

**City of Fairfield
Minutes
Regular Meeting of City Council
September 25, 2023**

Council-Manager Briefing

Retail Tobacco and Vape Stores

Mayor Rhodus called the briefing to order at 6:00 PM. Councilmembers present: Dale Paullus, Terry Senger, Adam Kraft, Tim Meyers, Matt Davidson and Gwen Brill.

Staff members present: Scott Timmer, Greg Kathman, Steve Maynard, Steve Wolterman, Laurie Murphy, Alisha Wilson, Ben Mann, Chris Hacker, Carol Mayhall, Tom Lakamp, Mandi Brock and Adam Sackenheim.

Development Services Director Greg Kathman presented the Retail Tobacco and Vape Stores update. See attached slides.

Business Meeting Call to Order

Mayor Rhodus called the Regular Meeting to order at 7:00 PM.

Prayer/Pledge of Allegiance

Councilmember Paullus led in prayer and Pledge of Allegiance.

Roll Call

Councilmembers present included:

Attendee Name	Title	Status	Arrived
Tim Meyers	Councilmember, At-Large	Present	
Matt Davidson	Councilmember, At-Large	Present	
Gwen Brill	Councilmember, At-Large	Present	
Leslie Besl	Councilmember, 1st Ward	Excused	
Dale Paullus	Councilmember, 2nd Ward	Present	
Terry Senger	Councilmember, 3rd Ward	Present	
Adam Kraft	Councilmember, 4th Ward	Present	
Mitch Rhodus	Mayor	Present	

Vice Mayor Meyers, seconded by Councilmember Davidson, moved to excuse Councilmember Besl. Motion carried 6-0.

Agenda Modifications

None.

Executive Session Requests

None.

Special Presentations

None.

Citizen Comments

None.

Public Hearing(s)

None.

Approval of Minutes

The Regular Meeting Minutes of September 11, 2023 were approved as written and submitted.

OLD BUSINESS AND REPORTS

Community & Public Relations

Councilmember Leslie Besl

Development Services

Councilmember Matt Davidson

Ordinance amending Ordinance No. 130-09 to modify the terms and provisions of the North Town Center Community Reinvestment Area, renaming the area the Fairfield Town Center Community Reinvestment Area, implementing Section 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of the Fairfield Town Center Community Reinvestment Area in the City of Fairfield, Ohio, designating a housing officer to administer the program, and creating a Community Reinvestment Housing Council and a Tax Incentive Review Council.

Recommendation:

It is recommended that City Council approve this ordinance to establish CRA property tax abatement as a potential development tool throughout the Town Center area.

Councilmember Davidson presented the second reading of this ordinance.

RESULT:	SECOND READING	Next: 10/10/2023 7:00 PM
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Parks, Recreation and Environment

Councilmember Gwen Brill

Public Safety

Councilmember Dale Paullus

Ordinance to amend Section 373.14 Riding on Sidewalks of Chapter 373, Bicycles and Motorcycles, of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Recommendation:

It is recommended that City Council adopt an ordinance to update Section 373.14 of the Traffic Code.

Councilmember Paullus presented the third reading of this ordinance.

ORDINANCE NO. 131-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dale Paullus, Councilmember, 2nd Ward
SECONDER:	Matt Davidson, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Public Utilities

Councilmember Adam Kraft

Public Works

Councilmember Terry Senger

Ordinance to authorize the City Manager to execute a contract with Morton Salt, Inc. for purchase of road salt.

Recommendation:

It is recommended that City Council authorize and direct the preparation of legislation authorizing the City Manager to enter into a contract with Morton Salt, Incorporated for the purchase of road salt.

Councilmember Senger presented the third reading of this ordinance.

ORDINANCE NO. 132-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Terry Senger, Councilmember, 3rd Ward
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Finance & Budget

Councilmember Tim Meyers

Ordinance to authorize the City Manager to execute an Employer Adoption Agreement with the Ohio Public Employees Deferred Compensation Board to offer a Roth 457 option to City of Fairfield employees.

Recommendation:

It is recommended that Council approve the City Manager entering into an agreement with the Ohio Public Employees Deferred Compensation Board to authorize the Roth 457 option to be offered to the City of Fairfield employees, through the City's deferred compensation program, as

an additional benefit which can assist employees to save for retirement.

Vice Mayor Meyers presented the third reading of this ordinance.

ORDINANCE NO. 133-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Gwen Brill, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

NEW BUSINESS

Councilmember Brill, seconded by Vice Mayor Meyers, moved to read all New Business by title only. Motion carried 6-0.

