



City Council Agenda

Monday, November 6, 2023 at 7:00 pm

6550 N. High Street, Worthington, Ohio 43085

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Visitor Comments

Special Presentation(s)

5. Lifesaving Award

Executive Summary: Chief Eric Grile will present lifesaving awards to five police officers for their response to a situation they encountered in early October.

Public Hearings on Legislation

6. Ordinance No. 23-2023 - Additional Appropriations – General Fund and 350 W. Wilson Bridge TIF Fund

Amending Ordinance No. 39-2022 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the General Fund and 350 W. Wilson Bridge Rd. TIF.

Executive Summary: This legislation appropriates additional funds in the General Fund for the purpose of providing additional funding for building needs at the Community Center as well as additional programming expenses.

This legislation will also appropriate \$20.00 in the 350 W. Wilson Bridge TIF Fund to account for County Auditor fees.

Recommendation: Approve as presented.

New Legislation - Resolution(s)

7. Resolution No. 57-2023 – Establish Compensation for the position of Part-Time Community Risk Reduction Service Coordinator

Amending Resolution 55-2022 to Establish Compensation for the Position of Part-Time Community Risk Reduction Service Coordinator in the Division of Fire.

Executive Summary: This Resolution establishes the compensation for the new Part-Time Community Risk Reduction Service Coordinator at Range 16.

Recommendation: Introduce and approve as presented.

New Legislation - Ordinance(s)

8. Ordinance No. 24-2023 – Subdivision – Final Plat – 286 W. South St. – SUB 03-2023

Approving a Final Plat for the Resubdivision of Lot #1 of Weatherburn Subdivision Located at 286 W. South St. and Authorizing Variances (Eric Kmetz).

Executive Summary: This Ordinance approves the Final Plat for the Resubdivision of Lot #1 of Weatherburn Subdivision located at 286 W. South St. and grants variances for lot width for Lot#1B and Lot #2B.

Recommendation: Introduce and set for public hearing on November 20, 2023.

9. Ordinance No. 25-2023 – Prohibiting the Sale of Flavored Tobacco Products

To Amend Various Sections of Chapter 765 “Tobacco Sales” of the Codified Ordinances of the City of Worthington to Prohibit the Sale of Flavored Tobacco Products.

Executive Summary: This Ordinance would amend Chapter 765 of the Codified Ordinances to prohibit the sale of flavored tobacco products and to increase the civil penalties for violations of Chapter 765.

Recommendation: Introduce and set for public hearing on November 20, 2023.

Reports of City Officials

10. Policy Item(s)

a. Worthington Pools

Executive Summary: Time is provided for continued discussion of the funding request from Swiminc for the outdoor pool facility on the grounds of Thomas Worthington High School. Staff is seeking direction from City Council regarding the amount of funds, if any, to be provided and the strategy for provision of the funds.

b. Proposed 2024 Operating Budget

Executive Summary: Staff will present the Proposed 2024 Operating Budget which was distributed on October 2, 2023.

Reports of Council Members

Other Business

Executive Session

Adjournment

11. Motion to Adjourn



STAFF MEMORANDUM
City Council Meeting – November 6, 2023

Date: November 1, 2023
To: Robyn Stewart, Acting City Manager
From: Scott F. Bartter, Finance Director
Subject: Additional Appropriations – General Fund and 350 W. Wilson Bridge TIF Fund

EXECUTIVE SUMMARY

This legislation appropriates additional funds in the General Fund for the purpose of providing additional funding for building needs at the Community Center as well as additional programming expenses.

This legislation will also appropriate \$20.00 in the 350 W. Wilson Bridge TIF Fund to account for County Auditor fees.

RECOMMENDATION

Approve as presented.

FINANCIAL IMPLICATIONS

Increases appropriations in the General Fund by \$86,000.00

Increases appropriations in the 350 W. Wilson Bridge TIF Fund by \$20.00

BACKGROUND/DESCRIPTION

Community Center Building and Maintenance Supply

Unanticipated HVAC repairs at the Community Center, combined with inflationary pressures for many routine contracts such as floor care, window cleaning and carpet cleaning have necessitated the need for additional funds.

P&R Programming

As programming returns to pre-pandemic levels, additional funds are needed to cover anticipated expenses for winter programming.

County Auditor Fees

Total County Auditor fees for this fund in 2023 are \$1,218.44, however only \$1,200.00 was originally appropriated. There is no other budgetary line to transfer from in this fund, so we need to appropriate the additional \$20.00 to cover this expense.

ATTACHMENTS

Ordinance No. 23-2023

ORDINANCE NO. 23-2023

Amending Ordinance No. 39-2022 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the General Fund and 350 W. Wilson Bridge Rd. TIF.

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there be and hereby is appropriated from the General Fund and 350 W. Wilson Bridge Rd. TIF Fund.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
<u>General Fund #101</u>		
101.4030.521005	Community Center – Maintenance Sup.	\$ 20,000.00
101.4030.540560	Community Center – Building Maint.	\$ 50,000.00
101.4040.550951	P&R Programming	\$ 16,000.00
Total General Fund		\$ 86,000.00
<u>350 W. Wilson Bridge TIF #950</u>		
950.9020.540528	County Auditor Fees	\$ 20.00
Total 350 W. Wilson Bridge Fund		\$ 20.00

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed _____

President of Council

Attest:

Introduced
P.H

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – November 6, 2023

Date: October 20, 2023

To: Robyn Stewart, City Manager

From: Scott F. Bartter, Finance Director

Subject: Resolution No. 57-2023 – Establish Compensation for the position of Part-Time Community Risk Reduction Service Coordinator

EXECUTIVE SUMMARY

This Resolution establishes the compensation for the new Part-Time Community Risk Reduction Service Coordinator at Range 16.

RECOMMENDATION

Introduce and Approve as Presented.

BACKGROUND/DESCRIPTION

As part of the 2023 budget process, the City Council approved the addition of a new part-time position in the Division of Fire. The job description for this position was adopted with the passage of Resolution 53-2023. However, the Classified Pay Resolution for 2023 needs to be amended to set the pay rate for the new Part-Time Community Risk Reduction Service Coordinator. The range proposed is Range 16, which for 2023 would be an hourly rate of \$30.43/hour.

FINANCIAL IMPLICATIONS/FUNDING SOURCES

The 2023 Budget appropriated \$38,000 for this position.

ATTACHMENT

Resolution No. 57-2023

RESOLUTION NO. 57-2023

Amending Resolution 55-2022 to Establish Compensation for the Position of Part-Time Community Risk Reduction Service Coordinator in the Division of Fire.

WHEREAS, City Council wishes to amend Resolution No. 55-2022 establishing compensation for classified positions in the City to add the position of Part-time Community Risk Reduction Service Coordinator (Class Specification No. 262).

NOW THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Resolution No. 55-2022 establishing compensation for classified positions in the City be and the same is hereby amended to assign the salary range for the Part-time Community Risk Reduction Service Coordinator position to Range 16.

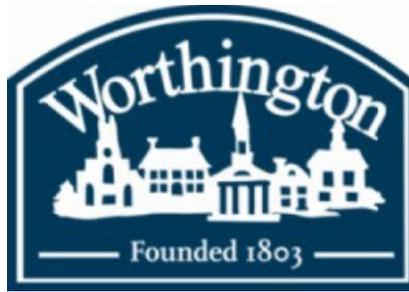
SECTION 2: That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – November 20, 2023

Date: October 18, 2023

To: Robyn Stewart, Acting City Manager
David McCorkle, Assistant City Manager

From: R. Lee Brown, Director of Planning and Building

Subject: Ordinance No. 24-2023 – Subdivision – Final Plat – 286 W. South St. – SUB 03-2023

EXECUTIVE SUMMARY

This Ordinance approves the Final Plat for the Resubdivision of Lot #1 of Weatherburn Subdivision located at 286 W. South St. and grants variances for lot width for Lot#1B and Lot #2B.

RECOMMENDATION

Introduce and set for a public hearing on Monday, November 20, 2023

On September 28, 2023, the Municipal Planning Commission reviewed and recommended ***approval*** of the Final Plat with variances for the Resubdivision of Lot #1 in Weatherburn Subdivision. To view the meeting, please go to the Video Archives for [September 28, 2023, ARB & MPC Meeting](#).

On June 8, 2023, the Municipal Planning Commission reviewed and ***conditionally approved*** the Preliminary Plat with the following conditions:

1. Building placement variance requests were not approved as part of the platting process.
2. Any missing items needed for the Preliminary Plat will be needed at the time of Final Plat submission.

To view the meeting, please go to the Video Archives for [June 8, 2023, ARB & MPC Meeting](#).

Staff is recommending ***approval*** of the application as the proposed lot widths are not out of character and the lots exceed the minimum square footage requirement for lots in the R-10

District. The creation of the two additional lots will provide additional housing options for those wanting to stay or move into Worthington that desire a newly constructed residence.

BACKGROUND/DESCRIPTION

The request before you is a Final Plat to subdivide an existing .88-acres lot that is located at the northwest corner of W. South St. and Weatherburn Pl. The proposal is to create three (3) building lots out of what is currently Lot #1 of Weatherburn Subdivision which was platted in 1986 that created a five (5) lot subdivision with four (4) lots gaining access from a newly constructed cul-de-sac. The subdivision now known as Weatherburn was a Resubdivision of Hoyer's Subdivision that was originally a 36-lot subdivision platted in 1894. The applicant purchased the property on March 14, 2023, and the existing 2,782 sq. ft. one-story home constructed in 1944 is proposed to be demolished as part of the redevelopment of the site. The property is located in the R-10 Zoning District.

History:

- On June 18, 2023, the Municipal Planning Commission **approved** the demolition of an existing 2,782 sq. ft. single-family home that was constructed in 1944.
- On June 18, 2023, the Municipal Planning Commission **conditionally approved** the Preliminary Plat to create two additional lots with the following conditions:
 - Building placement variance requests were not approved as part of the platting process.
 - Any missing items needed for the Preliminary Plat will be needed at the time of Final Plat submission.
- On September 28, 2023, the Municipal Planning Commission recommended **approval** of the Final Plat with variances to City Council.

Project Details:

1. Proposed Lots:

- a. Lot #1A:
 - i. Lot Area – 17,156 sq. ft.
 - ii. Lot Width – 78-feet – Weatherburn Pl.
 - iii. Lot Width – 174-feet – W. South St.
- b. Lot #1B:
 - i. Lot Area – 10,892 sq. ft.
 - ii. Lot Width – 65-feet
- c. Lot #1C:
 - i. Lot Area – 10,765 sq. ft.
 - ii. Lot Width – 67-feet

2. Proposed Front Setbacks:

- a. Lot #1A
 - i. Required – 30-feet
 - ii. Proposed – 30-feet plus along W. South St. and 73-feet along Weatherburn Pl.
- b. Lot #1B
 - i. Required – 30-feet

- ii. Proposed – 58-feet
 - 1. Larger setback due to an existing platted utility easement for an existing 12-inch sanitary sewer line that runs north to south.
 - c. Lot #1C
 - i. Required – 30-feet
 - ii. Proposed – 58-feet
 - 1. Larger setback due to an existing platted utility easement for an existing 12-inch sanitary sewer line that runs north to south.
3. Access Points:
- a. All access points to the lots will be from Weatherburn Pl. and will be required to receive a Driveway Permit and Right-of-way Permit from the Service & Engineering Department.
 - i. The Service & Engineering Department is asking that the access for Lot #1A (corner lot) be moved north towards the rear property line between Lot #1A and Lot #1B to provide an appropriate distance from the intersection of Weatherburn Pl. and W. South St.
 - b. The existing access point on W. South St. will be removed as part of the subdivision. This area will need to be reseeded, graded and a new curb installed in the area of the existing drive approach.
 - c. A Right-of-way Work Permit and Driveway Permit will be required by the Service & Engineering Dept.
4. Sidewalks:
- a. Sidewalks will be required along the W. South St. frontage that will be 5-feet in width and will connect with the existing sidewalk of 4-feet along Weatherburn Pl.
5. Street Trees:
- a. Twelve (12) street trees are proposed along W. South St. and Weatherburn Pl. Four (4) street trees along Weatherburn Pl. located in the public right-of-way and eight (8) street trees located on the backside of the new sidewalk that will be located on private property along W. South St.
 - i. The location of the existing underground utilities in the area is the reason for the location of the W. South St. street trees being located on the backside of the new sidewalk instead of the tree lawn.
 - ii. Utilities:
 - 1. 21-inch and 24-inch storm sewer
 - 2. 12-inch sanitary sewer line
 - 3. 6-inch waterline
 - b. The City Arborist has provided the following list of trees that are acceptable street trees:
 - i. Weatherburn Pl.
 - 1. Norwegian Sunset maple -Acer truncatum x platanoides 'Keithsform'
 - 2. Hot Wings Maple -Acer tataricum 'GarAnn'

3. American Hornbeam -*Carpinus caroliniana* 'Native Flame®', Palisade®, Ball O' Fire™, & Rising Fire®'
 4. Cornelian Cherry Dogwood -*Cornus mas*
 5. Frontier Elm -*Ulmus x Frontier*
 6. Golden Rain Tree -*Koelreuteria paniculata*
 7. Fort McNair Red Horse Chestnut -*Aesculus x carnea* 'Fort McNair'
 8. Persian ironwood -*Parrotia persica*
 9. Paperbark Maple -*Acer grisium*
 10. American yellowwood -*Cladrastis kentukea*
- ii. W. South St. – Any of the Weatherburn Pl. trees are acceptable as well as the following larger trees. Larger trees should not to be used in the quantity shown on the Preliminary Plat. Coordination with the City Arborist would be needed.
1. Main Street® Maple -*Acer truncatum* 'WF-AT1'
 2. Japanese zelkova - *Zelkova serrata*
 3. Silver Linden - *Tilia tomentosa* 'Sterling'
 4. Swamp White Oak -*Quercus Bicolor*
 5. London planetree - *Platanus x acerifolia* 'Morton's Circle'
 6. Black Gum -*Nyssa sylvatica* 'Northern Splendor' or 'Green Gable'
 7. Kentucky Coffeetree - *Gymnocladus dioicus* 'Espresso'

6. Existing Vegetation:

- a. A Tree Survey was submitted providing detail for every tree larger than 6 caliper inches on the site.
- b. The site also has an abundance of honeysuckle and overgrown vegetation on the site.
- c. There are thirty-eight (38) existing trees on the site that exceed 6 caliper inches on the site. The trees have all been ranked for their condition from Very Good to Poor.
- d. Some of the trees have been shown on the Preliminary Plat to stay as part of the redevelopment of the site.
 - i. 17 trees have been shown to remain on the site.
- e. Tree protection fencing needs to be shown on the plans for the trees that are proposed to stay on the site and be protected during demolition and construction of the new single-family homes.
 1. A Tree Protection Plan will be required to be submitted with the Demolition Permit for review and approval.
- f. City Arborist comments:
 - i. Recommends removal of the existing Hackberry Tree and Crabapple Tree on Lot #1A due to their condition and quality.
 - ii. States that the Honey Locust Tree on Lot #1C is in great shape.
 1. This is likely the only tree that is impacted by the placement of the proposed new single-family home.

7. Utilities:

- a. There is an existing 12-inch sanitary sewer line that runs north to south that is located in a 10' sanitary sewer easement that is approximately 40-feet from the public right-of-way of Weatherburn Pl.
 - i. Connection to sewer will connect to the existing 12-inch sanitary sewer line that is already on the site.
- b. There is an existing 6-inch waterline on the eastern side of Weatherburn Pl. and a 6-inch waterline along the north side of W. South St.
 - i. To connect to the waterline on Weatherburn Pl. the Service & Engineering Department will require the applicant to bore under the roadway to access the waterline. The applicant will be responsible for any damage related to connection to utilities.
- c. Gas & Electric:
 - i. Gas:
 - 1. Lots #1B and #1C will access the gas main on Weatherburn Pl.
 - 2. Lot #1A will access the gas main on W. South St.
 - ii. Electric:
 - 1. Electric is required to be buried in any new subdivision.
 - 2. The electric is shown to cross under W. South St. at Weatherburn Pl. and run along the frontage of Lot #1A and then run along the western side of Lot #1A, Lot #1B and Lot #1C.
 - a. City staff has asked if AEP could run the powerlines along the western side of the development instead of along the W. South St. frontage. There is a concern that the easement will be in the same location as the proposed street trees on W. South St.
 - i. Clarification is needed.
- d. Stormwater:
 - i. There are two existing catch basins at the intersection of Weatherburn Pl. and W. South St. that connect to a 21-inch storm sewer line.
 - ii. The flow of water from the site will be required to be graded to not negatively impact the neighboring properties.
 - iii. Drainage Analysis
 - 1. A Drainage Analysis was submitted by E.P. Ferris and reviewed by the Service & Engineering Dept. and found that the addition of two lots will have minimal impact on the current storm sewer system.

8. A Subdivider's Agreement has been provided as part of the Subdivision process.

Worthington Planning & Zoning Code:

Section 1149.01 Yard, Area and Height for Dwellings & Accessory Structures

District	Lot Width	Lot Area	Front Setback	Rear Setback	Side	Sum of Side	Height
R-10	80-feet	10,400sq. ft.	30-feet	30-feet	8-feet	20-feet	30-feet

Land Use Plans:

Worthington Comprehensive Plan

The 2005 Worthington Comprehensive Plan states that one of the strengths of the Worthington Community is its residential neighborhoods. Encouraging development in existing neighborhoods is important in maintaining the existing housing stock throughout Worthington.

Staff Analysis:

1. Public Area Payment:
 - a. \$250.00/new dwelling unit – required at the time of applying for a permit to construct the new dwelling units.
2. Special Park Fund:
 - a. \$500.00/newly created lot – required prior to the recording the Final Plat.
3. Proposed Variances:
 - a. Lot #1B
 - i. Lot Width
 1. Required – 80-feet
 2. Proposed – 65-feet
 - a. Variance of 15-feet
 - i. The lot widths are not out of character for the area. There are a variety of lot sizes and widths found throughout this quadrant of the City.
 - a. Lot #1C
 - ii. Lot Width
 1. Required – 80-feet
 2. Proposed – 67-feet
 - a. Variance of 13-feet
 - i. The lot widths are not out of character for the area. There are a variety of lot sizes and widths found throughout this quadrant of the City.
4. Tree Protection Plan
 - a. Tree protection fencing needs to be shown on the plans for the trees that are proposed to stay on the site and be protected during demolition and construction of the new single-family homes.
 - i. A Tree Protection Plan will be required to be submitted with the Demolition Permit for review and approval.
5. Since the property is not located in the Architectural Review District, strict adherence to construct the homes as previously shown in the application materials

provided as part of the Preliminary Plat is not legally possible by the Municipal Planning Commission and/or City Council.

6. The Municipal Planning Commission and/or City Council cannot legally require the proposed houses to be constructed as previously shown in the information provided as part of the Preliminary Plat. The Commission can review the proposal for compliance with the Subdivision Regulations and any variances as part of the platting process. The applicant previously proposed variances for building setbacks as part of the platting process and the proposed variances related to the setbacks would run with the land.
 - a. The Municipal Planning Commission did not approve setback variances for the proposed new homes as part of the Preliminary Plat approval. The Commission did recommend approval of a variance for lot width for Lot #1B and Lot #1C.
7. The applicant previously made application to demolish the existing single-family home on the site that that was approved on June 8, 2023. The demolition application met the requirements of Section 1153.05.
8. The proposed lot sizes exceed the minimum square footage of 10,400 sq. ft. in size for newly created lots in the R-10 District.
9. Two of the proposed lots do not meet the minimum lot width requirement for newly created lots in the R-10 District; however, the lot widths are not out of character for the area. There are a variety of lot sizes and widths found throughout the City.
 - a. The applicant provided an exhibit that depicts the lots in the surrounding area that do not meet the minimum lot width for newly created parcels in the vicinity of the proposed development.
 - b. The majority of lots in this area were created prior to the adoption of the 1971 Planning & Zoning Code.
 - c. The applicant would technically be able to create three (3) lots with a minimum of 80-feet of frontage without any variances if it was not for the 10' sanitary sewer easement that bisects the eastern portion of the site there could have been two lots on W. South St. and one lot on Weatherburn Pl.
 - d. City staff has provided an exhibit that depicts all the lots in the City that are zoned R-10 that are zoning compliant, lots less than 10,400 sq. ft. and lots that exceed 10,400 sq. ft., but are less than 80-feet in width.
 - i. Total R-10 parcels = 4,677.
 1. 940 parcels are under the current 80-feet in width requirement but meet or exceed the minimum lot size requirement.
 - a. Approximately 20% of the parcels do not meet the frontage requirement.
 2. 2,428 parcels are under the required 10,400 sq. ft. lot size requirement.
 - a. Approximately 52% of the parcels do not meet the lot size requirement.
 3. 1,488 parcels are compliant with both lot size requirements and road frontage requirements.

- a. Approximately 32% of the parcels meet the R-10 requirements found in the Planning & Zoning Code.
 - ii. Please see attached exhibit.
 10. Subdivision Process:
 - a. Municipal Planning Commission
 - i. Preliminary Plat – [Section 1101.09](#)
 1. MPC conditionally approved the Preliminary Plat.
 - ii. Final Plat – [Section 1101.12](#)
 1. The Municipal Planning Commission shall make a recommendation to City Council.
 - b. City Council
 - i. Council may review the application and may adopt or reject the Subdivision with or without change.
 1. The Ordinance will be introduced by City Council on November 6, 2023, and set for a date for a public hearing on November 20, 2023.
 2. If approved, the Ordinance would have an effective date 20-days after Council passage.
 3. The Final Plat must be recorded by the applicant within 6-months of City Council approval unless such time is extended by Resolution of City Council.

ATTACHMENTS

- Ordinance No. 24-2023 & Exhibits A & B
- Application Materials
- Portion of ARB & MPC Meeting Minutes

ORDINANCE NO. 24-2023

Approving a Final Plat for the Resubdivision of Lot #1 of Weatherburn Subdivision Located at 286 W. South St. and Authorizing Variances (Eric Kmetz)

WHEREAS, a request has been made by Eric Kmetz to subdivide Lot #1 of Weatherburn Subdivision located at 286 W. South St.; and,

WHEREAS, the request has received a complete and thorough review by the Municipal Planning Commission on June 18, 2023 (Preliminary Plat) and on September 28, 2023 (Final Plat) and approval has been recommended by the Commission; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin and State of Ohio:

SECTION 1. That the Final Plat for the Resubdivision of Lot #1 of Weatherburn Subdivision located at 286 W. South St., as per Case No. SUB 03-2023, Drawings No. SUB 03-2023, dated September 15, 2023, attached hereto as Exhibit "A" be approved.

SECTION 2. That the City Manager is authorized to enter into a Subdivider's Agreement with the Developer attached hereto as Exhibit "B".

SECTION 3. That there be and hereby is granted variances from Section 1149.01 of the Codified Ordinances which requires each newly created lot to have a minimum lot width of 80-feet for proposed Lot #1B and Lot #1C.

SECTION 4. That notice of passage of the Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center, and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed:

President of Council

Attest:

Introduced November 6, 2023
P.H. November 20, 2023
Effective

Clerk of Council

RESUBDIVISION OF LOT NO. 1 OF WEATHERBURN

Situated in the City of Worthington, County of Franklin, and State of Ohio, being known as all of Lot 1 of Weatherburn, a resubdivision of Hoyer's Subdivision, as recorded in Plat Book 65, Page 91, Recorder's Office, Franklin County, Ohio.

ACCEPTANCE

I, _____, owner of the land embraced within this plat, do hereby declare this plat to be his/her free act and deed as said land owner and do hereby accept this Plat.

OWNER

State of Ohio }
County of Franklin } SS

Before me, a Notary Public in and for said County and State, personally appeared the above named persons, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In testimony whereof, I have hereunto set my hand and official seal this ____ day of _____, 20__.

NOTARY PUBLIC

My commission expires _____

APPROVALS

Approved this ____ day of _____, 20__.

Clerk, Municipal Planning Commission, Worthington, OH

Approved this ____ day of _____, 20__.

Director of Service and Engineering, Worthington, OH

Approved this ____ day of _____, 20__.

City Manager, Worthington, OH

Approved and accepted this ____ day of _____, 20__, by Ordinance No. _____ wherein the place shown hereon is accepted as such by the Council of the City of Worthington, Ohio.

