Communications folks are involved because they will be both designing the signage and helping to get the word out with press releases, website, social media, etc. At that point, the application itself will be posted on FCPH's website and on the city's website. They are thinking most retailers

will go to the city's website first. Once they go into the application, it then goes to FCPH. Their staff will process the application and then that gets the ball rolling in their database. That retailer is flagged in the database. She shared that FCPH staff are in the process of training for the database system. The inspector is also in training and going out with the Environmental Health Division that is inspecting in Dublin. Seagraves said FCPH is already working on all those parts and pieces internally. Once the application is processed, the inspector will go out and engage the retailer. They will set up time for the training, the educational piece, and walk through the signage and all that whomever the retailer is telling FCPH to work with. Once all of those things are completed, then the license will be issued. The clock starts at that point. The database lets FCPH know when it is time to go out and do the compliance checks and build in the underage buys. There are letters and paperwork that are mainly generated by the system. FCPH is doing a lot of work now. What they have been saying to cities that think they are going to be ready to go, is that March is the target for flipping the switch. Padova asked if Reynoldsburg, Upper Arlington, Bexley, Whitehall, Westerville, and all of these municipalities were all to approve this, would FCPH have the capacity to administer this? If we are talking about probably 30 just in Gahanna, that is going to be a lot of applications. Seagraves said in full transparency that they do not have the capacity, but they were going to make the capacity. They have an inspector in the Environmental Health Division willing to assist with getting the program up and running. She said it is going to be "all hands on deck." FCPH will be pulling in staff where they need to in order to make it work and until they can sufficiently support hiring another inspector. She said they are going to have to hire another inspector just looking at the number of retailers. One person cannot handle that.

Councilmember Angelou asked about the length of the training. Is it weeks? Is it months? Days? Rodenhauser said a typical training that FCPH environmental health staff have done in the past is approximately an hour to two hours. They are looking to enhance training efforts and provide a little more information about cessation resources. That is something that current training touches on a little bit with the Ohio Quit Line but looking at more of a holistic and local level approach to offering services beyond just the Quit Line. Rodenhauser added that this is something FCPH can work with City Council on if there are certain aspects or requirements that Council feels two or three hours is not long enough.

Vice President Weaver appreciated Seagraves' and Rodenhauser's time. He noted Council is going to anticipate some additional information from FCPH. He asked it to be sent to the Clerk to then distribute out to everyone. From a legislative standpoint, Weaver is particularly interested in some of the ordinances that the surrounding communities are taking a look at, along with FCPH's template. As a Council, as an administration, as our community, he said this could be shaped and tailored to Gahanna's needs. Does Seagraves or Rodenhauser have anything else they would like to share? Seagraves said

they would be remiss if they did not push this action because they are about health. FCPH is encouraging cities that do take on a TRL also think about cessation efforts. Tobacco is addicting. Individuals get addicted to the tobacco. That is the disease. FCPH considers that a disease. Quitting is not easy. It may take two, three, or four attempts. Seagraves stressed that we should be supportive and help residents to quit if that is their desire. FCPH wants all the cities to think about and to consider quitting is not easy, and FCPH wants to be as helpful as they can with that. They never want to be punitive. She thanked Council for the time and reiterated their commitment to providing additional information.

C. ITEMS FROM COUNCIL OFFICE:

[MT-0003-2023](#)

A MOTION TO APPROVE THE DIVISION OF LIQUOR CONTROL ECONOMIC DEVELOPMENT TRANSFER FORM (TRES) REGARDING TRANSFER OF A D-5 PERMIT FOR DERBY GAHANNA LLC LOCATED AT 505 MORRISON RD

Nathan Gordon, speaking on behalf of the applicant, said he has been practicing liquor law for a long time. He has done other licenses in Gahanna, including United Dairy Farmers, Local Cantina, and Mod Pizza, but has never been in front of City Council. He said he has always appreciated what Council has been able to do to help get those licenses issued. He noted that this is a different situation. The site at 505 Morrison Road currently has what is called an "A" license. That is because they are brewing on the premises. The new tenant will not be brewing on the premises. Therefore, he cannot use that "A" license and needs to get what is called a "D" license. This is what they are proposing bringing in here. The net gain will be zero. The "A" license will go away. The "D" license will come into the site. Unfortunately, Gahanna has no licenses available right now, so Ohio law permits bringing one in from another jurisdiction. That sometimes does not make sense, but that is what the law provides. He is available for any questions.