Development Services

Councilmember Matt Davidson

Motion to Suspend Second and Third Readings

Councilmember Davidson presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Matt Davidson, Councilmember, At-Large
SECONDER:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Ordinance to authorize the City Manager to execute the FY 2024 Community Development Block Grant application and agreement with Butler County, Ohio.

Recommendation:

It is recommended that City Council authorize the City Manager to execute and submit the FY 2024 Community Development Block Grant application which is due to Butler County by November 3, 2023.

ORDINANCE NO. 134-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Matt Davidson, Councilmember, At-Large
SECONDER:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Parks, Recreation and Environment

Councilmember Gwen Brill

Motion to Suspend Second and Third Readings

Councilmember Brill presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gwen Brill, Councilmember, At-Large
SECONDER:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Ordinance to authorize the City Manager to enter into a contract with Landscape Structures, Inc. for the purchase of Harbin Park Play and Spray Ground Equipment and declaring an emergency.

Recommendation:

It is recommended that City Council authorize an appropriation of \$1,490,000.00 from the Parks Recreation Fund as detailed in the financial impact section and authorize the City Manager to enter into a contract with Landscape Structures, Inc.

ORDINANCE NO. 135-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gwen Brill, Councilmember, At-Large
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Motion to Suspend Second and Third Readings

Councilmember Brill presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gwen Brill, Councilmember, At-Large
SECONDER:	Matt Davidson, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Ordinance to authorize the City Manager to enter into a contract with Majors Enterprises, Inc. for the Harbin Park Play and Spray Ground general construction and declaring an emergency.

Recommendation:

It is recommended that City Council authorize an appropriation of \$2,428,823.00 from the Parks Recreation Fund as detailed in the financial impact section and authorize the City Manager to enter into a contract with Majors Enterprises Inc. of Monroe, Ohio.

ORDINANCE NO. 136-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gwen Brill, Councilmember, At-Large
SECONDER:	Matt Davidson, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Public Utilities

Councilmember Adam Kraft

Motion to Suspend Second and Third Readings

Councilmember Kraft presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Matt Davidson, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Ordinance to authorize the City Manager to enter into a contract with Larry Smith Inc., for the DDC Way Water Main Project and Meijer Drive/S. Gilmore Pressure Reducing Valve Project.

Recommendation:

It is recommended that City Council authorize the City Manager to enter a contract with Larry Smith Inc., and appropriate project funding in the amount of \$255,000.00 for a water system improvement project impacting DDC Way and Meijer Drive at S. Gilmore.. Rules suspension is being requested in order to expedite the project.

ORDINANCE NO. 137-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Public Works

Councilmember Terry Senger

Motion to Suspend Second and Third Readings

Councilmember Senger presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Terry Senger, Councilmember, 3rd Ward
SECONDER:	Adam Kraft, Councilmember, 4th Ward
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Ordinance to authorize the City Manager to enter into a contract with Majors Enterprises, Inc. for the construction of the 2023 Bruton Parish Storm Sewer Replacement Project and declaring an emergency.

Recommendation:

It is recommended that City Council approve legislation for an appropriation of funding for the amounts shown in the Financial Impact.

It is also recommended that City Council direct the preparation of legislation authorizing the City Manager to enter into a contract with Majors Enterprises, Inc for the construction of the 2023 Bruton Parish Storm Sewer Replacement Project

ORDINANCE NO. 138-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Terry Senger, Councilmember, 3rd Ward
SECONDER:	Adam Kraft, Councilmember, 4th Ward
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Finance & Budget

Councilmember Tim Meyers

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Gwen Brill, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023” - Supplemental Appropriations.

Recommendation:

It is recommended that City Council authorize and direct the preparation of legislation amending the annual operating budget.

ORDINANCE NO. 139-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Gwen Brill, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023.”

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

ORDINANCE NO. 140-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Terry Senger, Councilmember, 3rd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Terry Senger, Councilmember, 3rd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023.”

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

ORDINANCE NO. 140-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- A. Tuesday, October 10 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- B. Monday, October 23 - Council-Manager Briefing, 5:30 PM; Regular Meeting 7:00 PM
- C. Monday, November 13 - Council-Manager Briefing, 5:30 PM; Regular Meeting 7:00 PM

Executive Session of Council (if needed)

None.