Clerk of Council, Worthington, OH

Approved this ____ day of _____, 20__.

Deputy Auditor

Approved this ____ day of _____, 20__.

Deputy Recorder

Transferred this ____ day of _____, 20__.

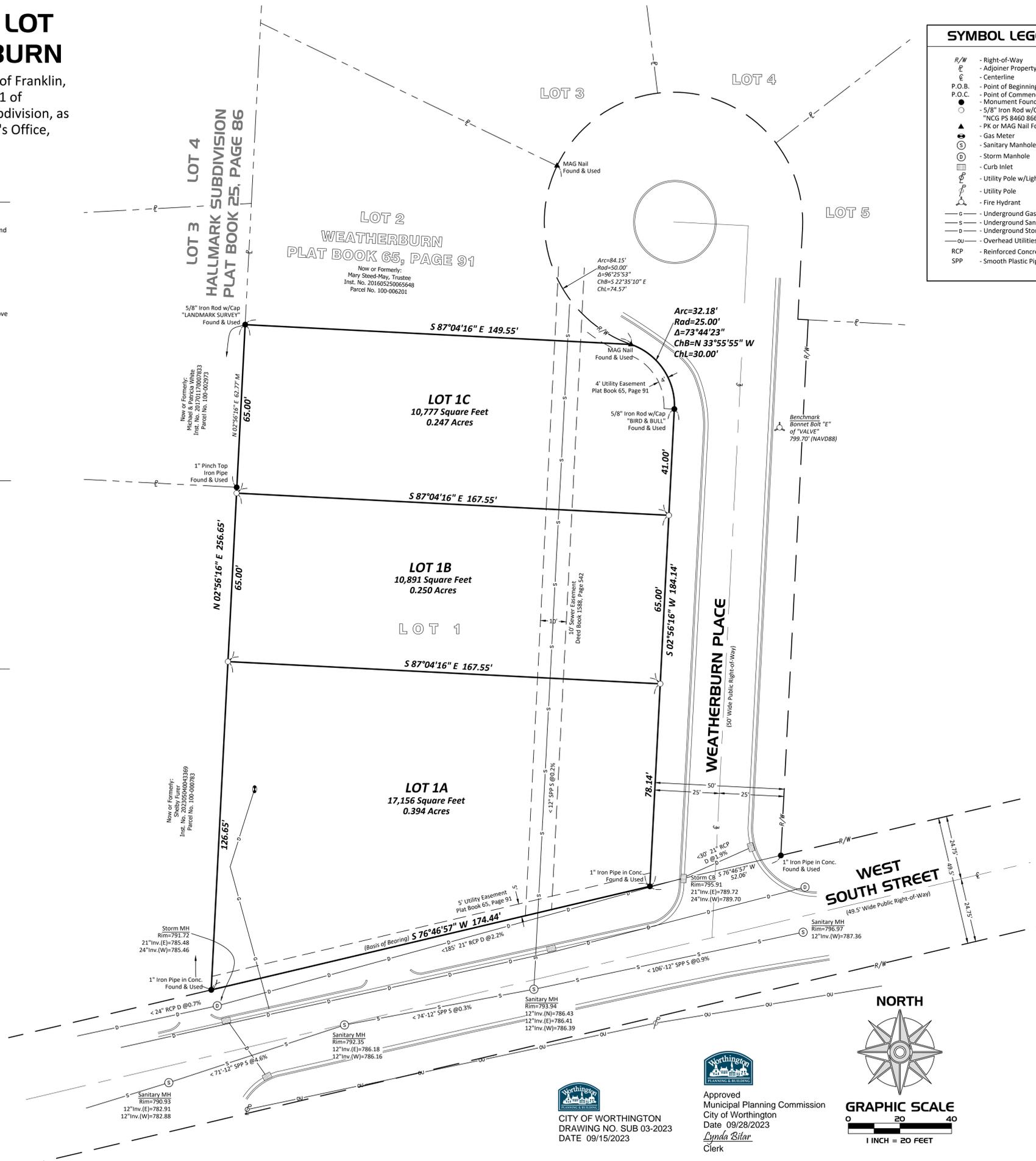
Auditor, Franklin County, OH

Filed for record this ____ day of _____, 20__, at _____.

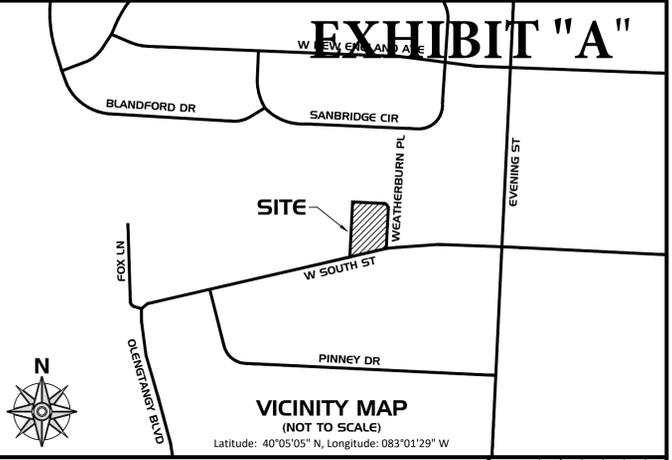
Recorded this ____ day of _____, 20__ in Plat Book _____, Page _____.

File No. _____ Fee _____

Recorder, Franklin County, OH



SYMBOL LEGEND	
R/W	- Right-of-Way
AP	- Adjoiner Property Line
CL	- Centerline
P.O.B.	- Point of Beginning
P.O.C.	- Point of Commencement
○	- Monument Found
●	- 5/8" Iron Rod w/Cap
▲	- "NCG PS 8460 8668" Set
▲	- PK or MAG Nail Found
○	- Gas Meter
○	- Sanitary Manhole
○	- Storm Manhole
□	- Curb Inlet
○	- Utility Pole w/Light
○	- Utility Pole
○	- Fire Hydrant
—	- Underground Gas
—	- Underground Sanitary
—	- Underground Storm
—	- Overhead Utilities
—	- Reinforced Concrete Pipe
—	- Smooth Plastic Pipe



OWNER OF RECORD
SK Homes South Street LLC
Inst. No. 202303140024060
Parcel No. 100-006200
286 South Street, Worthington, OH

LAND AREA
Lot 1A: 17,156 Square Feet, 0.394 Acres
Lot 1B: 10,891 Square Feet, 0.250 Acres
Lot 1C: 10,777 Square Feet, 0.247 Acres
Total Land Area: 38,824 Square Feet, 0.8913 Acres

BASIS OF BEARING
The Basis of Bearing for this survey is Grid North of the Ohio State Plane Coordinate System, South Zone (FIPS Zone 3402), on the North American Datum of 1983(2011) (Epoch 2010.000) using geoid model GEOID18, with a combined scale factor of 1.00002091033112. A GNSS Real Time Kinematic Network survey was used to establish a bearing of South 76°46'57" West for the northerly line of West South Street, and a Northing of 759,688.45 and Easting of 1,821,725.78 (U.S. Survey Feet) for the 1-inch pipe in concrete found at the southeast corner of the surveyed property.

REFERENCE DOCUMENTS
- Franklin County Auditor's Office Geographic Information System and Tax Maps
- Plat Book 65, Page 91
- Plat Book 25, Page 86
- Inst. No. 202303140024060
- Documents as shown

MISCELLANEOUS NOTES
The planting of street trees, on private property, along W. South Street, will be required.

CERTIFICATION
I hereby certify that this map or plat and the field survey on which it is based were made in accordance with the Minimum Standards for Boundary Surveys in the State of Ohio, Chapter 4733-37 of the Ohio Administrative Code. This plat represents a survey made by me and that the monuments as shown exist, or will be set, as located and that all dimensional and geodetic details are correct.
The field work was completed on July 5, 2023.
Date of Plat or Map: July 7, 2023

Eric S. Jackson, PS Signature Date:
Ohio Professional Surveyor No. 8668
ejackson@northcoastgeo.com

NORTH COAST GEOMATICS
Mapping & Surveying - northcoastgeo.com

667 Sunridge Rd
Fairlawn, OH 44333
(614) 519-3611

Project No. NCG 3046
Drafted by: ESJ/LKC

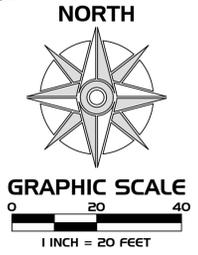
SHEET
OF

REVISION HISTORY	
DATE	COMMENT
2023-07-10	GENERAL COMMENTS
BY: LMC	

SURVEY PREPARED FOR:	
286 W. SOUTH STREET	SK HOMES MANAGEMENT, LLC
CITY OF WORTHINGTON	
COUNTY OF FRANKLIN	
STATE OF OHIO	

CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023

Approved
Municipal Planning Commission
City of Worthington
Date 09/28/2023
Lynda Sitar
Clerk





Approved
Municipal Planning Commission
City of Worthington
Date 09/28/2023
Lynda Sitar
Clerk

EXHIBIT "B"



CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT is executed on this ____ day of _____ 2023, by and between SK Homes South Street LLC, an Ohio Limited Liability Company (the "Subdivider") and the City of Worthington, Ohio, an Ohio municipal corporation (the "City"), pursuant to Chapter 1101 of the Codified Ordinances of the City of Worthington and the Final Subdivision Plat for Subdivision of Lot No. 1 of Weatherburn (the "Subdivision").

NOW, THEREFORE, in consideration of the approval of the Subdivision by the Council of the City of Worthington, Ohio, it is hereby agreed as follows:

1. The proposed Subdivision and its ultimate use shall conform to the Subdivision Plat as approved by City Council and the requirements of law, including without limitation, the Planning and Zoning Code and the Building Code of the City of Worthington, except as may be otherwise authorized by proper authority.
2. No transfer of any lot, parcel or tract from said Subdivision shall be made, nor shall any construction work, including grading, be started which may affect the arrangement of streets or other public improvements until approval of the Final Plat is obtained by the Subdivider and the performance bond or irrevocable letter of credit acceptable to the City or certified check guaranteeing the completion of public improvements in accordance with Paragraph V of this Agreement is provided to the City.
3. The Subdivider shall pay the entire cost and shall construct, install or otherwise provide all public improvements necessary to serve the Subdivision as required by Part Eleven – Planning and Zoning Code - Title One – Subdivision Platting Regulations of the Worthington Codified Ordinances, in connection with the Subdivision, under the supervision of the City Engineer, including, at a minimum:
 - a. Sidewalks to be installed along the frontage of W. South Street.
 - b. Landscaping and screening features, and street trees along Weatherburn Place and W. South Street.
4. Prior to beginning any construction work, detailed engineering drawings and specifications shall be furnished to the City by the Subdivider for all of the public improvements to be installed in the Subdivision.
5. The Subdivider shall, in accordance with Section 1101.15 of the Worthington Codified Ordinances, provide to the City a performance bond or irrevocable letter of credit acceptable to the City, or a certified check, in an amount equal to the estimated cost of constructing said improvements, guaranteeing the completion thereof within one year from the date of approval of this Subdivider's Agreement, or such extension of time as may be granted by Council. Said performance bond or letter of credit acceptable to the



City or certified check shall be released upon acceptance of the public improvements by the City and upon the furnishing by the Subdivider of an additional bond or letter of credit acceptable to the City, or a certified check, in an amount equal to ten percent (10%) of the estimated cost of construction, guaranteeing the maintenance of said improvement for a period of one (1) year from the date of acceptance. Said maintenance bond or letter or credit acceptable to the City or certified check shall be released upon satisfactory completion of the one (1) year maintenance period. The Subdivider shall be responsible for the maintenance and care of all subdivision improvements for a period of one (1) year after acceptance of said improvements by the City.

6. The Subdivider shall in accordance with Section 1101.15 of the Worthington Codified Ordinances, deposit with the Finance Director a sum of money as prescribed by the City Engineer to defray the cost of inspection, engineering services, and other expenses, as may be incurred by the City in connection with the inspection of the installation of said public improvements. Should the amount of such deposit be insufficient to pay the cost thereof, the Subdivider shall, immediately upon demand by the City, deposit such additional sums as are estimated to be necessary. Upon completion and acceptance of said improvements, any unexpended balance shall be refunded.
7. The City Engineer shall be notified, in writing, seven (7) days before any construction is begun on said improvements in order that inspection may be provided.
8. The Subdivider shall hold the City of Worthington, its officials, and employees free and harmless from any and all claims for damages of nature arising or growing out of the construction of said public improvements, and shall defend, at its own cost and expense, any suit or action brought against the City of Worthington, or its officials and employees, by reason thereof, until the public improvements have been accepted by the City Council and until the end of the one (1) year maintenance period.
9. The Contractor shall purchase and maintain, during the duration of the Contract, Comprehensive General and Automobile Liability insurance issued to the Contractor and protecting the Contractor from all claims for personal injury, including death, and all claims for destruction of or damage to property, arising out of or in connection with any operations under the Contract Documents, whether such operations be by the Contractor or by any Subcontractor, or anyone directly or indirectly employed by the Contractor or by a Subcontractor. Insurance shall be written with limits of liability of not less than \$500,000.00 for each person and \$1,000,000.00 for each occurrence for all damages arising out of bodily injury, including death at any time resulting therefrom, and not less than \$500,000.00 for all property damages sustained in any one occurrence and shall include coverage for:
 - (a) Claims arising after the Contractor and Subcontractor have completed their work (completed operations and product liabilities coverage).





- (b) Claims arising from the liability assumed by the Contractor under this Contract including third party beneficiary liability coverage.
 - (c) Claims arising from property damage to wires, conduits, pipes, mains, sewers, tanks, tunnels, any similar property and any apparatus in connection therewith beneath the surface of the ground or water, caused by and occurring during the use of mechanical equipment for the purpose of grading land, paving, excavating, drilling, borrowing, filling, backfilling, tunneling, or pile driving.
 - (d) Claims for property damage arising out of collapse of or structural injury to any building or structure due to grading of land, excavating, borrowing, filling, backfilling, tunneling, pile driving, cofferdam work or caisson work.
10. Said insurance shall be maintained in full force and effect during the construction of the Subdivision improvements and shall protect the City, its officials, employees, agents and representatives from claims for damages to property arising in any manner from the negligent or wrongful acts, errors or omissions of the Subdivider or the contractor, their employees, agents, or representatives in the construction of the Subdivision improvements. Certificates of insurance naming the City as an additional insured shall be obtained and filed with the City prior to commencement of construction of the Subdivision improvements. These certificates shall contain a provision that coverage afforded under the policies shall not be cancelled unless at least thirty (30) days prior actual written notice has been given to the City.
11. Any violation of, or noncompliance with, any of the provisions of this Agreement shall constitute a breach of contract and the City shall have the right to stop the work forthwith and hold the bonding company responsible for the completion of said improvements according to the approved plat and this Agreement, or to use the certified check, or the letter of credit for such purpose. The City shall notify the Subdivider, in writing, of any such breaches, violations or noncompliance with any of the provisions or stipulations of this Agreement and shall provide a reasonable time for the Subdivider to remedy the breach, violation or noncompliance before the City shall have the right to stop work and hold the bonding company responsible for completion of said improvements.
12. The acceptance and approval of all required improvements be and hereby is conditioned upon the Subdivider or its authorized agent complying in full with Section 1101.16 of the Worthington Codified Ordinances unless the requirements as applicable to this Subdivision have been modified or deleted by action of Worthington City Council.



13. Upon approval and acceptance of the public improvements, reproducible as-built construction drawings of the public improvements shall be provided by the Subdivider and become the property of the City of Worthington.
14. In consideration whereof, the City of Worthington hereby grants the Subdivider, or its duly authorized agent, the right and privilege to make the improvements provided for herein.
15. This Agreement shall inure to the benefit of and be binding on the heirs, executors, successors or assigns of the Subdivider.
16. This Agreement shall be recorded in the Office of the Franklin County Recorder at the expense of the Developer and shall become a public record of Franklin County, Ohio.

IN WITNESS WHEREOF, the parties to this Agreement have caused it to be executed and subscribed by their duly authorized representatives as of the date first written above.

SK Homes South Street LLC

By _____

Print Name _____

Its _____

CITY OF WORTHINGTON

By _____

Print Name _____

Approved as to form:

By _____

Print Name _____

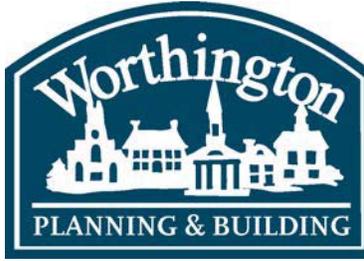
Director of Law
City of Worthington



Approved
Municipal Planning Commission
City of Worthington
Date 09/28/2023
Lynda Bitar
Clerk



CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023



**MPC APPLICATION
SUB 03-2023
286 W. South St.**

Plan Type: Subdivision	Project:	App Date: 07/14/2023
Work Class: Final Plat	District: City of Worthington	Exp Date:
Status: In Review		Completed:
Valuation: \$0.00		Approval
		Expire Date:

Description: This is an application to subdivide a 0.88 acre parcel into three smaller parcels, each of which will be greater than the required minimum parcel size of 10,400 square feet. Due to a large sewer easement that runs across the parcel, a variance is requested to allow the frontage of the parcels to be less than the required 80'. The requested width of these parcels is consistent with the character of the neighborhood. Indeed, with the variance, the width of each of these parcels would be consistent with more than 20% of all residential parcels located in Worthington.

Parcel: 100-006200	Main	Address: 286 W South St	Main	Zone: R-10(Low Density Residence)
		Worthington, OH 43085		

Architect	Owner	Applicant / Owner
Clarke Architects	Megan Schaffernocker	Eric Kmetz
James W Clarke	1149 High Grove Dr	7720 Campus Lane
475 Village Park Dr.	Columbus, OH 43235	Montgomery, OH 45242
Powell, OH 43065	Mobile: (614) 203-1306	Mobile: (859) 307-2026
Business: (614) 791-1200		
Mobile: (614) 271-8420		

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00004617	(Subdivision)Final Plat	\$100.00	\$100.00
Total for Invoice INV-00004617		\$100.00	\$100.00
Grand Total for Plan		\$100.00	\$100.00



Approved
Municipal Planning Commission
City of Worthington
Date 09/28/2023
Lynda Bitar
Clerk

286 W. South St.



RESUBDIVISION OF LOT NO. 1 OF WEATHERBURN

Situated in the City of Worthington, County of Franklin, and State of Ohio, being known as all of Lot 1 of Weatherburn, a resubdivision of Hoyer's Subdivision, as recorded in Plat Book 65, Page 91, Recorder's Office, Franklin County, Ohio.

ACCEPTANCE

I, _____, owner of the land embraced within this plat, do hereby declare this plat to be his/her free act and deed as said land owner and do hereby accept this Plat.

OWNER

State of Ohio }
County of Franklin } SS

Before me, a Notary Public in and for said County and State, personally appeared the above named persons, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In testimony whereof, I have hereunto set my hand and official seal this ____ day of _____, 20__.

NOTARY PUBLIC

My commission expires _____

APPROVALS

Approved this ____ day of _____, 20__.

Clerk, Municipal Planning Commission, Worthington, OH

Approved this ____ day of _____, 20__.

Director of Service and Engineering, Worthington, OH

Approved this ____ day of _____, 20__.

City Manager, Worthington, OH

Approved and accepted this ____ day of _____, 20__, by Ordinance No. _____ wherein the place shown hereon is accepted as such by the Council of the City of Worthington, Ohio.

Clerk of Council, Worthington, OH

Approved this ____ day of _____, 20__.

Deputy Auditor

Approved this ____ day of _____, 20__.

Deputy Recorder

Transferred this ____ day of _____, 20__.

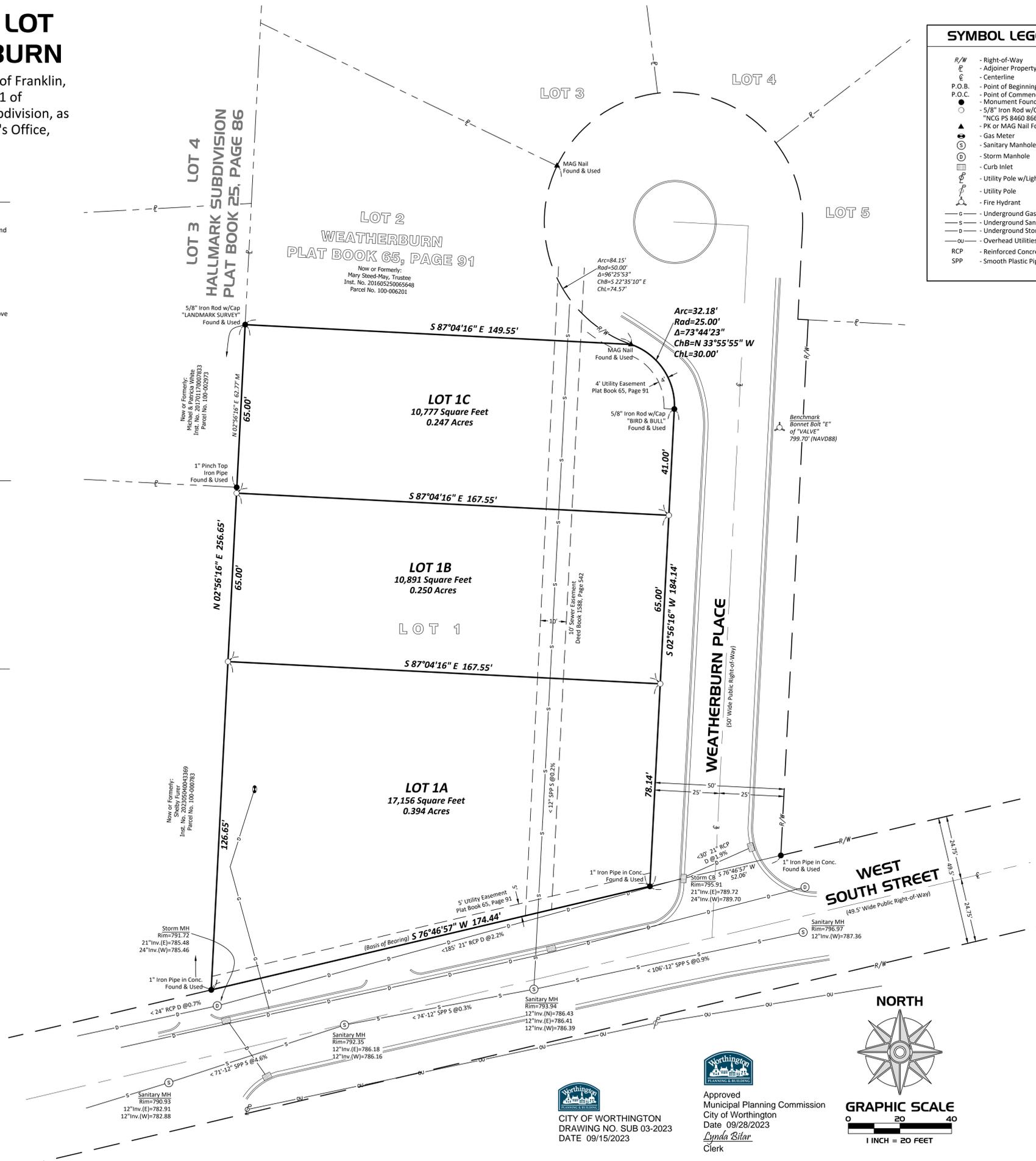
Auditor, Franklin County, OH

Filed for record this ____ day of _____, 20__, at _____.

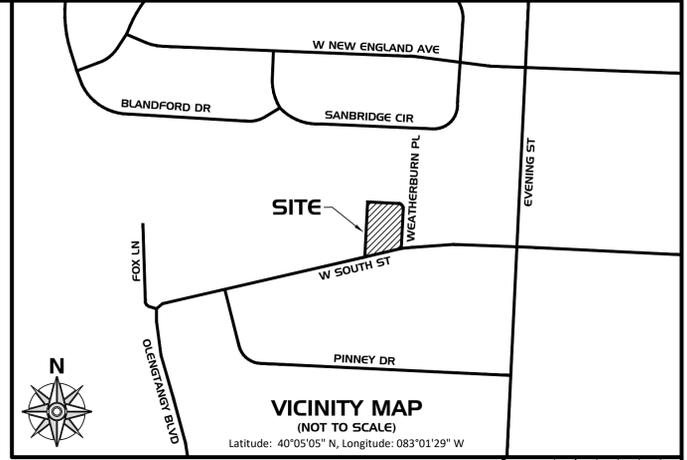
Recorded this ____ day of _____, 20__ in Plat Book _____, Page _____.