Councilmember Bowers asked for the record if there were any objections from law enforcement. Chief Spence replied there were no objections.

Councilmember McGregor asked where the license will come from specifically. Gordon said this specific license is coming from Columbus to Gahanna. Under Ohio law, you can take a license from any jurisdiction to another jurisdiction, with the approval of the jurisdiction where you are taking it. That is why this is in front of Council. The applicant needs specific approval of the city before they can file the transfer application. He added that Ohio liquor law is based on quotas. Licenses are issued based on the number of people residing in a jurisdiction, not the number of people who come into the jurisdiction. In some cases, the numbers are misleading because more people probably come into Gahanna than live here. Therefore, there are not enough licenses. He said Ohio should probably do away with the quota system.

Recommendation: Approval on Consent Agenda on 2/6/2023.

[RES-0003-2023](#) A RESOLUTION RECOGNIZING FEBRUARY 2023 AS BLACK HISTORY MONTH AND HONORING THE CONTRIBUTIONS OF AFRICAN AMERICANS IN THE CITY OF GAHANNA

Councilmember Bowers noted that Council wanted to make sure that it was recognizing the contributions of Black and African American residents of our community. The Resolution that has been drafted has information regarding the Big Walnut Country Club, noting where the City received its first historical marker last year. As an honorary and ceremonial recipient of the Resolution, Ms. Indigo Stanley has been invited. She is a resident of Gahanna who lives not far from City Hall. She was named Miss Black Ohio America for 2022. Stanley is a student at the Ohio State University studying education. She will be joining Council as the ceremonial recipient of the Resolution and will be speaking a little bit about Black history on February 6.

Councilmember McGregor asked if there could be language included in the Resolution that it was because of the research of Gahanna Historical Society and from a grant from the Ohio Humanities Council that found the information on the Big Walnut Country Club. McGregor said nobody knew it was even there before. Could something be put in regarding that? Bowers said she thinks Council can include the researcher that was part of this. McGregor said Christy Evans was the researcher. Weaver asked, as a matter of process, would Council have to amend the Resolution? Bowers said no. McGregor said that it had not been introduced. Bowers thought that edit could be made and circulated. She also thanked President Renner and Vice President Weaver in that the process has been working nicely with having the actual Resolution on the consent agenda, but doing a ceremonial presentation, if someone is available during Hearing of Visitors. She is in favor of continuing that process. McGregor said the Resolution is great. It is timely because the Big Walnut Country Club marker dedication was in September. That is a great thing to incorporate. Weaver thanked McGregor for her suggestion.

Recommendation: Introduction/Adoption on Consent Agenda on 2/6/2023.

[ORD-0004-2023](#) AN ORDINANCE TO AMEND GAHANNA CODE CHAPTER 157 RECORDS MANAGEMENT PROGRAM REGARDING MEMBERSHIP OF THE RECORDS COMMISSION

Clerk VanMeter noted there were other members of the Records Commission in Chambers that were welcome to speak should they desire. He said that this is a recommendation from the Records Commission to amend the Code. Basically, the change is to add the words "designee as appointed by the Mayor" or "as appointed by the City Attorney" for certain positions that are outlined in Code as part of the Records Commission's composition. VanMeter said this gives the City a little bit more flexibility and helps the Commission adapt and respond to the recent reorganization within the City.

Recommendation: Introduction/First Reading on Regular Agenda on 2/6/2023; Second Reading/Adoption on Consent Agenda on 2/20/2023.