15. ADJOURNMENT

The Regular Meeting adjourned at 7:31 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____



Retail Tobacco & Vape Shops

Council-Manager Briefing
September 25, 2023

FAIRFIELD
OHIO

Dangers of Smoking & Vaping

- Smoking leads to:
 - More than 480,000 annual deaths
 - \$300 billion in healthcare and lost productivity costs
- Youth and young people are especially vulnerable to the harmful effects of nicotine
 - Harms the developing brain, specifically pre-frontal cortex
 - Affects attention, learning, mood, and impulse control
- Using nicotine in adolescence may increase the risk for future addiction to other drugs



FAIRFIELD
OHIO

Dangers of Smoking & Vaping

- E-cigarettes have been the most commonly used tobacco among U.S. youth since 2014
 - In 2020, 19.6% of U.S. high school students reported usage of e-cigarettes within the previous 30 days
 - E-cigarettes contain heavy metals like lead, volatile organic compounds, and cancer-causing agents
 - Flavored tobacco products mask the harshness of tobacco
 - The tobacco industry actively promotes flavored tobacco products
 - Initiation with a flavored tobacco product leads to an increased likelihood of further tobacco product use compared with initiation with an unflavored product
 - Flavored tobacco products increase the risk of youth initiation, hinder cessation, and contribute to health disparities



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OHIO

Dangers of Smoking & Vaping

- More than 375,000 tobacco retailers in the U.S.
- Youth living in areas with the highest density of retail tobacco outlets are more likely to have smoked than those in areas of the lowest density of outlets
- The number of tobacco retailers surrounding a school has been shown to increase students' susceptibility to future smoking
- Reducing the density and number of retailers may also curb exposure to tobacco marketing
- "Research supports licensing tobacco retailers, limiting retailer density, and limiting proximity to youth-oriented places."



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Existing Federal & State Regulations

- Ohio law took effect on October 17, 2019 making it illegal to sell or give any tobacco product to anyone under age 21
- Unlike alcohol, there is no Ohio state license required to sell tobacco products
- 2009 federal law prohibits cigarettes from containing flavors other than tobacco or menthol, but does not include other products like e-cigarettes
- At least 5 states and 370 localities have restricted or prohibited the sale of all flavored tobacco products since 2019
 - Federal courts have found that federal law does not limit the authority of states and localities to restrict or limit the sale of tobacco products

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Inventory of Businesses in Fairfield

- Zoning Inspectors field survey in July 2023
 - 42 businesses sell traditional tobacco products
 - 37 businesses sell vaping products
 - ~12 are almost exclusively “vape shops”
 - 20 businesses sell smoking paraphernalia



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POTENTIAL LOCAL INITIATIVES

FAIRFIELD
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1. Enhanced Zoning Regulations

- Planning & Zoning Code Update nearly complete

- New Definition of Tobacco and Vape Store:

"Any store, stand, booth, or concession that devotes 30 percent or more of its display floor area to tobacco products, smoking accessories or devices, and/or electronic smoking devices or cartridges to purchasers for consumption or use."



- Permitted with Standards in C-3, C-3A, SE, and D-1 districts

- Set Back standards include:

- 100 feet from any A or R district
- 1,000 feet from another tobacco/vape store
- 1,000 feet from educational facility, pre-school, daycare, public park, or library

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2. Update City Code

- **Existing Code Chapter 737 – Smoking Prohibitions**
 - Fairfield indoor smoking ban took effect on August 1, 2005
 - Ohio statewide ban approved by voters in 2006, took effect May 3, 2007
- **Consider updates, including:**
 - Update Chapter 737 to ensure compliance with state law
 - Establish 21 years old as minimum age to purchase tobacco in city
 - Other changes as identified



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3. Enhance Enforcement Efforts

- Increase enforcement efforts to prevent sales to underage buyers
- Pursue personal accountability and/or increased financial liability criminal charges against owners



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4. Create a Licensing Program

- Create and implement a retail tobacco licensing program
- Potential program includes:
 - Annual registration of all tobacco product retailers
 - Unscheduled compliance checks
 - Graduated civil penalties, such as:
 - 1st violation = \$ penalty
 - 2nd violation = higher \$ penalty and temporary license suspension
 - 3rd violation = higher \$ penalty and license revocation
- Challenges include:
 - Program administration (50+/- annual business registrations)
 - Administration of compliance checks
 - Pursuing and enforcing penalties



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5. Ban Flavored Tobacco

- Enact a local ban on all flavored tobacco products
- Columbus and Bexley passed bans that are set to begin in 2024
- Has been discussed in other Ohio cities



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DISCUSSION OF STATE POLITICAL DYNAMICS

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Discussion & Next Steps



- Need direction from Council regarding desired regulatory framework, if any
- Consider temporary moratorium on new tobacco/vape stores

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