File No. _____ Fee _____

Recorder, Franklin County, OH



SYMBOL LEGEND	
R/W	- Right-of-Way
E	- Adjoiner Property Line
⊖	- Centerline
P.O.B.	- Point of Beginning
P.O.C.	- Point of Commencement
○	- Monument Found
●	- 5/8" Iron Rod w/Cap
▲	- "NCG PS 8460 8668" Set
▲	- PK or MAG Nail Found
⊙	- Gas Meter
⊙	- Sanitary Manhole
⊙	- Storm Manhole
⊙	- Curb Inlet
⊙	- Utility Pole w/Light
⊙	- Utility Pole
⊙	- Fire Hydrant
—	- Underground Gas
—	- Underground Sanitary
—	- Underground Storm
—	- Overhead Utilities
—	- Reinforced Concrete Pipe
—	- Smooth Plastic Pipe



OWNER OF RECORD

SK Homes South Street LLC
Inst. No. 202303140024060
Parcel No. 100-006200
286 South Street, Worthington, OH

LAND AREA

Lot 1A: 17,156 Square Feet, 0.394 Acres
Lot 1B: 10,891 Square Feet, 0.250 Acres
Lot 1C: 10,777 Square Feet, 0.247 Acres

Total Land Area: 38,824 Square Feet, 0.8913 Acres

BASIS OF BEARING

The Basis of Bearing for this survey is Grid North of the Ohio State Plane Coordinate System, South Zone (FIPS Zone 3402), on the North American Datum of 1983(2011) (Epoch 2010.000) using geoid model GEOID18, with a combined scale factor of 1.00002091033112. A GNSS Real Time Kinematic Network survey was used to establish a bearing of South 76°46'57" West for the northerly line of West South Street, and a Northing of 759,688.45 and Easting of 1,821,725.78 (U.S. Survey Feet) for the 1-inch pipe in concrete found at the southeast corner of the surveyed property.

REFERENCE DOCUMENTS

- Franklin County Auditor's Office Geographic Information System and Tax Maps
- Plat Book 65, Page 91
- Plat Book 25, Page 86
- Inst. No. 202303140024060
- Documents as shown

MISCELLANEOUS NOTES

The planting of street trees, on private property, along W. South Street, will be required.

CERTIFICATION

I hereby certify that this map or plat and the field survey on which it is based were made in accordance with the Minimum Standards for Boundary Surveys in the State of Ohio, Chapter 4733-37 of the Ohio Administrative Code. This plat represents a survey made by me and that the monuments as shown exist, or will be set, as located and that all dimensional and geodetic details are correct.

The field work was completed on July 5, 2023.

Date of Plat or Map: July 7, 2023

Eric S. Jackson, PS Signature Date:
Ohio Professional Surveyor No. 8668
ejackson@northcoastgeo.com

NORTH COAST GEOMATICS
Mapping & Surveying - northcoastgeo.com

667 Sunridge Rd
Fairlawn, OH 44333
(614) 519-3611

Project No. NCG 3046
Drafted by: ESJ/LKC

SHEET
OF

REVISION HISTORY

DATE:	BY:	COMMENT:
2023-07-10	LKC	GENERAL COMMENTS

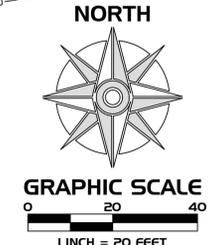
SURVEY PREPARED FOR:

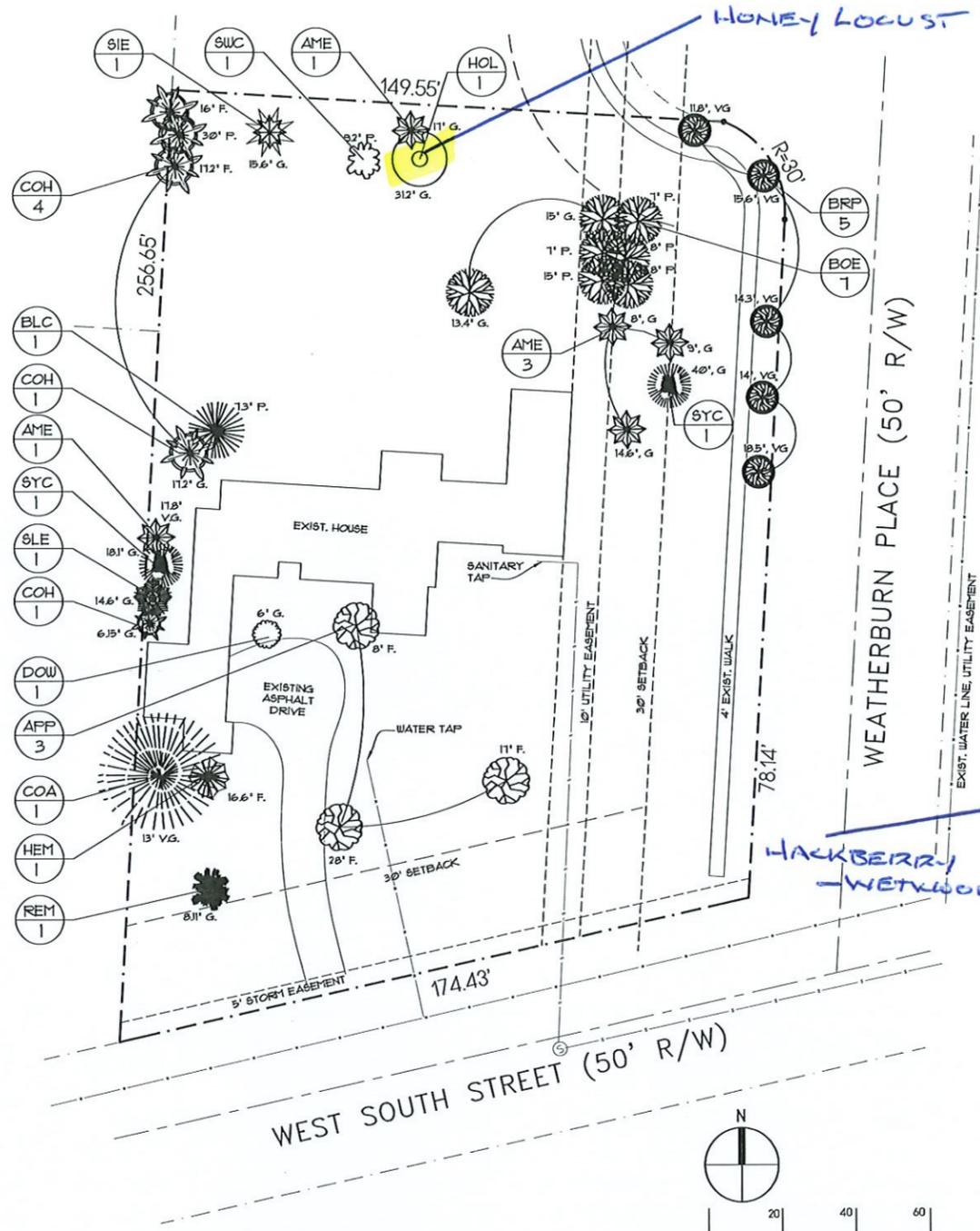
SK HOMES MANAGEMENT, LLC

286 W. SOUTH STREET
CITY OF WORTHINGTON
COUNTY OF FRANKLIN
STATE OF OHIO

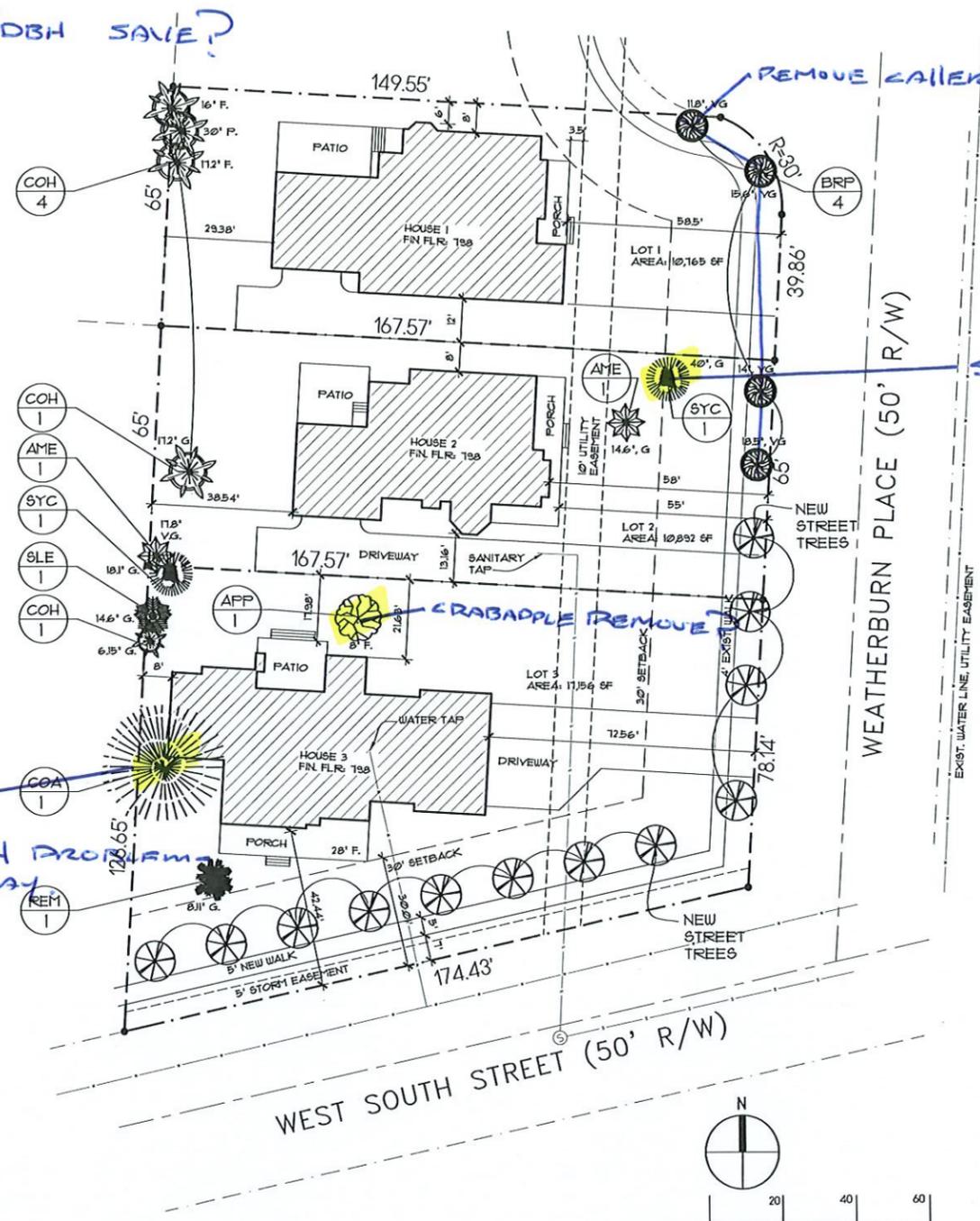
Worthington
PLANNING & BUILDING
CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023

Approved
Municipal Planning Commission
City of Worthington
Date 09/28/2023
Lynda Sitar
Clerk





Existing Site Plan



New Site Plan

LANDSCAPING SPEC:

SYMBOL	COMMON NAME	QTY	SYMBOL	COMMON NAME	QTY
COH	COMMON HACKBERRY	6	SLE	SLIPPERY ELM	1
BRP	BRADFORD PEAR	5	BLC	BLACK CHERRY	1
BOE	BOX ELDER	1	SIE	SIBERIAN ELM	1
AME	AMERICAN ELM	5	SWC	SWEET CHERRY	1
APP	APPLE	3	HOL	HONEY LOCUST	1
SYC	SYCAMORE	2	BAP	BALSAM POPLAR	1
REM	RED MAPLE	1	HEM	HEMLOCK	1
DOW	DOG WOOD	1	COA	COMMON ASH	1

OHIO Utilities Protection SERVICE
 UNDERGROUND UTILITIES
 CALL TWO WORKING DAYS BEFORE YOU DIG
 800-362-2764 or 8-1-1
 www.oups.org
 NON-MEMBERS MUST BE CALLED DIRECTLY
 Click, Call or Tap Before You Dig

SYMBOL	TREE'S CONDITION
V.G.	VERY GOOD
G.	GOOD
F.	FAIR
P.	POOR

NOTE: TREE SIZES ARE X' DIAMETER MEASURED FROM 3' ABOVE THE GROUND

Demolition approved with submission of a restoration schedule and tree protection plan.
 Subdivision Preliminary Plat approved with the following amendments: building placement variances not approved; missing items needed for Preliminary Plat needed at time of Final Plat submission.

Approved
 Municipal Planning Commission
 City of Worthington
 Date 06/08/2023
 Zyrda Butan
 Clerk

CITY OF WORTHINGTON
 DRAWINGS NO. DEMO 02-2023
 SUB 02-2023
 DATE 05-26-2023

Worthington
 CITY OF WORTHINGTON
 DRAWING NO. SUB 03-2023
 DATE 09/15/2023

These Drawings and Specifications prepared by Clarke Architects Inc. are instruments of service for use solely with respect to this Project and unless otherwise provided, Clarke Architects Inc. shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright. The Architect's Drawings, Specifications or other documents shall not be used by the Owner or others on other projects, for additions to this Project or for completion of this Project by others. No modifications or changes to the drawings shall be permitted.

DATE: MAY, 26 2023

REVISION DATES:

PROJECT:

3 HOUSES
 WEATHERBURN PLACE

PROJECT NUMBER: 20236-HI

SHEET TITLE:

EXISTING/NEW LANDSCAPE PLANS

SHEET NUMBER:

S2




CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023



CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023



From: [Daugherty, Shawn](#)
To: [Brown, Lee](#)
Subject: RE: Street Trees Recommendation
Date: Friday, July 28, 2023 7:55:52 AM

No particular order.

For Weatherburn Pl

Norwegian Sunset maple -Acer truncatum x platanoides 'Keithsform'
Hot Wings Maple -Acer tataricum 'GarAnn'
American Hornbeam -Carpinus caroliniana 'Native Flame®', Palisade®, Ball O' Fire™, & Rising Fire®'
Cornelian Cherry Dogwood -Cornus mas
Frontier Elm -Ulmus x Frontier
Golden Rain Tree -Koelreuteria paniculata
Fort McNair Red Horse Chestnut -Aesculus x carnea 'Fort McNair'
Persian ironwood -Parrotia persica
Paperbark Maple -Acer grisium
American yellowwood -Cladrastis kentukea

For West South St

Anything on Weatherburn list can work as well as the following larger trees (Larger trees not to be used in quantity shown on preliminary plan)

Main Street® Maple -Acer truncatum 'WF-AT1'
Japanese zelkova - Zelkova serrata
Silver Linden - Tilia tomentosa 'Sterling'
Swamp White Oak -Quercus Bicolor
London planetree - Platanus x acerifolia 'Morton's Circle'
Black Gum -Nyssa sylvatica 'Northern Splendor' or 'Green Gable'
Kentucky Coffeetree - Gymnocladus dioicus 'Espresso'

Shawn Daugherty
City of Worthington Parks Supervisor/Arborist ISA-OH0499
Worthington Parks & Recreation Department
345 E. Wilson Bridge Rd. Worthington, OH 43085 | 614-436-2743 | worthington.org
Cell 614-348-4926

From: Brown, Lee <Lee.Brown@worthington.org>
Sent: Thursday, July 27, 2023 1:48 PM
To: Daugherty, Shawn <Shawn.Daugherty@worthington.org>



CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023

Subject: Street Trees Recommendation

Shawn-

I wanted to see if you had a recommendation for the street trees on W. South St. and Weatherburn. I know you mentioned the idea of removing the existing ones on Weatherburn, but just wanted to touch base.

Thank you,
Lee

R. Lee Brown, AICP

Director

City of Worthington
Planning & Building Department

374 Highland Avenue
Worthington, Ohio 43085
Main Line: 614.431.2424
Direct Line: 614.781.3539
www.worthington.org



CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023

Drainage Analysis

For

Weatherburn Subdivision Lot Split

286 W. South Street

Worthington, Ohio

Prepared By:



2130 Quarry Trails Drive 2nd Floor
Columbus, Ohio 43228
Ph. 614.299.2999

EP Ferris # 1283.001



CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023

INTRODUCTION:

The following report presents the analysis of the existing storm sewer pipe system following a lot split of lot #1 of the Weatherburn Subdivision. The lot split will create three single family lots at the northwest corner of W. South St. and Weatherburn Place.

HYDROLOGIC ANALYSIS:

All proposed drainage will be directed to the existing drainage system along Weatherburn Place. The storm pipe calculations will use a 2yr. design with a 5 Yr. check.

A runoff coefficient of $c = 0.65$ was used for the entire drainage area tributary to the storm sewer system. Although the lot split creates an increase in impervious area from 5300 sf to 15000 sf, the runoff coefficient is consistent with the entire drainage area. A time of concentration of 10 minutes was used.

PRE-DEVELOPED CONDITIONS:

The pre-developed condition of the site consists of one single family lot of approximately 0.88 Ac. Currently the site drains from east to west and to the existing storm sewer system along W. South St.

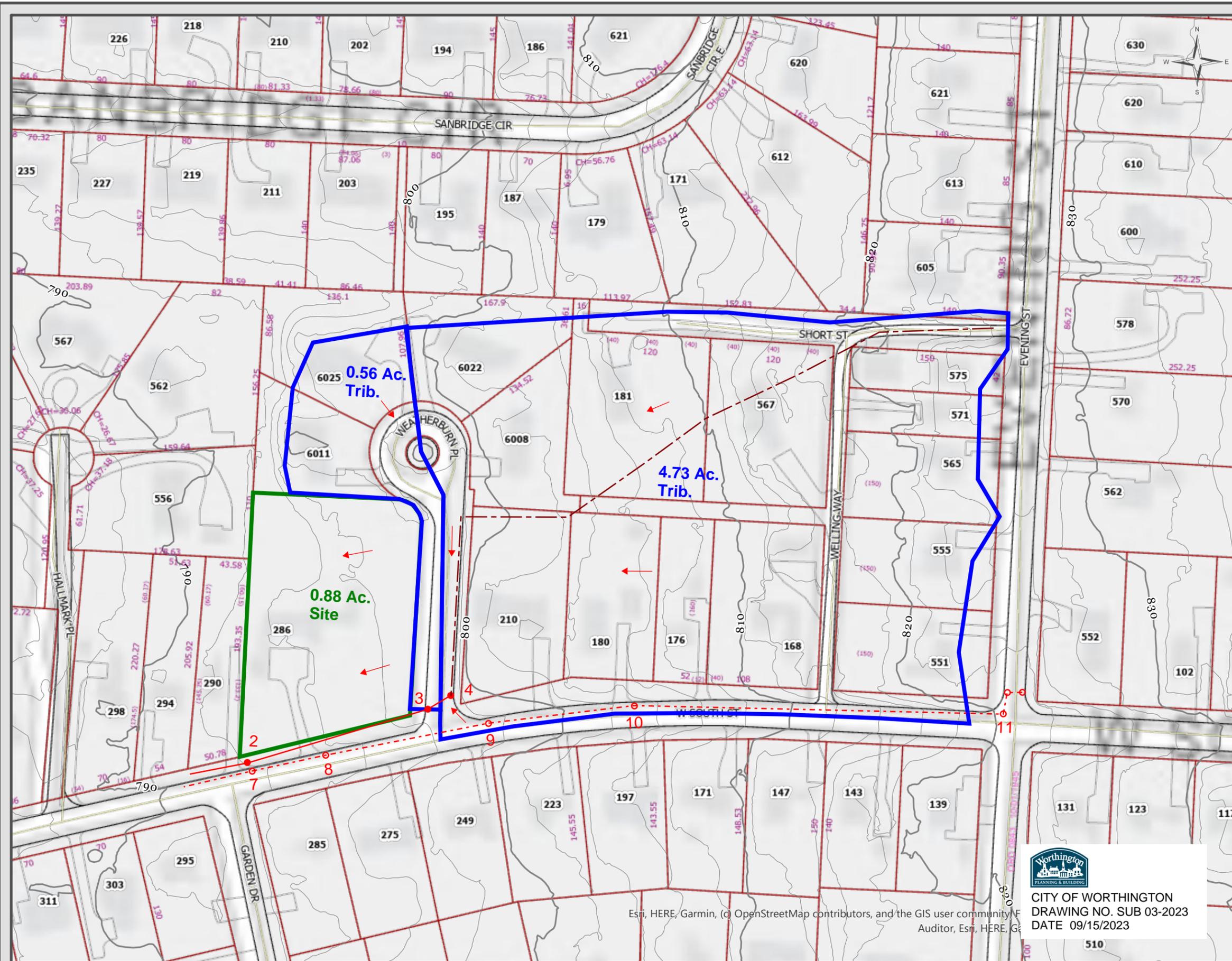
POST-DEVELOPED CONDITIONS:

The post developed condition of the site will consist of three single family lots. The three lots combined drain approximately 0.66 Ac. to the existing storm system along Weatherburn Place. The remaining 0.22 Ac. will drain to the W. South St. storm sewer system.

SUMMARY:

The addition of three lots that change the drainage pattern from W. South St. to Weatherburn Place will have a minimal affect of the current storm sewer system. The Weatherburn Place storm sewer (relief sewer) joins the existing W. South St. storm sewer downstream at Mid Dr. and continues as a 24" pipe at 3.3% with an approximate available capacity of 42 cfs at 13 Ft./s. Supporting drainage maps and calculations can be found at the end of this report.





- Planimetric Legend**
Source: 2021 Aerial Photography
- Edge of Pavement
 - Roadway Centerlines
 - Railroad Centerlines
 - Building Footprints
 - Building Under Construction
 - Creeks, Streams, Ditches
 - Rivers & Ponds
- Topographic Legend**
Source: OSIP - 2019 LiDAR Collection
- Index Contour
 - Intermediate Contour
- Appraisal Legend**
Source: Franklin County Auditor & Engineer
- Parcel IDs
 - Parcel Dimensions
 - Lot Numbers
 - Site Address
 - Parcel Boundary
 - Subdivision Boundary
 - Condominium Boundary
 - County Boundary
 - City or Village Boundary
 - Tax District Boundary
 - School District Boundary
 - Zip Code Boundary

The information on this web site is prepared from the real property inventory maintained by the Franklin County Auditor's Office. Users of this data are notified that the primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.



The data on this map was originally compiled at 1"=100' based on the Ohio State Plane South Coordinate System, North American Datum 1983 with 2' contours based on the North American Vertical Datum 1988 (when displayed).



Worthington
PLANNING & BUILDING
CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023

Franklin County Auditor's Office Auditor
Michael Stinziano
Map Produced August 4, 2023

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Esri, HERE, G

BY: MJO

CHECKED BY:

CONSULTANT: E.P. FERRIS & ASSOCIATES

DESIGN/CHECK STORM: 2/5

MH or CB No.	Sta.	Outlet	Incr. Acres	Total Acres	C _s	Incr. C x A	Sum C x A	To Inlet Tl min	In Pipe Tp min	Total Tc min	Rainfall Intensity (in/hr)	Req. CFS	Pipe Size (Inches)	"n" Value	Slope %	V ft/sec	Q CFS	Pipe Length	Invert Up end	Invert Lo end	T/C	pipe thickness	Depth (invert)	Cover (surface)	pvmt thickness	Cover (subgrade)	Rainfall Intensity (in/hr)	Flow, Q ₂ (cfs)	Minor Loss Coeff. K	Minor losses, H _m (ft)	Fictional Slope, S _f (ft)	Friction Loss, H _f (ft)	HGL Elevation	
3		2	5.29	5.29	0.65	3.44	3.44	10	0.4	10	3.42	11.76										797.59		7.04	5.47	0.67	4.80	4.63	15.92					789.30
2		1	0.00	5.29	0.65	3.44	3.44	10	1	10	3.42	11.76	21	0.013	2.20	9.80	23.56	187.0	790.55	786.43		0.230	11.41	9.57	0.67	8.90	4.63	15.92	0.25	0.3726	0.0101	1.8878	787.04	
													24	0.013	0.72	6.13	19.25	340.0	786.11	783.61		0.250							0.25	0.1457	0.0050	1.6838	785.21	

HGL start equals 0.8 of the outlet pipe dia.