D. ITEMS FROM THE DEPARTMENT OF ECONOMIC DEVELOPMENT:

[ORD-0005-2023](#) AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE GAHANNA COMMUNITY IMPROVEMENT CORPORATION (CIC) FOR A TERM BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2024, TO PROMOTE AND ENCOURAGE ECONOMIC ACTIVITY FOR THE CITY

Betty Collins, President of the Gahanna CIC, and Nathan Strum, Director of Economic Development, introduced themselves and were available to answer any questions.

Vice President Weaver thanked President Collins for her leadership. Council had a wonderful opportunity to join the CIC at the end of December. For Weaver, this being his second year serving as a member of CIC, it has been a pleasure to serve and work with Collins. He asked if Collins or Strum had any updates they would like to share on the work of the CIC. Director Strum said they are hoping to have a public engagement piece in late February on some of the work of the CIC and its various holdings. He said he would include the Clerk on any final announcements on the agenda, time, and location.

Councilmember McGregor said in Section 2 (C) it says, "assigned to WideOpenWest Finance." She noted that it is now called Breezeline. Did that wording need to be changed? Strum responded that in talking with counsel, WideOpenWest (WOW) was fully absorbed by Breezeline. He added that all of its holdings are still within Breezeline but all Breezeline holdings are within WOW. He said they can do it either way, but thinks it is more accurate that WOW still is referenced there because all holdings of WOW are part of the Breezeline entity. They still get WOW statements. McGregor said she thought it was interesting that in Section E it reads, "assist in the promotion and continued development of the commercial, historical, cultural, and natural resources including, but not limited to, the Creekside District and the Office, Commerce and Technology District." She said she never read that part about the "historical, cultural" before, as Council always hears about the commercial part. She thought it was worth stating. McGregor asked if there are any properties in the land bank. Strum said the CIC currently has 14 or 15. The CIC took down eight properties at the end of last year as part of a large-scale transaction through its real estate holdings entity. There were two additional properties over the course of last year, plus the existing holdings that the CIC currently had at the Kumon building, a few rental homes, and vacant property on the west side. McGregor asked if Council could get a list of those homes. Strum said yes. McGregor said she knew that they were going to purchase the properties but did not know they were held in the land bank. Mayor Jadwin said the CIC purchased property several years ago on the west side for the Stygler Agler 62 Project. The CIC is still holding those because it still needs to be resolved as to what the best course of action is for that intersection.

Councilmember Padova thanked Collins for attending and for the CIC's engagement with Council. She recalled having been invited to two meetings now that she has attended. They were good opportunities to see a little bit more of what the CIC does and understand how it benefits our community. Collins said it is a pleasure to serve in the position. She is a big believer in the economic development of the city and that business, Council, the administration, and CIC should work hand-in-hand. It is all about Gahanna. She said Padova could come every month if she would like. The meetings are the third Tuesday of the month. Collins stressed it was extremely important that there is engagement with Council so everyone is all on the same page. Sometimes it is a big deal what the CIC is moving and shaking and trying to develop. Strum shared they wanted to help with the transparency with what is going on with the CIC. They have launched GahannaCIC.com as a website resource. Here, one will find the CIC's year end financials, up-to-date minutes from prior meetings, contact information for the operation, and some of the activities that the CIC has been doing. Strum said to McGregor's question, he might have been able to figure out a widget on the website to highlight properties held by the CIC. There is a live map on the land bank that would not be that big of a lift to add to the CIC's website.

Councilmember Bowers expressed her gratitude about the website getting launched. It has been brought up to her over the years about accessing minutes of the CIC. Having the ability to see what has been going on and getting those financials helps build so much credibility with the important work that is going on through the CIC. Strum said he will have the requested property listing sent to the Clerk tomorrow.

**Recommendation: Introduction/First Reading on Regular Agenda on 2/6/2023;
Second Reading/Adoption on Consent Agenda on 2/20/2023.**

E. ADJOURNMENT:

With no further business before the Committee of the Whole, the Chair adjourned the meeting at 8:17 p.m.

Jeremy A. VanMeter
Clerk of Council

*APPROVED by the Committee of the Whole, this
day of 2023.*

Trenton I. Weaver
Chair