Approved
Municipal Planning Commission
City of Worthington
Date 09/28/2023
Lynda Sitar
Clerk



CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023

SUBDIVIDER’S AGREEMENT

THIS AGREEMENT is executed on this ____ day of _____ 2023, by and between SK Homes South Street LLC, an Ohio Limited Liability Company (the “Subdivider”) and the City of Worthington, Ohio, an Ohio municipal corporation (the “City”), pursuant to Chapter 1101 of the Codified Ordinances of the City of Worthington and the Final Subdivision Plat for Subdivision of Lot No. 1 of Weatherburn (the “Subdivision”).

NOW, THEREFORE, in consideration of the approval of the Subdivision by the Council of the City of Worthington, Ohio, it is hereby agreed as follows:

1. The proposed Subdivision and its ultimate use shall conform to the Subdivision Plat as approved by City Council and the requirements of law, including without limitation, the Planning and Zoning Code and the Building Code of the City of Worthington, except as may be otherwise authorized by proper authority.

2. No transfer of any lot, parcel or tract from said Subdivision shall be made, nor shall any construction work, including grading, be started which may affect the arrangement of streets or other public improvements until approval of the Final Plat is obtained by the Subdivider and the performance bond or irrevocable letter of credit acceptable to the City or certified check guaranteeing the completion of public improvements in accordance with Paragraph V of this Agreement is provided to the City.

3. The Subdivider shall pay the entire cost and shall construct, install or otherwise provide all public improvements necessary to serve the Subdivision as required by Part Eleven – Planning and Zoning Code - Title One – Subdivision Platting Regulations of the Worthington Codified Ordinances, in connection with the Subdivision, under the supervision of the City Engineer, including, at a minimum:
 - a. Sidewalks to be installed along the frontage of W. South Street.

 - b. Landscaping and screening features, and street trees along Weatherburn Place and W. South Street.

4. Prior to beginning any construction work, detailed engineering drawings and specifications shall be furnished to the City by the Subdivider for all of the public improvements to be installed in the Subdivision.

5. The Subdivider shall, in accordance with Section 1101.15 of the Worthington Codified Ordinances, provide to the City a performance bond or irrevocable letter of credit acceptable to the City, or a certified check, in an amount equal to the estimated cost of constructing said improvements, guaranteeing the completion thereof within one year from the date of approval of this Subdivider’s Agreement, or such extension of time as may be granted by Council. Said performance bond or letter of credit acceptable to the



City or certified check shall be released upon acceptance of the public improvements by the City and upon the furnishing by the Subdivider of an additional bond or letter of credit acceptable to the City, or a certified check, in an amount equal to ten percent (10%) of the estimated cost of construction, guaranteeing the maintenance of said improvement for a period of one (1) year from the date of acceptance. Said maintenance bond or letter or credit acceptable to the City or certified check shall be released upon satisfactory completion of the one (1) year maintenance period. The Subdivider shall be responsible for the maintenance and care of all subdivision improvements for a period of one (1) year after acceptance of said improvements by the City.

6. The Subdivider shall in accordance with Section 1101.15 of the Worthington Codified Ordinances, deposit with the Finance Director a sum of money as prescribed by the City Engineer to defray the cost of inspection, engineering services, and other expenses, as may be incurred by the City in connection with the inspection of the installation of said public improvements. Should the amount of such deposit be insufficient to pay the cost thereof, the Subdivider shall, immediately upon demand by the City, deposit such additional sums as are estimated to be necessary. Upon completion and acceptance of said improvements, any unexpended balance shall be refunded.
7. The City Engineer shall be notified, in writing, seven (7) days before any construction is begun on said improvements in order that inspection may be provided.
8. The Subdivider shall hold the City of Worthington, its officials, and employees free and harmless from any and all claims for damages of nature arising or growing out of the construction of said public improvements, and shall defend, at its own cost and expense, any suit or action brought against the City of Worthington, or its officials and employees, by reason thereof, until the public improvements have been accepted by the City Council and until the end of the one (1) year maintenance period.
9. The Contractor shall purchase and maintain, during the duration of the Contract, Comprehensive General and Automobile Liability insurance issued to the Contractor and protecting the Contractor from all claims for personal injury, including death, and all claims for destruction of or damage to property, arising out of or in connection with any operations under the Contract Documents, whether such operations be by the Contractor or by any Subcontractor, or anyone directly or indirectly employed by the Contractor or by a Subcontractor. Insurance shall be written with limits of liability of not less than \$500,000.00 for each person and \$1,000,000.00 for each occurrence for all damages arising out of bodily injury, including death at any time resulting therefrom, and not less than \$500,000.00 for all property damages sustained in any one occurrence and shall include coverage for:
 - (a) Claims arising after the Contractor and Subcontractor have completed their work (completed operations and product liabilities coverage).





- (b) Claims arising from the liability assumed by the Contractor under this Contract including third party beneficiary liability coverage.
 - (c) Claims arising from property damage to wires, conduits, pipes, mains, sewers, tanks, tunnels, any similar property and any apparatus in connection therewith beneath the surface of the ground or water, caused by and occurring during the use of mechanical equipment for the purpose of grading land, paving, excavating, drilling, borrowing, filling, backfilling, tunneling, or pile driving.
 - (d) Claims for property damage arising out of collapse of or structural injury to any building or structure due to grading of land, excavating, borrowing, filling, backfilling, tunneling, pile driving, cofferdam work or caisson work.
10. Said insurance shall be maintained in full force and effect during the construction of the Subdivision improvements and shall protect the City, its officials, employees, agents and representatives from claims for damages to property arising in any manner from the negligent or wrongful acts, errors or omissions of the Subdivider or the contractor, their employees, agents, or representatives in the construction of the Subdivision improvements. Certificates of insurance naming the City as an additional insured shall be obtained and filed with the City prior to commencement of construction of the Subdivision improvements. These certificates shall contain a provision that coverage afforded under the policies shall not be cancelled unless at least thirty (30) days prior actual written notice has been given to the City.
11. Any violation of, or noncompliance with, any of the provisions of this Agreement shall constitute a breach of contract and the City shall have the right to stop the work forthwith and hold the bonding company responsible for the completion of said improvements according to the approved plat and this Agreement, or to use the certified check, or the letter of credit for such purpose. The City shall notify the Subdivider, in writing, of any such breaches, violations or noncompliance with any of the provisions or stipulations of this Agreement and shall provide a reasonable time for the Subdivider to remedy the breach, violation or noncompliance before the City shall have the right to stop work and hold the bonding company responsible for completion of said improvements.
12. The acceptance and approval of all required improvements be and hereby is conditioned upon the Subdivider or its authorized agent complying in full with Section 1101.16 of the Worthington Codified Ordinances unless the requirements as applicable to this Subdivision have been modified or deleted by action of Worthington City Council.



13. Upon approval and acceptance of the public improvements, reproducible as-built construction drawings of the public improvements shall be provided by the Subdivider and become the property of the City of Worthington.
14. In consideration whereof, the City of Worthington hereby grants the Subdivider, or its duly authorized agent, the right and privilege to make the improvements provided for herein.
15. This Agreement shall inure to the benefit of and be binding on the heirs, executors, successors or assigns of the Subdivider.
16. This Agreement shall be recorded in the Office of the Franklin County Recorder at the expense of the Developer and shall become a public record of Franklin County, Ohio.

IN WITNESS WHEREOF, the parties to this Agreement have caused it to be executed and subscribed by their duly authorized representatives as of the date first written above.

SK HOMES HOLDINGS, LLC

By _____

Print Name _____

Its _____

CITY OF WORTHINGTON

By _____

Print Name _____

Approved as to form:

By _____

Print Name _____

Director of Law
City of Worthington



Approved
Municipal Planning Commission
City of Worthington
Date 09/28/2023
Lynda Bitar
Clerk



CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023

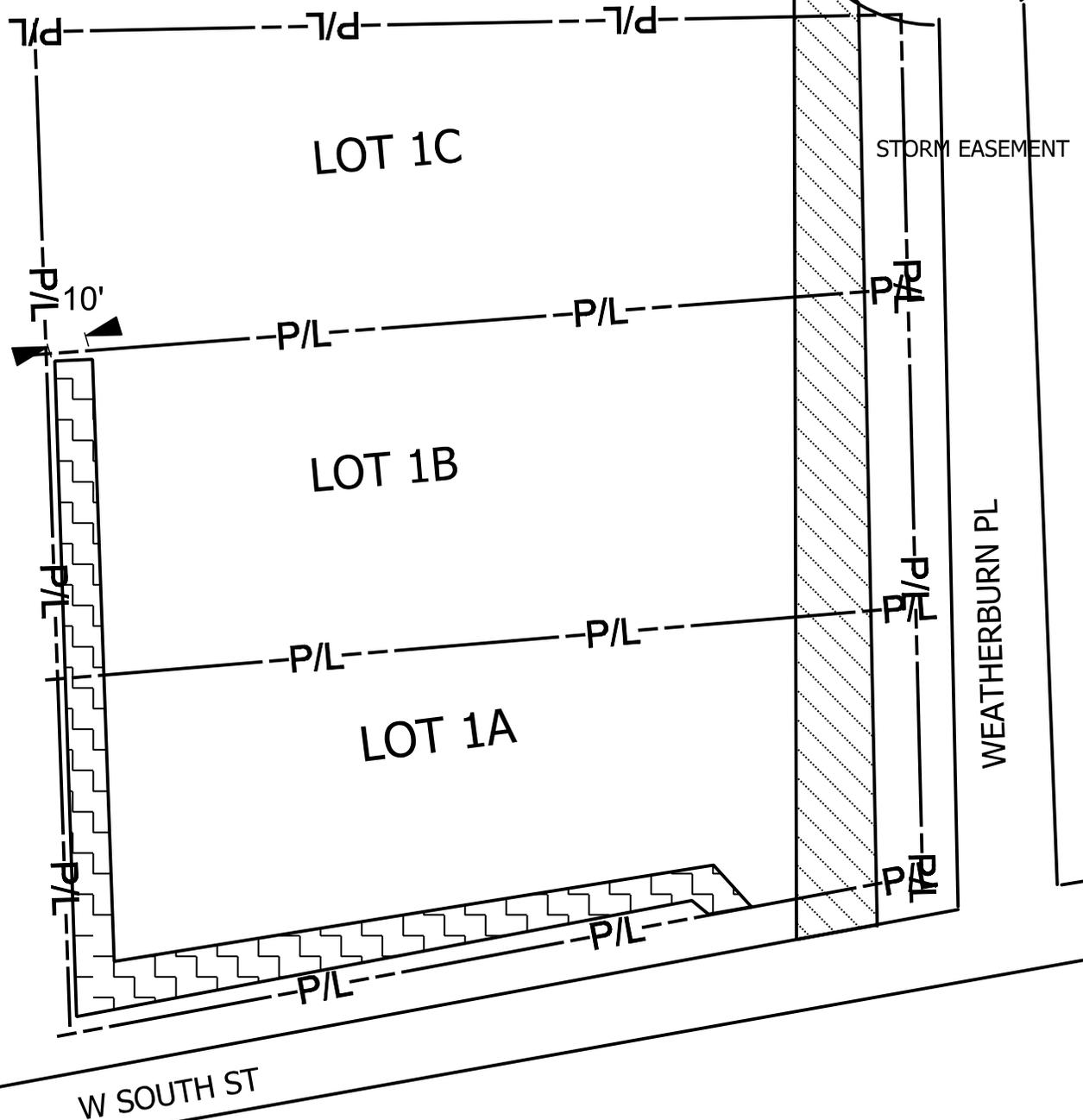
"EXHIBIT A"



CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023



Approved
Municipal Planning Commission
City of Worthington
Date 09/28/2023
Lynda Bitar
Clerk



DRAWN BY: Mark Plogsted

COUNTY: FRANKLIN

WR#: 85930183

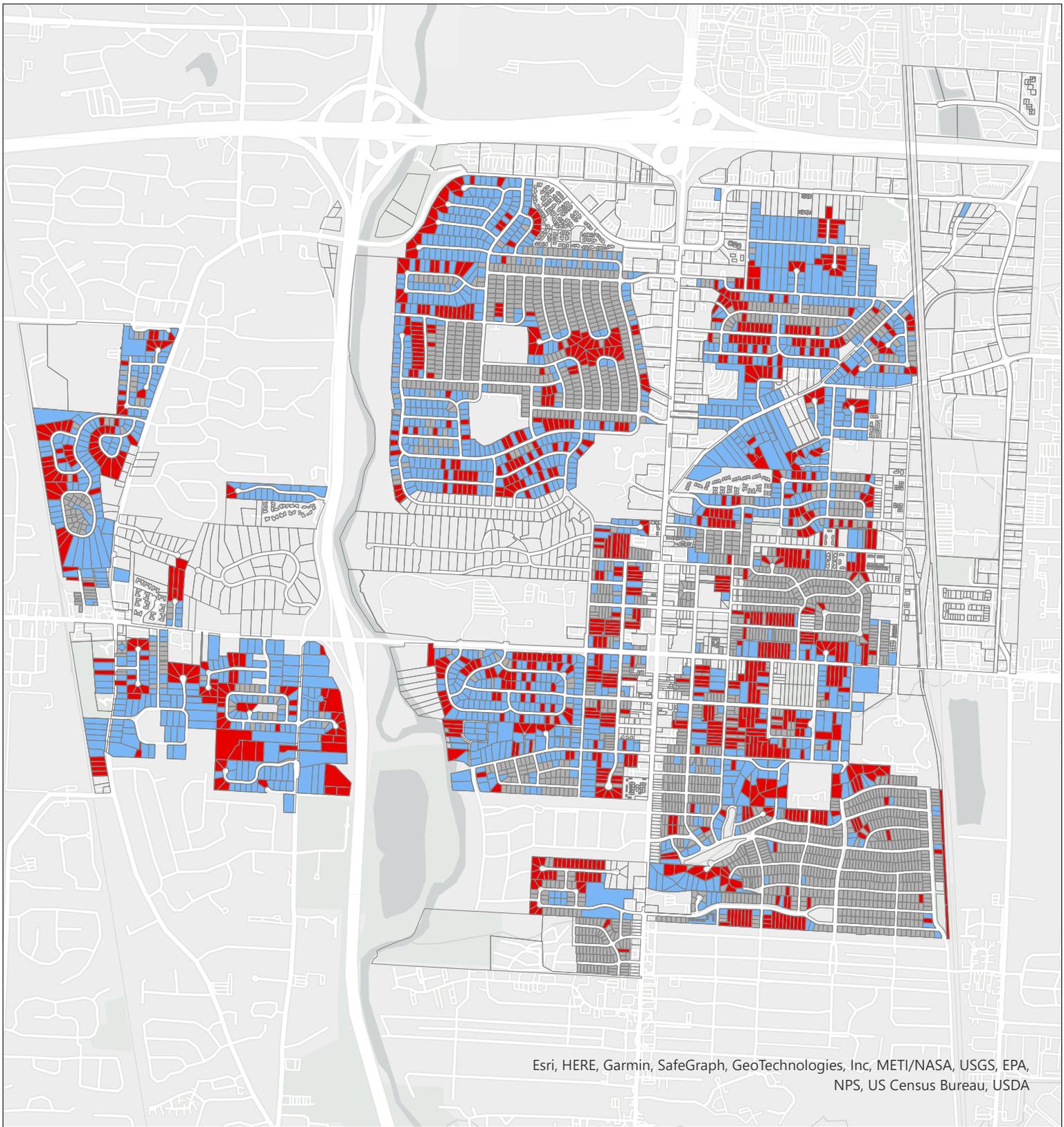
CITY/TWP: WORTHINGTON

DATE: 9/18/2023

STATE: Ohio

Page 44 of 124
SCALE: NTS

OHIO POWER COMPANY



Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



R-10 ZONED LOTS UNDER 80FT WIDTH

- R-10 < 80ft width & > 10400sf area
- R-10 Zoning < 10400SF area
- R-10 Zoning Compliant
- Parcel



CITY OF WORTHINGTON
DRAWING NO. SUB 03-2023
DATE 09/15/2023

0 0.25 0.5

1 Miles





PORTION OF THE MINUTES OF THE REGULAR MEETING
WORTHINGTON ARCHITECTURAL REVIEW BOARD
WORTHINGTON MUNICIPAL PLANNING COMMISSION

September 28, 2023

The regular meeting of the Worthington Architectural Review Board and the Worthington Municipal Planning Commission was called to order at 7:00 p.m. with the following members present: Mikel Coulter, Chair; Thomas Reis, Vice-Chair; Kathy Holcombe, Secretary; Edwin Hofmann; Susan Hinz; and Damien Healy. Also present were: Katy Brewer, Representative from Worthington City Council; Lee Brown, Director of Planning and Building; and Lynda Bitar, Planning Coordinator. Member David Foust was absent.

A. Call to Order – 7:00 p.m.

1. Roll Call
2. Pledge of Allegiance
3. Approval of minutes of the September 14, 2023 meeting

Mr. Reis moved to approve the minutes and Mrs. Holcombe seconded the motion. All Board members voted, “Aye,” and the minutes were approved.

4. Affirmation/swearing in of witnesses

B. Architectural Review Board – Consent Agenda

C. Architectural Review Board – Old Business

D. Municipal Planning Commission – Old Business

E. Architectural Review Board – New Business

F. Municipal Planning Commission – New Business

1. Subdivision

- a. Final Plat – **286 W. South St. (Eric Kmetz) SUB 03-2023**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background & Request:

The request before you is a Final Plat to subdivide an existing .88-acres lot that is located at the northwest corner of W. South St. and Weatherburn Pl. The proposal is to create three (3) building lots out of what is currently Lot #1 of Weatherburn Subdivision which was platted in 1986 that created a five (5) lot subdivision with four (4) lots gaining access from a newly constructed cul-de-sac. The subdivision now known as Weatherburn was a Resubdivision of Hoyer's Subdivision that was originally a 36-lot subdivision platted in 1894. The applicant purchased the property on March 14, 2023, and the existing 2,782 sq. ft. one-story home constructed in 1944 is proposed to be demolished as part of the redevelopment of the site. The property is located in the R-10 Zoning District.

History:

- On June 18, 2023, the Municipal Planning Commission **approved** the demolition of an existing 2,782 sq. ft. single-family home that was constructed in 1944.
- On June 18, 2023, the Municipal Planning Commission **conditionally approved** the Preliminary Plat to create two additional lots with the following conditions:
 - Building placement variance requests were not approved as part of the platting process.
 - Any missing items needed for the Preliminary Plat will be needed at the time of Final Plat submission.

Project Details:

1. Proposed Lots:

- a. Lot #1A:
 - i. Lot Area – 17,156 sq. ft.
 - ii. Lot Width – 78-feet – Weatherburn Pl.
 - iii. Lot Width – 174-feet – W. South St.
- b. Lot #1B:
 - i. Lot Area – 10,892 sq. ft.
 - ii. Lot Width – 65-feet
- c. Lot #1C:
 - i. Lot Area – 10,765 sq. ft.
 - ii. Lot Width – 67-feet

2. Proposed Front Setbacks:

- a. Lot #1A
 - i. Required – 30-feet
 - ii. Proposed – 30-feet plus along W. South St. and 73-feet along Weatherburn Pl.
- b. Lot #1B
 - i. Required – 30-feet
 - ii. Proposed – 58-feet
 - 1. Larger setback due to an existing platted utility easement for an existing 12-inch sanitary sewer line that runs north to south.
- c. Lot #1C

- i. Required – 30-feet
 - ii. Proposed – 58-feet
 - 1. Larger setback due to an existing platted utility easement for an existing 12-inch sanitary sewer line that runs north to south.
- 3. Access Points:
 - a. All access points to the lots will be from Weatherburn Pl. and will be required to receive a Driveway Permit and Right-of-way Permit from the Service & Engineering Department.
 - i. The Service & Engineering Department is asking that the access for Lot #1A (corner lot) be moved north towards the rear property line between Lot #1A and Lot #1B to provide an appropriate distance from the intersection of Weatherburn Pl. and W. South St.
 - b. The existing access point on W. South St. will be removed as part of the subdivision. This area will need to be reseeded, graded and a new curb installed in the area of the existing drive approach.
 - c. A Right-of-way Work Permit and Driveway Permit will be required by the Service & Engineering Dept.
- 4. Sidewalks:
 - a. Sidewalks will be required along the W. South St. frontage that will be 5-feet in width and will connect with the existing sidewalk of 4-feet along Weatherburn Pl.
- 5. Street Trees:
 - a. Twelve (12) street trees are proposed along W. South St. and Weatherburn Pl. Four (4) street trees along Weatherburn Pl. located in the public right-of-way and eight (8) street trees located on the backside of the new sidewalk that will be located on private property along W. South St.
 - i. The location of the existing underground utilities in the area is the reason for the location of the W. South St. street trees being located on the backside of the new sidewalk instead of the tree lawn.
 - ii. Utilities:
 - 1. 21-inch and 24-inch storm sewer
 - 2. 12-inch sanitary sewer line
 - 3. 6-inch waterline
 - b. The City Arborist has provided the following list of trees that are acceptable street trees:
 - i. Weatherburn Pl.
 - 1. Norwegian Sunset maple -Acer truncatum x platanoides 'Keithsform'
 - 2. Hot Wings Maple -Acer tataricum 'GarAnn'
 - 3. American Hornbeam -Carpinus caroliniana 'Native Flame®', Palisade®, Ball O' Fire™, & Rising Fire®'
 - 4. Cornelian Cherry Dogwood -Cornus mas
 - 5. Frontier Elm -Ulmus x Frontier
 - 6. Golden Rain Tree -Koelreuteria paniculata
 - 7. Fort McNair Red Horse Chestnut -Aesculus x carnea 'Fort McNair'
 - 8. Persian ironwood -Parrotia persica
 - 9. Paperbark Maple -Acer grisium

- 10. American yellowwood -Cladrastis kentukea
- ii. W. South St. – Any of the Weatherburn Pl. trees are acceptable as well as the following larger trees. Larger trees should not to be used in the quantity shown on the Preliminary Plat. Cordination with the City Arborist would be needed.
 - 1. Main Street® Maple -Acer truncatum ‘WF-AT1’
 - 2. Japanese zelkova - Zelkova serrata
 - 3. Silver Linden - Tilia tomentosa 'Sterling'
 - 4. Swamp White Oak -Quercus Bicolor
 - 5. London planetree - Platanus x acerifolia 'Morton’s Circle'
 - 6. Black Gum -Nyssa sylvatica 'Northern Splendor' or ‘Green Gable’
 - 7. Kentucky Coffeetree - Gymnocladus dioicus ‘Espresso’

6. Existing Vegetation:

- a. A Tree Survey was submitted providing detail for every tree larger than 6 caliper inches on the site.
- b. The site also has an abundance of honeysuckle and overgrown vegetation on the site.
- c. There are thirty-eight (38) existing trees on the site that exceed 6 caliper inches on the site. The trees have all been ranked for their condition from Very Good to Poor.
- d. Some of the trees have been shown on the Preliminary Plat to stay as part of the redevelopment of the site.
 - i. 17 trees have been shown to remain on the site.
- e. Tree protection fencing needs to be shown on the plans for the trees that are proposed to stay on the site and be protected during demolition and construction of the new single-family homes.
 - 1. A Tree Protection Plan will be required to be submitted with the Demolition Permit for review and approval.
- f. City Arborist comments:
 - i. Recommends removal of the existing Hackberry Tree and Crabapple Tree on Lot #1A due to their condition and quality.
 - ii. States that the Honey Locust Tree on Lot #1C is in great shape.
 - 1. This is likely the only tree that is impacted by the placement of the proposed new single-family home.

7. Utilities:

- a. There is an existing 12-inch sanitary sewer line that runs north to south that is located in a 10’ sanitary sewer easement that is approximately 40-feet from the public right-of-way of Weatherburn Pl.
 - i. Connection to sewer will connect to the existing 12-inch sanitary sewer line that is already on the site.
- b. There is an existing 6-inch waterline on the eastern side of Weatherburn Pl. and a 6-inch waterline along the north side of W. South St.
 - i. To connect to the waterline on Weatherburn Pl. the Service & Engineering Department will require the applicant to bore under the roadway to access the waterline. The applicant will be responsible for any damage related to connection to utilities.
- c. Gas & Electric:

- i. Gas:
 - 1. Lots #1B and #1C will access the gas main on Weatherburn Pl.
 - 2. Lot #1A will access the gas main on W. South St.
 - ii. Electric:
 - 1. Electric is required to be buried in any new subdivision.
 - 2. The electric is shown to cross under W. South St. at Weatherburn Pl. and run along the frontage of Lot #1A and then run along the western side of Lot #1A, Lot #1B and Lot #1C.
 - a. City staff has asked if AEP could run the powerlines along the western side of the development instead of along the W. South St. frontage. There is a concern that the easement will be in the same location as the proposed street trees on W. South St.
 - i. Clarification is needed.
 - d. Stormwater:
 - i. There are two existing catch basins at the intersection of Weatherburn Pl. and W. South St. that connect to a 21-inch storm sewer line.
 - ii. The flow of water from the site will be required to be graded to not negatively impact the neighboring properties.
 - iii. Drainage Analysis
 - 1. A Drainage Analysis was submitted by E.P. Ferris and reviewed by the Service & Engineering Dept. and found that the addition of two lots will have minimal impact on the current storm sewer system.
8. A Subdivider’s Agreement has been provided as part of the Subdivision process.

Worthington Planning & Zoning Code:

Section 1149.01 Yard, Area and Height for Dwellings & Accessory Structures

District	Lot Width	Lot Area	Front Setback	Rear Setback	Side	Sum of Side	Height
R-10	80-feet	10,400sq. ft.	30-feet	30-feet	8-feet	20-feet	30-feet

Land Use Plans:

Worthington Comprehensive Plan

The 2005 Worthington Comprehensive Plan states that one of the strengths of the Worthington Community is its residential neighborhoods. Encouraging development in existing neighborhoods is important in maintaining the existing housing stock throughout Worthington.

Staff Analysis:

- 1. Public Area Payment:
 - a. \$250.00/new dwelling unit – required at the time of applying for a permit to construct the new dwelling units.
- 2. Special Park Fund:
 - a. \$500.00/newly created lot – required prior to the recording the Final Plat.
- 3. Proposed Variances:
 - a. Lot #1B
 - i. Lot Width

1. Required – 80-feet
 2. Proposed – 65-feet
 - a. Variance of 15-feet
 - i. The lot widths are not out of character for the area. There are a variety of lot sizes and widths found throughout this quadrant of the City.
 - a. Lot #1C
 - ii. Lot Width
 1. Required – 80-feet
 2. Proposed – 67-feet
 - a. Variance of 13-feet
 - i. The lot widths are not out of character for the area. There are a variety of lot sizes and widths found throughout this quadrant of the City.
4. Tree Protection Plan
 - a. Tree protection fencing needs to be shown on the plans for the trees that are proposed to stay on the site and be protected during demolition and construction of the new single-family homes.
 - i. A Tree Protection Plan will be required to be submitted with the Demolition Permit for review and approval.
 5. Since the property is not located in the Architectural Review District, strict adherence to construct the homes as previously shown in the application materials provided as part of the Preliminary Plat is not legally possible by the Municipal Planning Commission and/or City Council.
 6. The Municipal Planning Commission and/or City Council cannot legally require the proposed houses to be constructed as previously shown in the information provided as part of the Preliminary Plat. The Commission can review the proposal for compliance with the Subdivision Regulations and any variances as part of the platting process. The applicant previously proposed variances for building setbacks as part of the platting process and the proposed variances related to the setbacks would run with the land.
 - a. The Municipal Planning Commission did not approve setback variances for the proposed new homes as part of the Preliminary Plat approval. The Commission did recommend approval of a variance for lot width for Lot #1B and Lot #1C.
 7. The applicant previously made application to demolish the existing single-family home on the site that that was approved on June 8, 2023. The demolition application met the requirements of Section 1153.05.
 8. The proposed lot sizes exceed the minimum square footage of 10,400 sq. ft. in size for newly created lots in the R-10 District.
 9. Two of the proposed lots do not meet the minimum lot width requirement for newly created lots in the R-10 District; however, the lot widths are not out of character for the area. There are a variety of lot sizes and widths found throughout the City.
 - a. The applicant provided an exhibit that depicts the lots in the surrounding area that do not meet the minimum lot width for newly created parcels in the vicinity of the proposed development.
 - b. The majority of lots in this area were created prior to the adoption of the 1971 Planning & Zoning Code.

- c. The applicant would technically be able to create three (3) lots with a minimum of 80-feet of frontage without any variances if it was not for the 10' sanitary sewer easement that bisects the eastern portion of the site there could have been two lots on W. South St. and one lot on Weatherburn Pl.
- d. City staff has provided an exhibit that depicts all the lots in the City that are zoned R-10 that are zoning compliant, lots less than 10,400 sq. ft. and lots that exceed 10,400 sq. ft., but are less than 80-feet in width.
 - i. Total R-10 parcels = 4,677.
 - 1. 940 parcels are under the current 80-feet in width requirement but meet or exceed the minimum lot size requirement.
 - a. Approximately 20% of the parcels do not meet the frontage requirement.
 - 2. 2,428 parcels are under the required 10,400 sq. ft. lot size requirement.
 - a. Approximately 52% of the parcels do not meet the lot size requirement.
 - 3. 1,488 parcels are compliant with both lot size requirements and road frontage requirements.
 - a. Approximately 32% of the parcels meet the R-10 requirements found in the Planning & Zoning Code.
 - ii. Please see attached exhibit.

10. Subdivision Process:

- a. Municipal Planning Commission
 - i. Preliminary Plat – [Section 1101.09](#)
 - 1. MPC conditionally approved the Preliminary Plat.
 - ii. Final Plat – [Section 1101.12](#)
 - 1. The Municipal Planning Commission shall make a recommendation to City Council.
- b. City Council
 - i. Council may review the application and may adopt or reject the Subdivision with or without change.
 - 1. The Ordinance will need to be introduced by City Council and set for a date for a public hearing at a later date.
 - 2. If approved, the Ordinance would have an effective date 20-days after Council passage.
 - 3. The Final Plat must be recorded by the applicant within 6-months of City Council approval unless such time is extended by Resolution of City Council.

Recommendations:

Staff is recommending *approval* of the application as the proposed lot widths are not out of character and the lots exceed the minimum square footage requirement for lots in the R-10 District.

Discussion:

Mr. Coulter: Is the applicant here? Could you come up and state your name and address for the record, and before you state your name and address, there are a number of people that haven't been

sworn in. So, if you have not been sworn in, please stand so we can get you sworn in if you intend on speaking.

Mr. Eric Kmetz: Hello. My name is Eric Kmetz. My address is 7720 Campus Lane, Montgomery, Ohio 45242.

Ms. Megan Schaffernacker: Megan Schaffernacker, I'm in the Worthington community at 1149, Highgrove Drive, a stone's throw away from Kilbourn High School.

Mr. Coulter: If we can start on with you addressing any of the comments that Mr. Brown had made.

Mr. Kmetz: Yes, and I will be brief. I do know the last time I was before this committee; it ran a bit long and hopefully tonight will be slightly different and shorter, but I thank you again for the opportunity to come before you with this variance request, and I thank staff for all the assistance and help that you have provided along the way and your guidance. We came into this house purchase really with the intention of improving what we believe is a blighted corner of this community. We feel that the highest and best use of this .88 parcel lot would be for three parcels. The parcels that we've carved out as Mr. Brown showed, there was a couple of ways you could carve these out, but for that 10-foot easement that runs through the lots, there's really only one way that you can do it and respect the easement and not build on top of that sewer. So, we carved it out in a way that is really consistent with 70% of the lots in Worthington as Mr. Brown showed in that diagram that is on the screen right now. The benefits that's going to bring to this community. First, we're going to be removing a house that no bank will finance. It has foundation issues. It has roof issues. We had to purchase this house in cash. It is a blighted house that has now been approved for demolition. We're going to be bringing in a new sidewalk to this community where a sidewalk currently does not exist. It will help to extend the sidewalk that currently is going towards downtown. We're bringing in new street trees. We'll be burying the utilities which will help to remove some of those unsightly overhead power lines that we see, and we're going to be increasing hopefully the property values in the neighborhood, and it will definitely be increasing the property taxes for this community. Currently, that parcel pays roughly \$10,000 a year in property taxes. The houses that we build we believe each will generate \$20,000 to \$25,000 in property taxes. For three houses, we're looking at \$60,000 to \$75,000 generated in revenue for this community. With 70% of that going to the schools, we're talking about \$50,000 to \$60,000 going to Worthington schools. That will be enough to hire a new teacher if needed. Some residents have expressed concerns with our plan. And why is that? Let me pull out the petition. I think that you have all seen. I'm not sure if this has been passed around yet or not.

Mr. Brown: I will note that the applicant's reference in the petition that we forwarded to the Board last week.

Mr. Kmetz: So, this petition, it's interesting. It really does not object to what we're asking for tonight, which is the lot with variance on lots one C and one B. This petition says that it expresses concerns with a plan to build houses that would completely change the character and aesthetics of the surrounding homes and the neighborhood. That's not before the committee tonight. The house plans that we had presented last week, this committee did not approve. So, at the moment, we could not move forward with the plans that this petition says it has concerns with. Tonight we're talking about a lot split. One that would not be out of character with the surrounding neighborhood. As we've identified, it would be in character with 70% of the neighborhood. The concerns that these residents have about the size of the houses are adequately addressed by Worthington's building code. There are setback requirements in that building code. There's a 30-foot setback requirement on front yards, there's a 30-foot setback requirement on back yards, and there's a collective 20-foot setback requirement on side yards. That creates the boundaries, the limits of the

buildable area on any lot within Worthington. The concerns that the residents have are concerns with Worthington's building code. What they are asking for is not appropriate in this forum. There is a procedure to change building codes in this city. If they believe that houses are too big for lot sizes, there is a procedure to go through to get that approved into the building code. That is the concern that has been expressed the last time we met in front of this committee, and it is the only concern that is addressed in this petition. This was a door-to-door petition. Had they knocked on these doors and asked the people who answered, are you opposed to a parcel, a lot parcel, that is smaller than 80 feet wide on the front yard? They could have stated that in their petition, and it would have been interesting to see how many people would have agreed to oppose that. Not a single house on this petition satisfies that requirement, and that is the only issue that is before this committee tonight. For this petition to be relevant to the issues presented, we would have to wait until and if I were to come back and ask for variances to the building code, which this committee last time said they did not approve. At that time, if I am before you again asking for those variances, the issues presented in this petition would be ripe, and then the merits of this petition could be discussed. That is all we are asking for, is a variance to allow for a front yard smaller than 80 feet wide, and there is nothing in front of this committee tonight that opposes that request. Thank you.

Mr. Coulter: Is there anybody in the audience who wants to speak for against this application?

Mr. Scott Farkas: My name is Scott Farkas. I live at 6025, Weatherburn Place, and I am opposing variances, so unlike what the applicant has stated, there are more issues than just the people opposing the size of the houses. People are opposing the variances, and we did oppose the variances when this application was initially proposed. My wife, Amy, and I have lived on Weatherburn for about 25 years, and we are not opposed to development of the property, but we object to granting waivers. The commission should not be granting waivers to meet the needs or wishes of an applicant, rather the applicant should work within the existing parameters and rules that are set forth in the planning and zoning code to fit residences on that property and lot sizes on that property, which I thought the planning director said there was a way to subdivide the property into three parcels. That one. Am I incorrect that saying that you can't divide the property that way?

Mr. Brown: We have the southern lot, the eastern portion of the lot below the area, about 28 feet in depth, and as you go toward the left, we have a lot of houses in right then, we may have a lot of houses in the area.

Mr. Farkas: But if you subdivided the property into what the minimum is, 10,400 square feet, could you fit three lots in there and meet the setback requirements and without waivers.

Mr. Brown: That is what is on the screen.

Mr. Farkas: That does meet it then. You don't need waivers. So, the applicant could build three homes that way without any waivers. They would just be smaller than what they're asking for, smaller or could they build the same size house?

Mr. Coulter: I think the only house that would be smaller would be the one on the southernmost part, the other two actually could allow for something considerably larger.

Mr. Farkas: No one is requiring the applicant to build houses here or build the size houses they want or build them on the setbacks they're asking for. That's their choice. They want to do it, and God bless them if they can do it, but we don't believe that the waiver should be granted. On page 23 of the staff report, it states that the majority of lots in this area were created prior to the adoption of the 1971 Planning and Zoning Code, and it provides a lot of information on the number of parcels in the city as a whole that are compliant with the zoning codes and those that aren't, and it would be interesting to know what percentage of homes that have been developed since 1971 have been built without variances. On page 19 of the staff report, it discusses approvals that are required

for the right of way permit, the driveway permit, a tree protection plan and a demolition permit, but did not provide information on the approval process or the time frames for those approvals, and we would ask the commission to update residences on those approvals and processes. On page 23 of the staff report, it references the requirement that electric service is required to be buried in any new subdivision, and that there are some concerns that the easement for power lines will be in the same location as proposed street trees and that, quote, clarification is needed, and I would ask that no waivers of this electric service underground requirement should be granted absent extraordinary circumstances, and that prior to approval, the commission should provide clarification regarding how electric service will be provided, and just as a reference point here, there is a 21,276 square foot house located at 410 Tucker Drive that's been in a partial state of completion since 2017, and there's a much smaller house under construction at 100 West South Street where the builder's been granted five one-year extensions, and it also is not completed, and while I have no reason to believe that the applicant will not complete its project in a timely fashion, and I expect it to ensure everyone that it will complete this project in a timely fashion, as a famous coach once said, I see better than I hear, and because no one wants to live through a similarly delayed construction experience, I would ask that the commission institute a completion deadline for the demolition of the existing house on the property, which again, we have no objection to, as well as the completion of the construction of the new houses, and perhaps institute a performance bond to ensure that the houses are completed in a timely fashion as stated by the applicant. On page 21 of the staff reported also notes that the applicant will be required to bore under the roadways on Weatherburn and South Street to access the water lines, and will be responsible for any damage related to the connection to the utilities, and while there may or may not be disruption to homeowners on Weatherburn or South Street, which may force residents to park our cars away from our houses and that may or may not occur, and it may disrupt delivery vehicles, solid waste collection, service, landscaping vehicles, and other service vehicles, we would ask that the commission institute duration and completion timeframes for this work, as well as require advanced notice to residents of the work, and perhaps again, a performance bond to ensure the work is completed in a timely fashion, so that we minimize disruption, minimize noise, all that, and on page 21 of the staff report, the service and engineering department found that the addition of two lots will have minimal impact on the current storm sewer system, that would be a good, because we and our neighbors in this area have experienced storm sewer damage, our basement was flooded backflow from storm sewer water a couple of years ago, and the commission should require all work related to drainage be completed prior to the start of construction activities, and ensure that the subdividers agreement protects all neighboring structures against damages related to the work of the project, and lastly, on the subdividers agreement, perhaps the applicant can enlighten the commission and myself, on page 1 it says that the agreement is between the city and SK Homes South Street LLC, but on the signature page, it provides signatures for the city and SK Homes Holdings LLC, and so I thought this might have been a misprint, or maybe one of these entities was out of business and they just forgot to change it, but I noticed that there are several active SK entities with Mr. Eric Kmetz as the agent, and those include SK Homes Holding LLC, SK Homes South Street LLC, SK Homes, Oakborne LLC, SK Homes Management LLC, SK Homes Management LLC, SK Homes Collinwood LLC, SK Homes Green Glade LLC, and SK Homes Heyhurst LLC, and why I have no issues with incorporation's decisions of the applicant or anybody else, the commission should ensure that the names on the subdivision agreement are consistent, and should require Mr. Eric Kmetz also be named a responsible party and not just an agent of the applicant. Thank you.

Mr. Brown: Mr. Coulter, can I jump in a little? One, I appreciate the comments, but half of them you and or even council legally cannot require. It's not in our code requirements. We have permits are good for 18 months. Once they make application, they have up to 18 months. Yes, 410 and the 100 West South Street are two examples out of the 4,700 some houses that we've had okay times with those are two horrible examples, I would agree, but you as a commission do not have the legal ability to do that. The building code allows for 18 months for you to remove the structure for the demolition permit. They'll have 18 months to do the construction. Each lot would have 18 months once their plans are submitted for approval for review and approval, and then if they're not able to do that, they have to go back before a public body where all the neighbors are notified again. Again, the goal is to get in and hopefully get things done. The performance bond, we do not legally have the right to do that. However, with the improvements that are in the right of way, as part of the right of way work permit and the driveway permit with John Moorehead's office, there will be bonds associated with that that will be pulled in. Tom Lindsay, our law director did look over the subdivider's agreement. I can have him look to make sure that the names match with what we're working with, and then the AEP, they've not asked for a variance. This would have to come before this body and on to council for final approval if it was. So as of what was submitted, it's going to be all underground. I don't see there being any deviation in that requirement at all. The only thing I did want to add is as part of their demolition for their building permit, we did want to see the tree protection plan at that point in time where it shows the fencing around them, but I understand the neighbors' concerns. However, a lot of that we legally cannot do.

Mr. Coulter: Cleared up a lot of that for me right off the bat.

Mr. Kmetz: May I just address one? Yeah. I'd just like to address one of it.

Mr. Coulter: Just try to keep it to what we're here for tonight.

Mr. Kmetz: I will. I'm just going to keep it to one question that Mr. Farkas raised. While I don't have a complete answer to that question, I have a partial answer to it. His question was, I would like to know what houses were built since 1971 that needed variances. What year did you say the Weatherburn subdivision was created?

Mr. Farkas: 1986.

Mr. Kmetz: Mr. Farkas is your house in that subdivision?

Mr. Farkas: Yes.

Mr. Kmetz: Every house in that subdivision needed a variance. Specifically, the variance we are asking for. So, Mr. Farkas, to answer your question, when you said you did not approve of any variances, the house you are living in would not exist without the variance that we are asking for tonight.

Mr. Brown: Come to the mic please, we can't go the back and forth.

Mr. Hofmann: Take it outside like adults.

Mr. Coulter: Stop, stop, stop, stop, stop. You've got to go to the mic. This will be the last time.

Mr. Farkas: Okay. Well, in response to what he says, that's true. I wouldn't, the house wouldn't have been built. So, there wouldn't have been a house to purchase. So, I'm not saying, I don't think you should build houses. I just think you should build houses that don't require variances, and no one's requiring you to build three houses either. You're asking for a subdivision, and so the burden is on you to demonstrate why you need variances, why they should be granted, and I'd like to know on what basis the planning commission grants variances so that we know. Okay. Thank you. But again, you're correct. These houses would not have been built, and I wouldn't have purchased one.

Mr. Coulter: All right. Thank you. Is there anybody else in the audience wants to speak for against this application? Come on up. State your name and address, please.

Ms. Linda Rice: I'm Linda Rice, I live at 497 Mid Drive. I have lived there for 50 years. So, I saw this house when it was in its heyday, when it was beautiful. Do you have the picture that shows what the houses on the property would look like?

Mr. Brown: We legally can't tie them to what those houses looked like.

Ms. Rice: You had up there where it showed what it would look like with the houses on it. Didn't you?

Mr. Brown: Not at this meeting.

Mr. Coulter: We're not dealing with architecture tonight.

Mr. Brown: We had proposed layouts.

Mr. Coulter: What they have is where the house would sit within the law. That one.

Ms. Rice: That may be it. What are the things in the middle? Are those the houses?

Mr. Brown: Those are the proposed houses where there is shading.

Ms. Rice: Oh, okay. Okay.

Mr. Coulter: We're not dealing with the houses tonight. We're just dealing with the lots.

Ms. Rice: Well, I just remember the beautiful house and how it has much deteriorated. And I'm so happy to see something being done with it, but I was afraid that he was going to split it up this way. One, two, three. And this looks better. Was there an objection to having the electricity hidden?

Mr. Brown: Code requires that with any new lots being created that it be buried instead of overhead.

Ms. Rice: Well, I'm in favor of that. I don't really have much to say except that everything to the east of there are larger lots and the cul-de-sac is larger lots, and to the west of there are some smaller ones right next to it and then it gets bigger, and so that's all I got to say.

Mr. Coulter: Thank you. Yes, ma'am.

Ms. Shelby Furer: Hi, I'm Shelby Furer. I live at 290 West South Street. So, I am the direct neighbor of the lot or lots in question. So, I spoke in June as well. And I understand like, you know, nothing about like the house structure. And I personally, you know, don't care because that's not really what I'm concerned about. Since I am directly, my property line in the house and question meet, I will, if this is approved, have three people's sort of backyards in my side yard. Like I said in June, I am a new homeowner. This is my first home. I chose Worthington over Clintonville because the lots were slightly larger and it feels a little freer to be honest, right? You know, you don't have those postage stamp backyards. You have a little bit more breathing room. So, for this to be my first home experience and then, you know, now I'm going to essentially end up with what I was trying to avoid to begin with is a bit disheartening personally. I understand also that my lot is one of the undersized lots and I believe I reiterated this or I'm going to reiterate this and I said it in June as well. Had I been here when, you know, they were saying that my lot and the ones to the west of it could have been made smaller, I would have said that that is a bad idea, right? People, people generally speaking do not want to live that close together. Some people do. I would say more people prefer to have a little bit more breathing room in between them. But, you know, the thing that really has stuck with me since the June meeting is, you know, there's whatever policies in place, we can argue back and forth about that and opinions and all of that all day. So, I actually, I went to college for political science. That's what I majored in. So, like governmental organizations and all of that good stuff. So, you know, I am very much of the belief that whether it's City Council and elected officials or somebody that those elected officials appoint in all of the decisions we make in those places of power, we are representing the people of our community that have either chosen us or chosen the person that's chosen us in those decisions that we make. You

know, I think it's pretty apparent that most of us that live within the community, for whatever reason, again, we can argue back and forth all day about what reasons there we should or shouldn't do this. But to me, it is apparent that the community at large does not want these lots to be split the way that they are being proposed to be split. And again, we can hash out the details all we want. But the overwhelming opinion to me is that the people of Worthington, the people that I am neighbors with and myself do not like the proposed plan. And I sincerely hope that all of you as leaders within our community take our opinion seriously and decide not to approve this, because to me that, you know, if I were in your role, I would feel that I need to put my personal feelings aside and say this is what the people in my community want. They do not want this to be approved. So, we need to figure out what we can do to keep the people in our community and our neighbors happy. And that's what's important to me is that my neighbors, myself and the people in our community feel heard, feel empowered and feel like our opinions matter. There are a million other things I could be doing with my Thursday night, but I am here because this is important to me and this is important to the people around me, and I don't want to see it happen in a community that I have just become a part of. So, thank you so much for your time and all you do.

Mr. Coulter: Anybody else would like to speak for against this application? Were you sworn in? Okay, we'll need to get you to re-sworn in.

Mr. Dale Brinkman: I'm Dale Brinkman. We're at 6022 Weatherburn Place. You know, I just wanted to comment on the comments made on when Weatherburn was subdivided in the plot or whatever the plans were approved. My understanding was when those four lots were approved, it was also approved that the lot we're talking about now was going to remain as is. So to now argue, well, Weatherburn got divided, well, yeah, that was approved, but it was approved with this lot remaining as is. So now you're changing. If you approve this, you're also going against what was approved back in 1986 or 85 whenever it was. So anyway, that's my only comment.

Mr. Coulter: All right, thank you for anybody else. I think we've hit just about everyone. Board members. One thing I would like to see, Mr. Brown, if you could pull up the map that has the colorations out of just Weatherburn. Well, there was one that you had in tighter. Now, it's the one that shows the size of the lots in gray and red. Okay, that's it. There was one that I thought I saw that just had Weatherburn on it or if you could blow up that area. Okay, that's good. The thing that caught my eye is there have been comments made about when that street was planned, when it was constructed, when the homes were constructed, and I look at that, I look at all the other lots in the City of Worthington. I personally have five neighbors around my lot. And so, but I appreciate your concern about your lot personally. So, it's not an uncommon thing. But what caught my eye is that the two lots at the end are not in compliance, but yet they were approved. The Board has the responsibility to take a look at every single application on its own standing. There are any number of examples that the members of the board sitting up here with the exception of Mr. Healy because he wasn't on the board then, where we have subdivided lots because they were large, they were sold, people came in and they redeveloped them where they put one, two or three homes on them. So it's not something that's unusual, that's one of the purposes that were up here. If you look at the Board of Zoning Appeals, the last word is appeals. So, it provides people who want to redevelop their property or do something with their own homes have the ability to legally get that approval. We don't take it lightly at all. Nobody is more frustrated than myself about the home on Tucker. We all are, including the city, but there's limitations of what we can do with that. The home on our on South Street, he's had some challenges. They have been working out there the last couple of weeks that I've been very happy to go by and I see the trucks out there. So, we know that something is happening, but when a property takes longer than expected and they go past those deadlines,

they do have to come back for approval and explain why it's taken so long. The examples that Mr. Brown had prepared that showed how other ways that property could be redeveloped, having to do variances. Again, we're not up here to tell somebody how to develop their property. Somebody who's developing that property comes up and shows us what they want to do and then we get into the discussions or what may work, what may not work. And that's how we evaluate it. As far as all of the utilities, stuff like that, we have nothing to do with that. That doesn't fall under our area of responsibility, nor do we want to do that. The only question that I really had was the easement on the west side that you showed. How wide is that easement? Because I didn't see yeah, I get OK. I see it now. That's a 10-foot easement.

Mr. Brown: Yes, sir.

Mr. Coulter: Her house, the way that it's shown is eight feet off. So, you would be into that easement by two feet. So that's something that were this to be approved is going to have to be addressed not tonight, but later on. There's a solution. We just got to figure out what that solution is.

Mr. Brown: Yes. The house is again, we got to get off. I know. See on the houses. I'm just making a point, but by zoning code, I have to do it. The 10 feet. At least lot one B, lot one C would be in the 30-foot rear yard, lot one A. If the lot is laid out how it is and they're using their setback, it was the 30-foot front on South Street. You're right. They would have to stay at least 10 feet out of that.

Mr. Coulter: That was the only point I was making was just that. Again, we're not talking about that. It's just something that. Those are my comments. Anybody else?

Mr. Reis: I think the applicants proposed lot division makes the most sense in terms of any kind of reasonable, buildable homes on those three lots. So, I think the other options are not advisable. Personally, I have four people that abut my property. So, I don't have a problem with that. In my case, so with the neighbor that says she bought her house and she's going to have maybe two and a half more neighbors, and that's part of the living in an area that might be changed. So, I don't have a problem with the applicant's subdivision, and I was thinking that maybe some of the adjacent landowners were concerned about what might be built in terms of, I think I heard somebody saying they were going to build Taj Mahals and it might distract from the other homes that are in the area. I don't see that as a problem, and I think the one homeowner didn't even object to the homes maybe being somewhat large or so. I think the applicant's subdivision is fine and I certainly will be approving it.

Mrs. Holcombe: I agree. And I will be approving it as well. I believe that in 1986, I think I said this at the last meeting that it was very controversial when Weatherburn was built, and the houses were built. People loved them and you get past that, and I understand, and I empathize with the construction that's going to go on for all of the neighbors there. If this allows three more families to be able to move into Worthington, and I believe that's what we were so confined with what we can build now. That this is an opportunity for other people. So while I feel your pain of going through this building. I'm supporting it.

Mr. Hofmann: Yeah, I think I would just remind that we still do live in America. There's still this thing called private property and things that people can utilize. And so, I certainly appreciate the notion of change, and change is usually the fear of losing something, and if I look at the neighborhood and I look at what Worthington is doing right now and if I look at the lot that I live on myself, it's difficult to deny what's being asked here. We're so underbuilt. If we were not underbuilt or if some of the same folks in the audience who come forward and also complain against small or multi-story housing, which could be beneficial as well, it might be a different story, but we are constrained beyond belief, and it is still private property. People are still allowed

to build things, and again, if you want to change the way that works, you do have to change the fundamentals. So, I do feel for the change that's coming for this small neighborhood, but I think in the end, it's reasonable compared to the rest of what's going on inside of Worthington.

Mrs. Hinz: I'd like to add a couple comments that I think this Commission, this Board, our council, not only these people, but everyone who came before do a great job listening to neighbors, but I think they also do a great job listening to the community as a whole, and I think I echo Mrs. Holcombe that this is an opportunity to move forward and address today's concerns. Today we're worried about housing crisis and density and everything else, and what we've heard out of the community, not just you folks here tonight, is that we need more housing options and we need more houses. So, I think this, it's a small dent in the need, but you know, two houses is two more families on top of the one. So, I just wanted to put that on the record for the Commission and for Council going forward that I think the applicant has done a good job balancing the existing conditions and also addressing some of those needs.

Mr. Healy: I think the other board members have summed up my thoughts and feelings exactly, and, you know, various members of Weatherburn Place have been up tonight, and I think, you know, to the one lady's comment, everything going forward is going to be reviewed sensitively to ensure that the community will be satisfied with the finish result. I think that's what is important here. And to your comment about the structure of this board, that's what we're here for.

Mr. Coulter: All right. Is there anybody else in the audience that would like to speak one more time for this application positively or negatively? Could I have a motion, please?

Motion:

Mr. Reis moved:

THAT THE REQUEST BY ERIC KMETZ FOR APPROVAL OF A FINAL PLAT AT 286 W. SOUTH ST., AS PER CASE NO. SUB 03-2023, DRAWINGS NO. SUB 03-2023, DATED SEPTEMBER 15, 2023, BE RECOMMENDED TO CITY COUNCIL FOR APPROVAL BASED ON THE PLANNING GOALS OF THE CITY, AS REFERENCED IN THE LAND USE PLANS AND ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mrs. Holcombe seconded the motion. Mr. Brown called the roll. Mr. Hofmann, aye; Mrs. Holcombe, aye; Mr. Reis, aye; and Mr. Coulter, aye. The motion was approved.

Mr. Coulter: For those of you who live on Weatherburn, I will let you know and advise you that you will have the opportunity to raise your same issues with Council. So, this is not your last night to express your concerns. And then however it goes down the road, if there are any variances, if this should be approved, that would have to go before the Board of Zoning Appeals, you would again have your opportunity to express any concerns there.

Mr. Brown: Mr. Coulter, again, I wanted to add that once we approve the meeting minutes at our October meeting, we will then introduce this since it's an ordinance that has to be introduced and set for hearing. It will be introduced at City Council on November 6th. It's not discussed at that meeting. It's just setting a hearing date for November 20th, and then the options that Council has, they can listen to Planning Commission. They could deny the variances and they could come back with all the lots meeting actual code requirements. So, there's still a couple options that if City Council did not approve it, that if it came back and met, that they could go on.

Mr. Coulter: All right. Thank you. That concludes all of our business for the Municipal Planning Commission. Is there anything else that you want to raise?

G. Other

Mr. Brown: One thing I have before I turn over to Ms. Brewer is just a reminder that I did sign up everyone for the Chamber luncheon on November 14th. So, you're all registered for that, and with that, I'll turn it over to Ms. Brewer.

Ms. Brewer: Well, we have our next meeting this upcoming Monday, and we are discussing our pay-to-stay ordinance. It basically introduces a tenant's right to assert a tender of rent as an affirmative defense to an eviction action. It's very similar to Columbus's Ordinance. So, we feel that's a really good step for our renters here. We'll hear a variance request for Tilton's signs on Huntley Road as well, and of good note on a Thursday, we're also going to hear the Griswold beer and wine rentals for events. So, Ms. Michael's been pushing for that for a while and that's finally in the works. So, we'll hear that on Monday as well, and that's all I have.

Mr. Coulter: All right. Thank you. Anybody else? Could I have a motion to adjourn?

H. Adjournment

Mr. Hofmann moved to adjourn the meeting, and Mrs. Holcombe seconded the motion. All Board members voted, "Aye," and the meeting adjourned at 9:12 p.m.



STAFF MEMORANDUM
City Council Meeting – November 6, 2023

Date: November 1, 2023

To: Robyn Stewart, Acting City Manager

From: Tom Lindsey, Law Director
Ethan Barnhardt, Management Assistant/Special Projects Coordinator

Subject: Ordinance No. 25-2023 – Prohibiting the Sale of Flavored Tobacco Products

EXECUTIVE SUMMARY

This Ordinance would amend Chapter 765 of the Codified Ordinances to prohibit the sale of flavored tobacco products and to increase the civil penalties for violations of Chapter 765.

RECOMMENDATION

Introduce for public hearing on November 20, 2023.

BACKGROUND/DESCRIPTION

in 2018 City Council adopted Ordinance Nos. 24-2018 and 44-2018 which enacted and amended Chapter 765 “Tobacco Sales” of the Codified Ordinances regarding the sale of tobacco to individuals under the age of twenty-one. Chapter 765 is enforced by Columbus Public Health, the City’s contracted health agency.

Earlier this year Columbus Public Health amended the Columbus Health Code to prohibit the sale of flavored tobacco products beginning in 2024. Columbus Public Health also increased the civil penalties that could be imposed for illegal sales to underaged persons and for sales of flavored tobacco products. The civil penalty for a first violation increased from \$500 to \$1000, the civil penalty for a second violation within two years increased from \$1,000 to \$5,000, and the civil penalty for a third or subsequent violation increased from \$1,000 to \$10,000 and a two-year revocation of the ability to sell any tobacco products.

Based on Council direction, staff has prepared the proposed Ordinance to amend Chapter 765 to similarly prohibit the sale of flavored tobacco products and to increase the civil penalties that may be imposed for violations of Chapter 765. The language of the proposed Ordinance mirrors the Columbus Health Code to provide for uniformity and efficiency in enforcement by Columbus Public Health. The amendments to Chapter 765 will be effective January 1, 2024. However, the proposed Ordinance provides that no fines or penalties will be imposed for violations related to the illegal sale or distribution of flavored tobacco products that occur on or before March 31, 2024.

ATTACHMENTS

Research Memo – Flavored Tobacco Ban

Proposed Ordinance No. 25-2023 (in legislative format showing changes in Chapter 765)

Revised Chapter 765 (if proposed Ordinance is adopted)



MEMORANDUM

TO: Robyn Stewart, Acting City Manager
Ethan Barnhardt, Management Assistant/Special Projects Coordinator

FROM: Sam Roberts, City of Worthington Public Policy Intern

DATE: May 11, 2023

SUBJECT: Flavored Tobacco Ban

Background

The sale and consumption of flavored tobacco products in the U.S. is considered a major health crisis that particularly effects youth and African American populations. These products include vaporable nicotine solutions that are sold in thousands of flavors that appeal to young people, and menthol cigarettes that have historically targeted certain populations in their marketing. Tobacco use remains the leading cause of preventable death in the U.S. and between 2011-2015, the Centers for Disease Control and Prevention (CDC) estimated an 800% increase in e-cigarette use among middle and high school students.¹ Of the two million U.S. students estimated to be consuming flavored cigarettes in 2021, 8/10 of those students were smoking flavored products.¹

Of all U.S. African American smokers, 85% of them smoke menthol.² Menthol tobacco products have historically targeted certain minority populations and lead to issues of social equity and health. While some historians note that it is somewhat of a mystery as to how exactly menthol cigarettes became so heavily targeted towards these populations in their advertising, in terms of whether targeted advertising efforts were made before or after consumer trends in African Americans, the facts are that menthol cigarette marketing is significantly more prevalent in predominantly African American neighborhoods and media. This can be seen in the form of proportionally higher rates of exterior advertisements and price discounts for menthol cigarettes at retailers in these communities, and with African American media sources like Ebony and Jet

¹ Columbus, OH., AMENDED ORDINANCES, Ch. 715 (2022)

² Biddle, M. The historical 'messy, moral dilemma' of marketing menthol cigarettes to black communities.
<https://why.org/articles/fda-menthol-ban-history-marketing-menthol-cigarettes-black-communities/>

magazine running only menthol brand advertisements instead of other non-menthol brands and flavors.

The inclusion of menthol products in a flavored tobacco ban would help address these issues of social equity by reducing the consumption and exposure of these products. It is projected that menthol bans would lead to reductions in overall smoking in African Americans by ~35% by 2026, and ~25% by 2060.³ Social justice and health organizations have already fought and called for the ban of menthol cigarettes to address issues of social equity surrounding affected populations, and the proposed ban would not target individuals, only retailers.

In 2022 the FDA proposed bans on flavored cigar and menthol cigarette products, marking a major win for public and societal health. Other states and municipalities have been implementing their own bans on flavored tobacco products. The City of Columbus voted to institute its own ban starting January 1st, 2024. This policy is aimed at reducing the harm to city residents created by flavored tobacco products and address social equity concerns as the City of Columbus considers racism to be a public health crisis. While smoking rates among African Americans has declined overall, Columbus Public Health recorded an 8% increase in smoking rates among African American residents in Franklin County.

In 2019 it was estimated that ~29% of Ohio high schoolers and ~12% of middle schoolers reported to using an e-cigarette tobacco product.⁴ Last year in 2022, smoking illnesses cost Ohio Medicaid \$1.8 billion dollars, pointing to some of the fiscal implications of enacting a ban.⁵ California as a state has similarly banned flavored tobacco products and while they are projected to see losses in tobacco product and cigarette tax revenues, these losses are offset by savings in state MediCal activity and increases in economic activity.⁶

In February, the United States Supreme Court declined to hear a case challenging a ban on flavored tobacco products in Los Angeles County.⁷ Similarly, in January Governor DeWine vetoed a bill proposed by the Republican-led state legislature that called for a ban on communities' ability to ban flavored tobacco products, demonstrating his own stance on the issue. DeWine called vaping among young Ohioans an epidemic with long-term consequences, and called for a State-wide ban, but stopped short of demanding one. Columbus is the third city in Ohio to institute its own ban, following the cities of Toledo and Bexley. Other central Ohio cities are following suit, with the

³ Issabakhsh, M., Meza, R., Li, Y., Yuan, Z., Sanchez-Romero, L. M., & Levy, D. T. (2022, June 13). *Public health impact of a US menthol cigarette ban on the non-Hispanic black population: A simulation study*. Tobacco Control. <https://tobaccocontrol.bmj.com/content/early/2022/06/12/tobaccocontrol-2022-057298>

⁴ Tobacco Use Among Youth in Ohio, 2019. ohio.gov. <https://odh.ohio.gov/know-our-programs/youth-risk-behavior-survey/high-school-data/2019-yrbs-survey-summary>

⁵ The Statehouse News Bureau | By Karen Kasler. DeWine vetoes Bill Banning Ohio communities from banning flavored tobacco. statenews.org. <https://www.statenews.org/government-politics/2023-01-05/dewine-vetoes-bill-banning-ohio-communities-from-banning-flavored-tobacco>

⁶ Tobacconomics. Potential effects of a ban on the sale of flavored ... <https://www.tobacconomics.org/files/research/671/ca-flavor-ban-and-revenues-27-feb-2022.pdf>

⁷ Fritze, J. Supreme Court declines challenge to flavored tobacco ban, leaving prohibition in place. USA Today. <https://www.usatoday.com/story/news/politics/2023/02/27/supreme-court-flavored-tobacco-ban/11354548002/>

cities of Grandview Heights and Westerville working to discuss potential legislation at future council meetings.⁸

Like the recent Tobacco 21 legislation, this policy aims to prohibit the sale and distribution of products and not target the individual consumer. This legislation does not include a ban on hookah bars or their associated flavored tobacco products so long as the retailers are compliant with state and local laws and licensing and the customers purchase and consume any tobacco products on site. The Columbus Board of Health was tasked with promulgating the rules and regulations relating to the ban.

Flavored Tobacco Ban – City of Columbus

- On December 5th, 2022, the City Council of Columbus voted unanimously to enact the ban starting January 1st, 2024.
 - Columbus Public Health held a period of ongoing public feedback regarding the ban from November to December.
 - The start date of 1/1/2024 is to allow time for affected retailers to transition their stock and mitigate the impending economic effects from sales prohibitions.
 - In addition to the ban, the council announced \$1 million to go to a smoking cessation education and awareness program.
 - “The 2023 Comprehensive Tobacco Cessation Education and Awareness Campaign would provide access to resources and programs through community events, youth education, and training for medical professionals”.⁹
 - Additional funds will be invested into cessation programs for youth and targeted communities. This will include disseminating information to middle schools and high schools. Local community health organizations, low-cost health clinics, and other providers will be engaged to ensure they have sufficient information and materials.
- No Licensee, agent, employee, or representative shall do any of the following at a Retail Tobacco Establishment:¹⁰
 - Give, sell, or distribute tobacco products to anyone under the age of 21.
 - Give, sell, or distribute tobacco products to anyone under the age of 30 without checking for proof of age.
 - Give, sell, or distribute tobacco products while under a license suspension.
 - Give, sell, or distribute flavored tobacco products.
 - Give, sell, or distribute tobacco products out of a vending machine.

⁸ Landers, A. K.. As Columbus plans to ban flavored tobacco, where do other Central Ohio Cities Stand? <https://www.10tv.com/article/news/local/as-columbus-plans-ban-flavored-tobacco-where-do-other-central-ohio-cities-stand/530-8c75196d-20d1-40f3-b435-1a7eab019461>

⁹ City of Columbus - City Council and Community Partners Announce Proposal for \$1 Million Tobacco Cessation Effort. <https://www.columbus.gov/Templates/Detail.aspx?id=2147528329>

¹⁰ Columbus, OH., Columbus Public Health Codes, RESOLUTION No. 23-08, (2023)

- Columbus Public Health may conduct inspections, which may include underage buy attempts and/or Flavored Tobacco Product buy attempts for all Temporary and annual Retail Tobacco Establishments that have retail sales licenses.
- If Columbus Public Health observes a violation(s) at a Retail Tobacco Establishment with either an annual or temporary license, the following civil penalties shall be imposed, in addition to the sanctions specified in Section 248.03 of the Columbus Public Health Codes:
 - A fine of **\$1,000** for a first-time violation.
 - A fine of **\$5,000** for a second violation within two years of the first.
 - For a third and any subsequent violations within two years of the first violation:
 - A fine of **\$10,000** per violation and revocation of any existing Retail Tobacco Product Sales license and the imposition of a two-year period of ineligibility to obtain a new one.
- Civil penalties may be appealed to Columbus Public Health.

Products Included in Flavored Tobacco Ban Legislation

- **Electronic Smoking Device** refers to any device that can be used to deliver aerosolized or vaporized nicotine or other products to the user. Includes, but not limited to, electronic cigarettes, electronic hookahs, or vape pens.
- **Flavored Tobacco Product** refers to any tobacco product that imparts a taste or smell other than that of tobacco. Includes, but not limited to tastes like chocolate, vanilla, mint, or candy. It shall be assumed that a tobacco product is flavored if:
 - The product uses texts or images indicating that it imparts a taste or smell other than tobacco.
 - The product has a public statement or claim associated with it reporting that it imparts a taste or smell other than tobacco.
 - There are actions directed at the consumer indicating that the product imparts a taste or smell other than tobacco.
- **Flavored Shisha Tobacco Product** refers to any flavored tobacco product that is smoked out of a Hookah and can include Hookah tobacco, waterpipe tobacco, and maassel. These products are not included in the flavored tobacco ban when appropriately consumed.
 - **Hookah** refers to a type of waterpipe used to smoke flavored shisha tobacco products.
 - **Hookah Bar** refers to an establishment that derives revenue from the consumption of on-site flavored shisha tobacco products. Must be compliant with state and local laws and regulations.

Flavored Tobacco Bans in Ohio

- *City of Toledo*
 - Was the first city in Ohio to pass flavored tobacco related legislation.

- On December 10th, 2019, the City Council enacted a ban on the sale and distribution of flavored tobacco products from any business/retailer NOT designated as a “Retail Vapor Product Specialty Business”.¹¹
 - These are considered businesses that derive at least 60% of their gross receipts from e-cigarette and vapor product sales.
 - This bans many retailers from selling and distributing flavored tobacco products but does not ban those products in totality.
- Penalties for individuals/businesses that violate this policy:
 - First time offenders receive a misdemeanor of the fourth degree, subsequent offenses lead to a misdemeanor of the 3rd degree.
 - Minimum fines shall be fixed by the courts as follows:
 - Offenses from organizations:
 - First time offenses result in a \$250 fine.
 - Subsequent offenses result in a \$500 fine.
 - Offenses from individuals:
 - First time offenses result in a \$50 fine.
 - Subsequent offenses result in a \$100 fine.
- *City of Bexley*
 - Was the first city in Ohio to pass a flavored tobacco ban, which did not initially include menthol cigarettes.¹²
 - Amended ordinance #48 - 22 passed on March 7th, 2023, introducing chapter 837 to their codes. Purpose is to ensure that retailers comply with federal, state, and local tobacco control laws and standards to protect the public health. This resolution also removed section 636.16 of their codified ordinances, which related to the illegal distribution of tobacco products.
 - Amended ordinance #48 – 22 updated the definitions and penalties associated with the licensing and sale of tobacco products. These are similar to the promulgated rules and regulations made by CPH regarding their flavored tobacco ban.
 - “Flavored tobacco product” refers to any product imparting a smell or taste other than that of tobacco. Includes but is not limited to fruit, **menthol**, mint, etc.
 - Flavored Tobacco Product Sales Prohibition
 - “It shall be unlawful for a tobacco retailer ... to sell or offer for sale any flavored tobacco product.”
 - Penalties for violating this policy:
 - Any tobacco retailer found to have violated this ordinance shall be subjected to:
 - First time offence results in a fine of no less than \$1,000.
 - For a second violation within a 36-month period there is a fine of no less than \$2,500 and the retailer shall be prohibited from distributing their products for a minimum of 30 days.

¹¹ Toledo, OH., AMENDED ORDINANCES, Ch. 537, (2019)

¹² Bexley, OH., AMENDED ORDINANCE No. 48 – 22, Ch. 837, (2023)

- For a third violation within a 36-month period there is a fine of no less than \$5,000, revocation of their retail sales license, and a prohibition from distributing their products for a period of three years.

Implementation Discussion with City of Columbus Public Health – April 27th, 2023, at 12:30pm

In attendance from City of Worthington: *Acting City Manager Robyn Stewart, Management Assistant and Special Projects Coordinator Ethan Barnhardt, and Public Policy Intern Sam Roberts*

In attendance from CPH: *Assistant Health Commissioner for Public Affairs Edward Johnson, and Environmental Health Administrator Luke Jacobs*

- Columbus Public Health inspectors are already in place and will continue making routine inspections at Worthington retailers.
 - Would include a minimum of two visits and one “buy attempt” per year. Buy attempt would include a secret shopper visit where the retailer is prompted to sell to an underage person or sell a flavored tobacco product.
 - Penalties will not be “double-stacked” i.e., a retailer cannot be simultaneously charged for selling to an underage person and selling a flavored tobacco product.
- Columbus Public Health will be working with retailers over the next six months to help them transition by 1/1/2024.
 - Any concerns that retailers have can be directed to CPH.
 - Something that retailers should note is that Columbus has instituted some major tobacco related ban once every decade for the last 20+ years (indoor smoking ban, tobacco 21, now flavored tobacco). These policies are not novel to the city and haven’t driven all the business out of it.
- Licensing system is much stricter with its fines than was incorporated at the time Tobacco 21 was launched.
 - Previously fines started at \$500 and maxed out at \$1000 for subsequent violations.
 - A primary goal of this policy is to get compliance from tobacco retailers to ~90%. Compliance is currently around ~75% in Columbus.
 - Worthington is doing fine regarding its own compliance according to CPH.
 - According to CPH, compliance is 100% for 2023 year to date.
- There is an accompanying 2023 Smoking Cessation and Education Program.
 - Program has a particular minority focus and can coordinate to have informational resources distributed to Worthington via booths at community events, for example.
 - This is a potential avenue for addressing Worthington’s youth on this issue.
- There will be updated signage that will be required to be displayed by retailers.

- Signage updated to include the prohibition of selling electronic smoking devices.
- The intention would be for Worthington to adopt the regulations to maintain consistency in its language and definitions.

Affected Tobacco Retailers in Worthington

DUCHESS WORTHINGTON	7141	HIGH	WORTHINGTON	OH	43085
GURU WINES	2285	DUBLIN GRANVILLE	WORTHINGTON	OH	43085
HOUSE OF CIGAR	7099	HUNTLEY	COLUMBUS	OH	43229
KROGER #273	60	WORTHINGTON MALL	WORTHINGTON	OH	43085
WORTHINGTON MARATHON	911	HIGH	WORTHINGTON	OH	43085

ORDINANCE NO. 25-2023

To Amend Various Sections of Chapter 765
“Tobacco Sales” of the Codified Ordinances of the
City of Worthington to Prohibit the Sale of Flavored
Tobacco Products.

WHEREAS, in 2018 City Council adopted Ordinance Nos. 24-2018 and 44-2018 which enacted and amended Chapter 765 “Tobacco Sales” of the Codified Ordinances regarding the sale of tobacco to individuals under the age of twenty-one; and,

WHEREAS, the Centers for Disease Control and Prevention estimates that more than 2 million U.S. middle and high school students reported currently using electronic cigarettes in 2021, with more than 8 in 10 of those youth using flavored electronic cigarettes; and,

WHEREAS, 81 percent of youth who have ever used a tobacco product report that the first tobacco product they used was flavored; and,

WHEREAS, nicotine solutions, which are consumed via electronic smoking devices such as electronic cigarettes, are sold in flavors that appeal to youth, such as cotton candy, bubble gum, banana smash, and mango ice; and,

WHEREAS, data from the 2019 Ohio Youth Tobacco Survey indicates that nearly one out of four Ohio high school students and nearly 13 percent of Ohio middle school students report having used a flavored tobacco product; and,

WHEREAS, while cigarette smoking among American adults has generally declined nationwide, Columbus Public Health has seen an 8 percent increase in smoking rates for African American adults in Franklin County; and,

WHEREAS, flavored tobacco products contribute to minority health inequities and disproportionately impact the 85 percent of African American smokers and the 36 percent of LGBTQ smokers who smoke menthol flavored tobacco as result of targeted marketing practices; and,

WHEREAS, the Columbus Board of Health, the City’s contracted health agency, recently adopted Resolution No. 23-08 prohibiting the sale of flavored tobacco products; and,

WHEREAS, the Columbus Board of Health, pursuant to contract with the City of Worthington, administers the licensing and civil enforcement provisions of Chapter 765; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Section 765.01 “Definitions” is hereby amended to read as follows:

765.01 DEFINITIONS

As used in this chapter:

(a) “Department” means the Columbus City Health Department and its authorized employees and agents.

(b) “Electronic Smoking Device” means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an ~~e-cigarette~~electronic cigarette, ~~e-cigar~~electronic cigar, ~~e-pipe~~electronic pipe, ~~vape~~vaping pen or ~~e-hookah~~electronic hookah. “Electronic Smoking Device” includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. “Electronic Smoking Device” does not include drugs, devices, or combination products authorized for sale as a cessation product by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(c) “Flavored Shisha Tobacco Product” means a Flavored Tobacco Product smoked or intended to be smoked in a Hookah. “Flavored Shisha Tobacco Product” includes, and may be referred to as, Hookah tobacco, waterpipe tobacco, maassel, narghile, and argileh.

(d) “Flavored Tobacco Product” means any Tobacco Product that imparts a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a Tobacco Product, including, but not limited to, any taste or smell relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice. There shall be a rebuttable presumption that a Tobacco Product is a “Flavored Tobacco Product” if:

(1) The Tobacco Product uses text or images, or both, on the Tobacco Product’s labeling or packaging to explicitly or implicitly indicate that the Tobacco Product imparts a taste or smell other than tobacco; or

(2) A public statement or claim made or disseminated by the manufacturer or retailer of a Tobacco Product, or by any person authorized or permitted by the manufacturer or retailer to make or disseminate public statements concerning such Tobacco Product, that such Tobacco Product has or produces a taste or smell other than tobacco; or

(3) There are actions directed to consumers that would reasonably be expected to cause consumers to believe that the Tobacco Product imparts a taste or smell other than

tobacco.

(e) "Hookah" means a type of water pipe that is used to smoke Shisha Flavored Tobacco Products or any other Tobacco Product, which has a long, flexible tube to draw aerosol through water. This device has components that may include heads, stems, bowls, and hoses.

(ef) "Licensee" means a ~~person~~ Retailer that ~~applied for and was~~ has been issued a Retail Tobacco ~~and paraphernalia~~ Product Sales license or Temporary Retail Tobacco Product ~~and paraphernalia~~ Sales license for a Retail Tobacco Establishment by the Department.

~~(d) "Product Paraphernalia" means any product that is used to assist in chewing, smoking, absorbing, dissolving, inhaling, or any other consumption of nicotine to include, but not limited to pipes, and rolling papers.~~

~~(e) "Retail Paraphernalia Sales" means the act of giving, selling or otherwise distributing product paraphernalia in a retail setting, including but not limited to, gas stations, convenience stores, carry out markets, groceries, supermarkets, retail warehouse clubs, drug stores, vape shops and hookah bars.~~

(g) "Person" means any individual, firm, corporation, business trust, estate, trust, association, syndicate, partnership, cooperative, governmental agency or any other entity recognized by law. "Person" does not include a wholesale dealer as defined in section 5743.01(B) of the Ohio Revised Code, a distributor as defined in section 5743.01(K)(2) or (K)(3) of the Ohio Revised Code, or a vapor distributor as defined in section 5743.01(V)(1), (V)(4) or (V)(5) of the Ohio Revised Code when the dealer or distributor is acting in a dealer or distributor capacity.

(h) "Proof of Age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Sections 4507.50 to 4507.52 of the Ohio Revised Code demonstrating that the recipient or purchaser is at least twenty-one (21) years of age.

(i) "Retailer" means any person engaged in the business of Retail Tobacco Product Sales or Temporary Retail Tobacco Product Sales.

(j) "Retail Tobacco Establishment" means the location of any physical place of business or section of a physical place of business where Retail Tobacco Product Sales or Temporary Retail Tobacco Product Sales are made. The term shall also include those portions of any physical place of business where Vending Machines that dispense Tobacco Products are located.

~~(k)~~ "Retail Tobacco Product Sales" means the act of giving, selling or otherwise distributing Tobacco Products in a retail setting, including but not limited to gas stations, convenience stores, carry out markets, groceries, supermarkets, retail warehouse clubs, drug stores, liquor stores, vape shops, and hookah bars or lounges.

(g) ~~“Temporary Retail Tobacco Product and Paraphernalia Sales” means the act of giving, selling or otherwise distributing Tobacco Products and/or product paraphernalia at an event for not more than thirty consecutive days.~~

~~(h) “Tobacco Product” means any product that is made from or derived from tobacco or that contains any form of nicotine, natural or synthetic, and that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, smokeless tobacco, snuff, or snus. The term “Tobacco Product” also includes, but is not limited to, an electronic smoking devices and means any component or accessory used in the consumption of a Tobacco Product, such as filters, rolling papers, pipes, blunt or hemp wraps, Hookahs, flavor enhancers, mouthpieces, and pipes and substances or liquids used in Electronic Smoking Devices, whether or not they contain nicotine. “Tobacco Product” does not include drugs, devices, or combination products authorized for sale as a cessation product by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.~~

~~(i) “Underage Buy Attempt” means an individual, authorized by the Department, who is 1) under the age of 21 and requests purchase of Tobacco Products at a Retail Tobacco Establishment; or 2) under the age of 30 and requests purchase of Tobacco Products at a Retail Tobacco Establishment without presenting proof of age as defined in section 765.05.~~

~~(j) “Underage Buy Attempt” means a person, authorized by the Department, who is 1) under the age of 21, who and requests purchase of Tobacco Products or product paraphernalia from a retailer at a Retail Tobacco Establishment; or 2) under the age of 30 and a person under age 30 who requests purchase of Tobacco Products or product paraphernalia from a retailer at a Retail Tobacco Establishment without presenting identification proof of age as defined in subsection 765.01(.~~

~~(k) “Vending Machine” means any mechanical or electronic device designed to do both of the following:~~

~~(1) Receive a coin, bill, token, credit card, or other electronic payment including, but not limited to, a card, code, device, or other means of access to a customer's account, made for that purpose;~~

~~(2) In return for the insertion or deposit of a coin, bill, token, credit card, or other electronic payment automatically dispenses property, provides a service, or grants a license.~~

SECTION 2. That Section 765.02 “License Application” is hereby amended to read as follows:

765.02 LICENSE APPLICATION

(a) ~~All retailers~~ A Retailer of Tobacco Products ~~and/or product paraphernalia~~ shall apply for a valid Retail Tobacco ~~and paraphernalia~~ Product Sales license or a Temporary Retail Tobacco ~~and paraphernalia~~ Product Sales license. ~~For the purposes of this Chapter, retailers shall include any person performing retail tobacco sales, retail paraphernalia sales, or temporary retail tobacco and paraphernalia sales.~~ Retail Tobacco ~~and paraphernalia~~ Product Sales licenses shall be issued by the Department annually. Temporary Retail Tobacco ~~and paraphernalia~~ Product Sales licenses shall be valid for not longer than thirty consecutive days. A license shall be required for each Retail Tobacco Establishment location where Retail Tobacco Product Sales, including Temporary Retail Tobacco Product Sales, ~~or retail paraphernalia sales~~ are conducted and is non-transferable.

(b) ~~Any~~ A Retailer applying for a Retail Tobacco ~~and paraphernalia~~ Product Sales license or a Temporary Retail Tobacco and paraphernalia Product Sales license shall submit a current and valid vendor's license as required by the Ohio Department of Taxation to the Department. Any Retailer who distributes, stores, or sells cigarettes shall submit a current and valid Retail Cigarette Dealer's License as required by Ohio Revised Code Chapter 5743 to the Department prior to approval for licensing. Any Retailer who permits smoking inside the Retail Tobacco Establishment they are seeking to have licensed shall submit a current and valid retail tobacco store exemption issued by the Ohio Department of Health as per Ohio Revised Code §3794.03 prior to licensing. Any Retailer who permits vaping inside the Retail Tobacco Establishment they are seeking to have licensed shall provide a current and valid Ohio Department of Health affidavit stating the percentage of the establishment's gross income during the prior calendar year that was derived from the sale of vapor products, Electronic Smoking Devices, or other electronic smoking product accessories as per Ohio Revised Code §3794.03 prior to licensing.

(c) The annual Retail Tobacco ~~and paraphernalia~~ Product Sales license fee shall be \$150 Three Hundred Fifty Dollars (\$350.00). The license shall be valid beginning on the first day of October of the year issued through the last day of September of the following year. A license issued to a new Licensee after the first day of July and before the first day of October shall not expire until the last day of September of the following year. A penalty equal to twenty-five percent (25%) of the applicable license fee shall be assessed by the Department for license fee payments that are not received or postmarked by the first of October.

(d) The Temporary Retail Tobacco ~~and paraphernalia~~ Product Sales license fee shall be Fifty Dollars (\$50). The license shall be valid for no longer than thirty (30) consecutive days and limited to a single event. The application shall be made at least ten days prior to the event.

(e) License fees are due at the time of application and are not refundable.

SECTION 3. That Section 765.03 “License Application Denial, Renewal Denial, Suspension, and Revocation” is hereby amended to read as follows:

765.03 LICENSE APPLICATION DENIAL, RENEWAL DENIAL, SUSPENSION, AND REVOCATION

(a) Applications for Retail Tobacco ~~and paraphernalia~~ Product Sales licenses and Temporary Tobacco ~~and paraphernalia~~ Product Sales licenses may be denied, and such licenses may be suspended or revoked, for any of the following:

(1) The applicant or Licensee, or any agent, employee, or representative thereof, is giving, selling, or offering to sell Tobacco Products by or from a Vending Machine.

(2) Observation by staff of the Department or its authorized agent that the applicant or Licensee, or any agent, employee, or representative thereof of said licensee has violated Section 765.07(A)(1) or (A)(3) provisions of Chapter 765 of the Codified Ordinances.

(2) Failure by the Licensee to post signage as required by Section 765.04 of the Codified Ordinances.

(3) The applicant or Licensee having a conviction for violating Sections 765.06 or 765.07 of the Codified Ordinances or former Sections 2329.13 or 2329.14 of the Columbus City Code; having a conviction for violating any provision of the Ohio Revised Code or Ohio Administrative Code pertaining to the regulation of Tobacco Products or to indoor smoking or vaping; or having a finding of violation of any provision of Chapter 765 of the Codified Ordinances or any provision of Chapter 248 of the Columbus City Health Code within two years prior to the date of issuance or at any time during the licensing year. In the case of licensees, convictions for violations of Sections 765.06 or Section 765.07 of the Codified Ordinances or Section 2329.13 or 2329.14 of the Columbus City Code shall be a sufficient basis for denying a license renewal, for license suspension, or license revocation if the date of conviction is within two years of the issuance of the current retail tobacco and paraphernalia sales license or temporary retail tobacco and paraphernalia sales license.

(4) An order A finding by a court of competent jurisdiction that a Retail Tobacco Establishment and paraphernalia sales location or temporary retail tobacco and paraphernalia sales location owned and/or operated by the applicant or Licensee constitutes a public nuisance or that the location of the Retail Tobacco Establishment that is the subject of the application or license has been found, by a court of competent jurisdiction, to be a public nuisance during the period that the court retains jurisdiction over the nuisance action.

(5) Information contained in the application is misleading, inaccurate, or false.

(6) The applicant or Licensee, or any agent, employee, or representative thereof, fails to comply with U.S. Food and Drug Administration regulations, applicable federal, Ohio Revised Code, Ohio Administrative Code, and/or city codes including, but not limited relating to building, health, and fire.

(7) The applicant or Licensee has outstanding fines, issued pursuant to Section 765.05(B) Chapter 765 of the Codified Ordinances or Columbus City Health Code Chapter 248.

(b) Any ~~person~~ Licensee whose Retail Tobacco ~~and paraphernalia~~ Product Sales license

or Temporary Retail Tobacco ~~and paraphernalia~~ Product Sales license has been proposed to be suspended or revoked shall be notified in writing by the Department. Appeals of such action may be made in accordance with Columbus City Health Code Section 203.10.

(c) Any ~~person~~ applicant whose application for a Retail Tobacco ~~and paraphernalia~~ Product Sales license or Temporary Retail Tobacco ~~and paraphernalia~~ Product Sales license is denied shall be notified in writing by the Department. Appeals of such action may be made in accordance with Columbus City Health Code Section 203.08.

SECTION 4. That Section 765.04 “Sign Distribution and Posting” is hereby amended to read as follows:

765.04 SIGN DISTRIBUTION AND POSTING

(a) The Department shall make signs available to all Retail Tobacco ~~and paraphernalia~~ Product Sales Licensees and Temporary Retail Tobacco ~~and paraphernalia~~ Product Sales Licensees. Signs shall be provided by the Department at the time of license approval or renewal, and upon request.

(b) The Licensee shall post the signs provided by the Department, which include notice of the legal sales age and Proof of Age verification requirement provided for in Section 765.06, in each Retail Tobacco Establishment within 6 feet of each cash register or place where payment may be made in a place conspicuous to both employees and customers and where the sign is unobstructed in its entirety. The sign shall state, “NO PERSON UNDER THE AGE OF 21 MAY BE SOLD TOBACCO PRODUCTS INCLUDING ELECTRONIC SMOKING DEVICES.” The sign required shall be at least 6 by 4 inches and the words on the sign must be legibly printed in high contrast red color with capitalized letters at least 0.3 inches high. at the point of transaction, which may include but are not limited to, cash registers, sales counters or on any display cases of tobacco products and tobacco product paraphernalia. Signage shall be prominently displayed and not obscured.

SECTION 5. That Section 765.05 “Civil Enforcement” is hereby amended to read as follows:

765.05 ~~CIVIL ENFORCEMENT AND CIVIL PENALTY~~

(a) The Department shall enforce all applicable provisions of this Chapter and all regulations adopted pursuant hereto.

(b) The Department ~~shall~~ may conduct ~~an~~ inspections, which ~~shall~~ may include ~~an~~ Underage Buy Attempts and/or Flavored Tobacco Product buy attempts, for all Retail Tobacco Establishments within the City of Worthington that have Retail Tobacco Product Sales at least once per licensing period for all licenses.

~~(b)(c)~~ The Department ~~shall~~ may conduct ~~an~~ inspections which may include Underage Buy Attempts and/or Flavored Tobacco Product buy attempts, during Temporary Retail Tobacco Product Sales Licensee's events, at least once during the event for all temporary retail tobacco and paraphernalia sales licenses.

~~(e)(d)~~ If the Department observes a violation(s) of this Chapter at a Retail Tobacco Establishment that has a Retail Tobacco Product Sales license or Temporary Retail Tobacco Product Sales license, and paraphernalia sales location or at a temporary retail tobacco and paraphernalia sales location, the following schedule of civil penalties shall be imposed on the Licensee, in addition to the sanctions specified in Section 765.03(A):

(1) For a first violation, ~~\$500.00~~ a fine of \$1,000.00.

~~(2) Second and additional~~ For a second violations within two years of the first violation, ~~\$1,000~~ a fine of \$5,000.00 per violation.

~~(3) For a third and any subsequent violation within two years of the first violation:~~

A. a fine of \$10,000.00 per violation; and

B. revocation of any existing Retail Tobacco Product Sales license or Temporary Retail Tobacco Product Sales license and imposition of a two-year ineligibility to obtain a Retail Tobacco Product Sales license or Temporary Retail Tobacco Product Sales license.

~~Violations of this Chapter which occur more than two years after a prior violation shall not be considered a second or additional violation of this Chapter if there has been no violation during the intervening time period.~~

(4) Licensees have the right to appeal civil penalties in accordance with Columbus City Health Code 203.08.

~~(de)~~ The Department of Public Safety, Division of Police, retains full authority to enforce Sections 765.06 and 765.07 of the Codified Ordinances.

SECTION 6. That Section 765.06 "Distribution of Tobacco Products Without a License" is hereby amended to read as follows:

765.06 DISTRIBUTION OF TOBACCO PRODUCTS WITHOUT A LICENSE

(a) No retailer of Tobacco Products, ~~or product paraphernalia~~ shall give, sell, or otherwise distribute Tobacco Products ~~cigarettes, other tobacco products, papers used to roll cigarettes, or other product paraphernalia~~ without a valid license issued by the Columbus Board of Health;

(b) Whoever violates this section is guilty of distribution of Tobacco Products ~~cigarettes, or other tobacco products, or product paraphernalia~~ without a license, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, Section ~~265.07~~ 765.07 of the Codified Ordinances, ~~former~~ Sections 2329.13 or 2329.14 of the Columbus City Code, or Section 2927.02 of the Ohio Revised Code, then the retailer shall be denied a license for distribution Tobacco Products ~~of cigarettes or other tobacco products or product paraphernalia~~ for a period not to exceed 5 years.

SECTION 7. That Section 765.07 “Illegal Distribution of Tobacco Products” is hereby amended to read as follows:

765.07 ILLEGAL DISTRIBUTION OF TOBACCO PRODUCTS

(a) No Licensee, manufacturer, producer, distributor, wholesaler, or retailer of Tobacco Products ~~cigarettes or other tobacco products or product paraphernalia~~, or any agent, employee, or representative of a Licensee, manufacturer, producer, distributor, wholesaler, or retailer of Tobacco Products ~~cigarettes or other tobacco products or product paraphernalia~~ shall do any of the following:

(1) Give, sell, or otherwise distribute Tobacco Products ~~cigarettes, other tobacco products, or product paraphernalia~~ to any person under twenty-one (21) years of age;

(2) Give, sell, or otherwise distribute Tobacco Products ~~cigarettes, other tobacco products, or product paraphernalia~~ in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing Tobacco Products ~~cigarettes, or other tobacco products, or product paraphernalia~~ to a person under twenty-one (21) years of age is prohibited by law.

(3) Give, sell, or otherwise distribute Tobacco Products ~~cigarettes, other tobacco products, or product paraphernalia~~ without viewing proof of age demonstrating the recipient is at least twenty-one (21) years of age, except that no such verification is required for a recipient over the age of thirty (30). That a person appeared to be over the age of thirty (30) shall not constitute a defense to a violation of this section.

(4) Give, sell, or otherwise distribute Flavored Tobacco Products.

(5) Give, sell or offer to sell Tobacco Products by or from a Vending Machine.

(b) Subsection (a)(4) does not apply to the retail sale of Flavored Shisha Tobacco Products. No person shall give, sell or offer to sell cigarettes, other tobacco products, or product paraphernalia by or from a vending machine.

~~(c) As used in this section, "vending machine" means any mechanical or electronic device designed to do both of the following:~~

~~—(1) Receive a coin, bill, token, or credit card, including, but not limited to, a card, code, device, or other means of access to a customer's account, made for that purpose;~~

~~—(2) In return for the insertion or deposit of a coin, bill, token, or credit card, automatically dispense property, provide a service, or grant a license.~~

~~(d) As used in this section "proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Sections 4507.50 to 4507.52 of the Ohio Revised Code demonstrating that the recipient or purchaser is at least 21 years of age.~~

(e) Whoever violates this section is guilty of illegal distribution of Tobacco Products ~~cigarettes, other tobacco products, or product paraphernalia~~, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of this section, Section 765.06 of the Codified Ordinances, former Sections 2329.13 or 2329.14 of the Columbus City Code, or Section 2927.02 of the Ohio Revised Code, then illegal distribution of Tobacco Products ~~cigarettes or other tobacco products~~ is a misdemeanor of the third degree.

SECTION 8. The amendments to Chapter 265 shall become effective on January 1, 2024. However, no fines or penalties shall be imposed for violations related to the illegal sale or distribution of flavored tobacco products that occur on or before March 31, 2024.

SECTION 9. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

CHAPTER 765
TOBACCO SALES
Incorporating changes in proposed Flavored Tobacco Ordinance
As introduced 11-6-23

765.01 DEFINITIONS.

As used in this chapter:

(a) “Department” means the Columbus City Health Department and its authorized employees and agents.

(b) “Electronic Smoking Device” means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, vaping pen or electronic hookah. “Electronic Smoking Device” includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. “Electronic Smoking Device” does not include drugs, devices, or combination products authorized for sale as a cessation product by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(c) “Flavored Shisha Tobacco Product” means a Flavored Tobacco Product smoked or intended to be smoked in a Hookah. “Flavored Shisha Tobacco Product” includes, and may be referred to as, Hookah tobacco, waterpipe tobacco, maassel, narghile, and argileh.

(d) “Flavored Tobacco Product” means any Tobacco Product that imparts a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a Tobacco Product, including, but not limited to, any taste or smell relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice. There shall be a rebuttable presumption that a Tobacco Product is a “Flavored Tobacco Product” if:

(1) The Tobacco Product uses text or images, or both, on the Tobacco Product’s labeling or packaging to explicitly or implicitly indicate that the Tobacco Product imparts a taste or smell other than tobacco; or

(2) A public statement or claim made or disseminated by the manufacturer or retailer of a Tobacco Product, or by any person authorized or permitted by the manufacturer or retailer to make or disseminate public statements concerning such Tobacco Product, that such Tobacco Product has or produces a taste or smell other than tobacco; or

(3) There are actions directed to consumers that would reasonably be expected to cause consumers to believe that the Tobacco Product imparts a taste or smell other than tobacco.

(e) “Hookah” means a type of water pipe that is used to smoke Shisha Flavored Tobacco Products or any other Tobacco Product, which has a long, flexible tube to draw aerosol through water. This device has components that may include heads, stems, bowls, and hoses.

CHAPTER 765
TOBACCO SALES
Incorporating changes in proposed Flavored Tobacco Ordinance
As introduced 11-6-23

(f) "Licensee" means a Retailer that has been issued a Retail Tobacco Product Sales license or Temporary Retail Tobacco Product Sales license for a Retail Tobacco Establishment by the Department.

(g) "Person" means any individual, firm, corporation, business trust, estate, trust, association, syndicate, partnership, cooperative, governmental agency or any other entity recognized by law. "Person" does not include a wholesale dealer as defined in section 5743.01(B) of the Ohio Revised Code, a distributor as defined in section 5743.01(K)(2) or (K)(3) of the Ohio Revised Code, or a vapor distributor as defined in section 5743.01 (V)(1), (V)(4) or (V)(5) of the Ohio Revised Code when the dealer or distributor is acting in a dealer or distributor capacity.

(h) "Proof of Age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Sections 4507.50 to 4507.52 of the Ohio Revised Code demonstrating that the recipient or purchaser is at least twenty-one (21) years of age.

(i) "Retailer" means any person engaged in the business of Retail Tobacco Product Sales or Temporary Retail Tobacco Product Sales.

(j) "Retail Tobacco Establishment" means the location of any physical place of business or section of a physical place of business where Retail Tobacco Product Sales or Temporary Retail Tobacco Product Sales are made. The term shall also include those portions of any physical place of business where Vending Machines that dispense Tobacco Products are located.

(k) "Retail Tobacco Product Sales" means the act of giving, selling or otherwise distributing Tobacco Products in a retail setting, including but not limited to gas stations, convenience stores, carry out markets, groceries, supermarkets, retail warehouse clubs, drug stores, liquor stores, vape shops, and hookah bars or lounges.

(l) "Temporary Retail Tobacco Product Sales" means the act of giving, selling or otherwise distributing Tobacco Products at an event for not more than thirty consecutive days.

(m) "Tobacco Product" means any product that is made from or derived from tobacco or that contains any form of nicotine, natural or synthetic, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, smokeless tobacco, snuff, or snus. The term "Tobacco Product" also means any component or accessory used in the consumption of a Tobacco Product, such as filters, rolling papers, pipes, blunt or hemp wraps, Hookahs, flavor enhancers, mouthpieces, and pipes and substances used in Electronic Smoking Devices, whether or not they contain nicotine. "Tobacco Product" does not include drugs, devices, or combination products authorized for sale as a cessation product by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

CHAPTER 765
TOBACCO SALES
Incorporating changes in proposed Flavored Tobacco Ordinance
As introduced 11-6-23

(n) "Underage Buy Attempt" means an individual, authorized by the Department, who is 1) under the age of 21 and requests purchase of Tobacco Products at a Retail Tobacco Establishment; or 2) under the age of 30 and requests purchase of Tobacco Products at a Retail Tobacco Establishment without presenting proof of age as defined in section 765.05.

(o) "Underage Buy Attempt" means a person, authorized by the Department, who is 1) under the age of 21 and requests purchase of Tobacco Products at a Retail Tobacco Establishment; or 2) under the age of 30 and requests purchase of Tobacco Products at a Retail Tobacco Establishment without presenting proof of age as defined in subsection 765.01(.

(p) "Vending Machine" means any mechanical or electronic device designed to do both of the following:

(1) Receive a coin, bill, token, credit card, or other electronic payment including, but not limited to, a card, code, device, or other means of access to a customer's account, made for that purpose;

(2) In return for the insertion or deposit of a coin, bill, token, credit card, or other electronic payment automatically dispenses property, provides a service, or grants a license.

765.02 LICENSE APPLICATION.

(a) A Retailer of Tobacco Products shall apply for a valid Retail Tobacco Product Sales license or a Temporary Retail Tobacco Product Sales license. Retail Tobacco Product Sales licenses shall be issued by the Department annually. Temporary Retail Tobacco Product Sales licenses shall be valid for not longer than thirty consecutive days. A license shall be required for each Retail Tobacco Establishment where Retail Tobacco Product Sales, including Temporary Retail Tobacco Product Sales, are conducted and is non-transferable.

(b) A Retailer applying for a Retail Tobacco Product Sales license or a Temporary Retail Tobacco Product Sales license shall submit a current and valid vendor's license as required by the Ohio Department of Taxation to the Department. Any Retailer who distributes, stores, or sells cigarettes shall submit a current and valid Retail Cigarette Dealer's License as required by Ohio Revised Code Chapter 5743 to the Department prior to approval for licensing. Any Retailer who permits smoking inside the Retail Tobacco Establishment they are seeking to have licensed shall submit a current and valid retail tobacco store exemption issued by the Ohio Department of Health as per Ohio Revised Code §3794.03 prior to licensing. Any Retailer who permits vaping inside the Retail Tobacco Establishment they are seeking to have licensed shall provide a current and valid Ohio Department of Health affidavit stating the percentage of the establishment's gross income during the prior calendar year that was derived from the sale of vapor products, Electronic Smoking Devices, or other electronic smoking product accessories as per Ohio Revised Code §3794.03 prior to licensing.

(c) The annual Retail Tobacco Product Sales license fee shall be Three Hundred Fifty Dollars (\$350.00). The license shall be valid beginning on the first day of October of the year issued

CHAPTER 765
TOBACCO SALES
Incorporating changes in proposed Flavored Tobacco Ordinance
As introduced 11-6-23

through the last day of September of the following year. A license issued to a new Licensee after the first day of July and before the first day of October shall not expire until the last day of September of the following year. A penalty equal to twenty-five percent (25%) of the applicable license fee shall be assessed by the Department for license fee payments that are not received or postmarked by the first of October.

(d) The Temporary Retail Tobacco Product Sales license fee shall be Fifty Dollars (\$50). The license shall be valid for no longer than thirty (30) consecutive days and limited to a single event. The application shall be made at least ten days prior to the event.

(e) License fees are due at the time of application and are not refundable.

765.03 LICENSE APPLICATION DENIAL, RENEWAL DENIAL, SUSPENSION, AND REVOCATION.

(a) Applications for Retail Tobacco Product Sales licenses and Temporary Tobacco Product Sales licenses may be denied, and such licenses may be suspended or revoked, for any of the following:

(1) The applicant or Licensee, or any agent, employee, or representative thereof, is giving, selling, or offering to sell Tobacco Products by or from a Vending Machine.

(2) Observation by staff of the Department or its authorized agent that the applicant or Licensee, or any agent, employee, or representative thereof has violated provisions of Chapter 765 of the Codified Ordinances.

(2) Failure by the Licensee to post signage as required by Section 765.04 of the Codified Ordinances.

(3) The applicant or Licensee having a conviction for violating Sections 765.06 or 765.07 of the Codified Ordinances or former Sections 2329.13 or 2329.14 of the Columbus City Code; having a conviction for violating any provision of the Ohio Revised Code or Ohio Administrative Code pertaining to the regulation of Tobacco Products or to indoor smoking or vaping; or having a finding of violation of any provision of Chapter 765 of the Codified Ordinances or any provision of Chapter 248 of the Columbus City Health Code within two years prior to the date of issuance or at any time during the licensing year.

(4) A finding by a court of competent jurisdiction that a Retail Tobacco Establishment owned and/or operated by the applicant or Licensee constitutes a public nuisance or that the location of the Retail Tobacco Establishment that is the subject of the application or license has been found, by a court of competent jurisdiction, to be a public nuisance during the period that the court retains jurisdiction over the nuisance action.

(5) Information contained in the application is misleading, inaccurate, or false.

(6) The applicant or Licensee, or any agent, employee, or representative thereof, fails to comply with U.S. Food and Drug Administration regulations, Ohio Revised Code, Ohio Administrative Code, and/or city codes relating to building, health, and fire.

(7) The applicant or Licensee has outstanding fines, issued pursuant to Chapter 765 of the Codified Ordinances or Columbus City Health Code Chapter 248.

CHAPTER 765
TOBACCO SALES
Incorporating changes in proposed Flavored Tobacco Ordinance
As introduced 11-6-23

(b) Any Licensee whose Retail Tobacco Product Sales license or Temporary Retail Tobacco Product Sales license has been proposed to be suspended or revoked shall be notified in writing by the Department. Appeals of such action may be made in accordance with Columbus City Health Code Section 203.10.

(c) Any applicant whose application for a Retail Tobacco Product Sales license or Temporary Retail Tobacco Product Sales license is denied shall be notified in writing by the Department. Appeals of such action may be made in accordance with Columbus City Health Code Section 203.08.

765.04 SIGN DISTRIBUTION AND POSTING.

(a) The Department shall make signs available to all Retail Tobacco Product Sales Licensees and Temporary Retail Tobacco Product Sales Licensees. Signs shall be provided by the Department at the time of license approval or renewal, and upon request.

(b) The Licensee shall post the signs provided by the Department, which include notice of the legal sales age and Proof of Age verification requirement provided for in Section 765.06, in each Retail Tobacco Establishment within 6 feet of each cash register or place where payment may be made in a place conspicuous to both employees and customers and where the sign is unobstructed in its entirety. The sign shall state, "NO PERSON UNDER THE AGE OF 21 MAY BE SOLD TOBACCO PRODUCTS INCLUDING ELECTRONIC SMOKING DEVICES." The sign required shall be at least 6 by 4 inches and the words on the sign must be legibly printed in high contrast red color with capitalized letters at least 0.3 inches high.

765.05 ENFORCEMENT AND CIVIL PENALTY.

(a) The Department shall enforce all applicable provisions of this Chapter and all regulations adopted pursuant hereto.

(b) The Department may conduct inspections, which may include Underage Buy Attempts and/or Flavored Tobacco Product buy attempts, for all Retail Tobacco Establishments within the City of Worthington that have Retail Tobacco Product Sales licenses.

(c) The Department may conduct inspections which may include Underage Buy Attempts and/or Flavored Tobacco Product buy attempts, during Temporary Retail Tobacco Product Sales Licensee's events.

(d) If the Department observes a violation(s) of this Chapter at a Retail Tobacco Establishment that has a Retail Tobacco Product Sales license or Temporary Retail Tobacco Product Sales license, the following schedule of civil penalties shall be imposed on the Licensee, in addition to the sanctions specified in Section 765.03(A):

CHAPTER 765
TOBACCO SALES
Incorporating changes in proposed Flavored Tobacco Ordinance
As introduced 11-6-23

- (1) For a first violation, a fine of \$1,000.00.
- (2) For a second violations within two years of the first violation, a fine of \$5,000.00 per violation.
- (3) For a third and any subsequent violation within two years of the first violation:
 - A. a fine of \$10,000.00 per violation; and
 - B. revocation of any existing Retail Tobacco Product Sales license or Temporary Retail Tobacco Product Sales license and imposition of a two-year ineligibility to obtain a Retail Tobacco Product Sales license or Temporary Retail Tobacco Product Sales license.
- (4) Licensees have the right to appeal civil penalties in accordance with Columbus City Health Code 203.08.

- (e) The Department of Public Safety, Division of Police, retains full authority to enforce Sections 765.06 and 765.07 of the Codified Ordinances.

765.06 DISTRIBUTION OF TOBACCO PRODUCTS WITHOUT A LICENSE.

- (a) No retailer of Tobacco Products shall give, sell, or otherwise distribute Tobacco Products without a valid license issued by the Columbus Board of Health;

- (b) Whoever violates this section is guilty of distribution of Tobacco Products without a license, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, Section 765.07 of the Codified Ordinances, former Sections 2329.13 or 2329.14 of the Columbus City Code, or Section 2927.02 of the Ohio Revised Code, then the retailer shall be denied a license for distribution Tobacco Products for a period not to exceed 5 years.

765.07 ILLEGAL DISTRIBUTION OF TOBACCO PRODUCTS.

- (a) No Licensee, manufacturer, producer, distributor, wholesaler, or retailer of Tobacco Products, or any agent, employee, or representative of a Licensee, manufacturer, producer, distributor, wholesaler, or retailer of Tobacco Products shall do any of the following:
 - (1) Give, sell, or otherwise distribute Tobacco Products to any person under twenty-one (21) years of age;
 - (2) Give, sell, or otherwise distribute Tobacco Products in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing Tobacco Products to a person under twenty-one (21) years of age is prohibited by law.
 - (3) Give, sell, or otherwise distribute Tobacco Products without viewing proof of age demonstrating the recipient is at least twenty-one (21) years of age, except that no such verification is required for a recipient over the age of thirty (30). That a person appeared to be over the age of thirty (30) shall not constitute a defense to a violation of this section.
 - (4) Give, sell, or otherwise distribute Flavored Tobacco Products.
 - (5) Give, sell or offer to sell Tobacco Products by or from a Vending Machine.

CHAPTER 765
TOBACCO SALES
Incorporating changes in proposed Flavored Tobacco Ordinance
As introduced 11-6-23

(b) Subsection (a)(4) does not apply to the retail sale of Flavored Shisha Tobacco Products.

(c) Whoever violates this section is guilty of illegal distribution of Tobacco Products, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of this section, Section 765.06 of the Codified Ordinances, former Sections 2329.13 or 2329.14 of the Columbus City Code, or Section 2927.02 of the Ohio Revised Code, then illegal distribution of Tobacco Products is a misdemeanor of the third degree.

765.08 RULE MAKING AUTHORITY.

The Columbus Board of Health is hereby authorized to promulgate additional rules and regulations to carry out the purpose and intent of this Chapter in order to protect the public health, safety and welfare. The Columbus Board of Health shall provide City Council a copy of the proposed rules and regulations at least 60 days prior to their proposed effective date. The rules and regulations shall become effective as proposed unless City Council takes action to modify or reject them.

765.09 TOBACCO ENFORCEMENT AND EDUCATION FUND.

All fines and penalties collected as a result of enforcement of the provisions of this Chapter shall be paid directly to the Columbus Board of Health to be deposited into a "Tobacco Enforcement and Education Fund" to be administered by the Columbus Health Department for enforcement, community education, and compliance efforts towards state and local tobacco product sales and use laws.

765.10 EFFECT OF PARTIAL INVALIDITY.

The provisions of this Chapter are hereby declared to be severable, and if any section, subsection, or clause of this Chapter is held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this Chapter that can be given effect.



STAFF MEMORANDUM
City Council Meeting – November 6, 2023

Date: November 2, 2023

To: City Council

From: Robyn Stewart, Acting City Manager

Subject: WORTHINGTON POOLS

EXECUTIVE SUMMARY

Time is provided for continued discussion of the funding request from Swiminc for the outdoor pool facility on the grounds of Thomas Worthington High School. Staff is seeking direction from City Council regarding the amount of funds, if any, to be provided and the strategy for provision of the funds.

BACKGROUND/DESCRIPTION

Worthington Pools is comprised of the outdoor pools and natatorium on the grounds of Thomas Worthington High School. Worthington Pools is run by Swiminc, Inc. which is a 501(c)3 private, nonprofit organization that incorporated in 1953. Swiminc was established for the purpose of operating the facilities and directing the programs of Worthington Pools. It is run by a volunteer Board of Directors and has a property lease and facility use agreements with Worthington Schools.

Swiminc reports the need for major renovation or replacement of the outdoor pools and the natatorium. The organization is seeking a solution to the infrastructure needs associated with the outdoor pools and has requested the City provide funding for the capital investment. They have presented three options with varying levels of repair, renovation, and replacement. The costs associated with the options range from \$10,300,000 to \$15,400,000.

The results of a community survey on this topic were presented to City Council at the last Council meeting. Paul Fallon with Fallon Research and Communications will be available during the meeting to answer questions, if there are any, regarding his report from the last meeting. Additionally, staff will review the various financial strategies that could be pursued to fund this request and timelines associated with them. Staff has prepared presentation slides to help inform the conversation, which

are attached.

ATTACHMENTS

Fallon Research Report on Survey Responses
Outdoor Pool Funding Request Presentation Slides



WORTHINGTON POOL

Public Opinion Research

Study Results

September-October, 2023

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Methods

Data was gathered through a combination of secure SMS/text-to-web surveys and telephone interviews performed by specially-trained opinion research interviewers

Conducted with 301 randomly-selected adult residents 18 years of age and older within the service area, using a combination of valid residential, VOIP and cellular telephone listings

+/- 5.64% overall estimated margin of error, with a confidence interval of 11.28% within which the results can vary

September 25 – October 2, 2023

Data was stratified and results weighted so that the differences in vital characteristics, such as age and gender, for example, are represented in proportion to their percentages of the adult population

Due to rounding, not all results add up to 100%, and the data is presented in a different order than the questions were asked

Unless otherwise noted, only statistically-significant differences that were outside the confidence interval for the overall estimated margin of sampling error have been reported in this presentation of key findings

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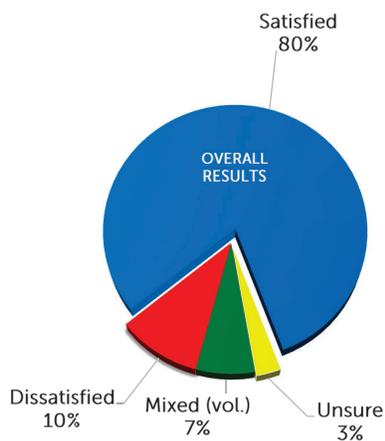


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Opinion Environment

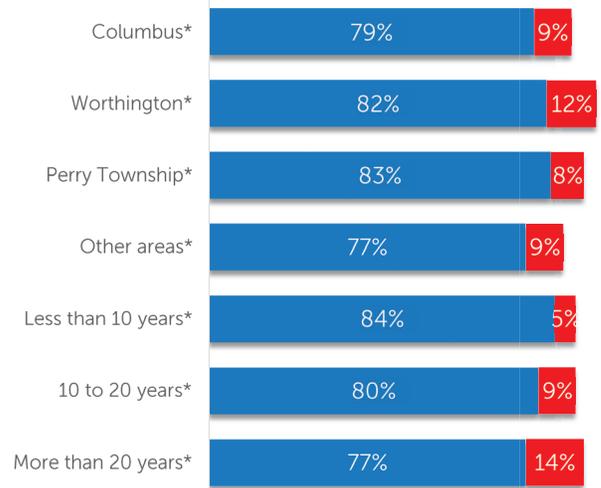
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Mood of Community



■ Satisfied
■ Dissatisfied

SELECT SUB-GROUP RESULTS

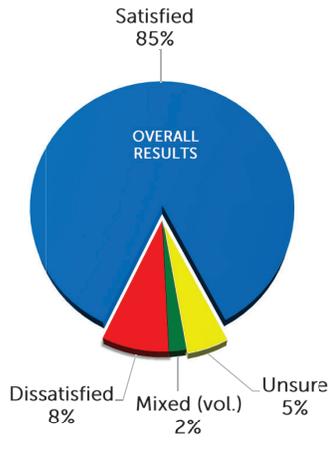


Generally speaking, at this time would you say that you are satisfied or dissatisfied with the quality of life in the greater Worthington area of Ohio?

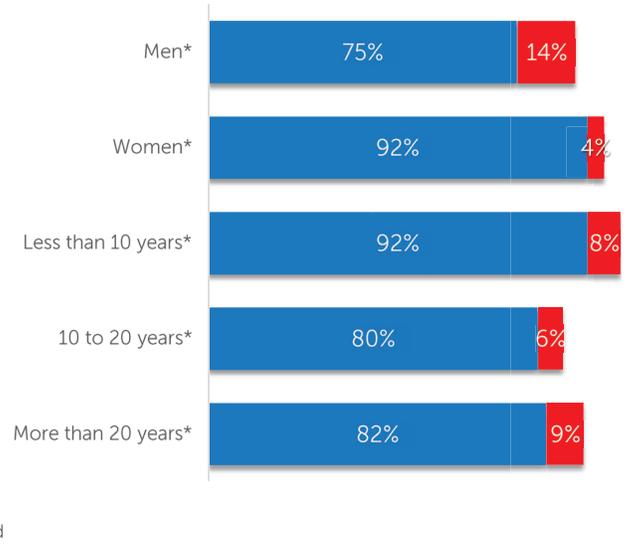
* Differences are not statistically significant

City Services

* ASKED ONLY TO WORTHINGTON CITY RESIDENTS



SELECT SUB-GROUP RESULTS



n=77*



Generally speaking, at this time would you say that you are satisfied or dissatisfied with the services that are provided by the City of Worthington?

* Differences are not statistically significant

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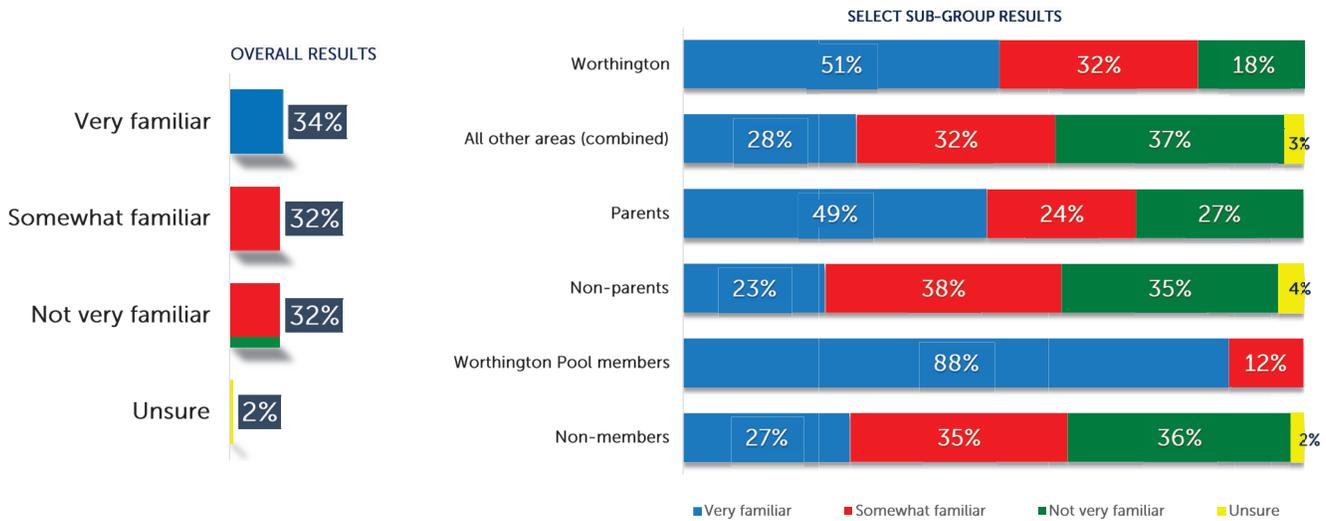
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Worthington Pool

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Familiar with Pool



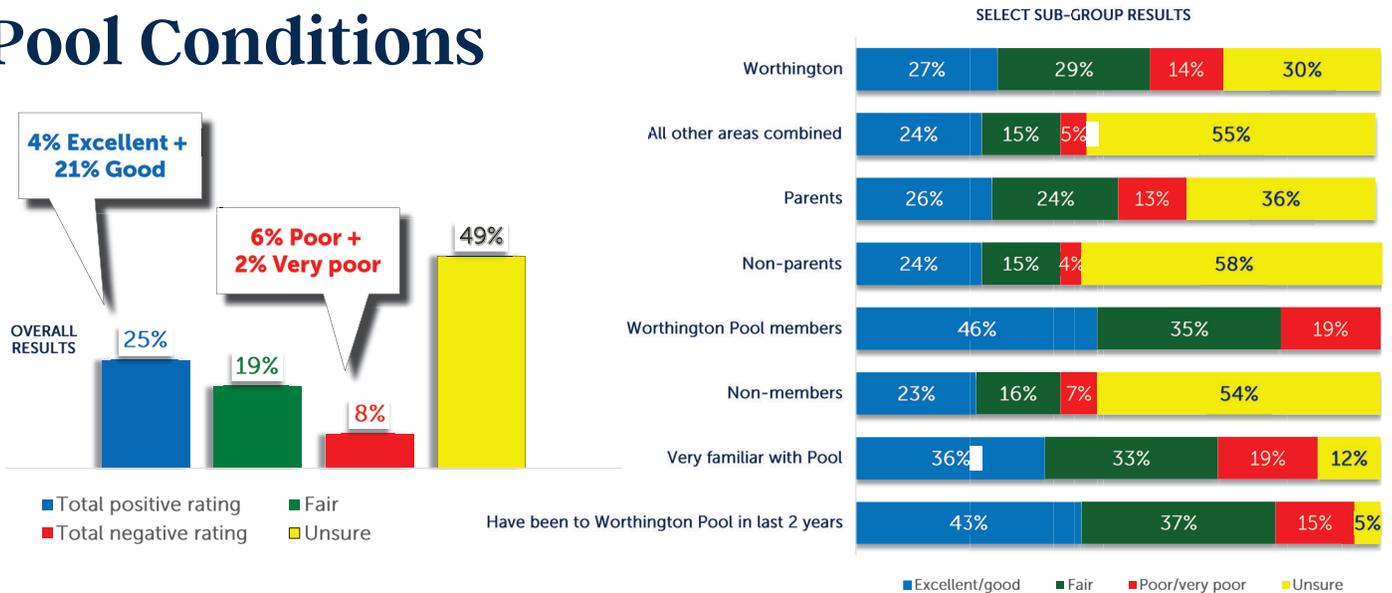
Q: How familiar are you with the Worthington Pool, which is located next to Thomas Worthington High School on Dublin-Granville Road?

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Pool Conditions



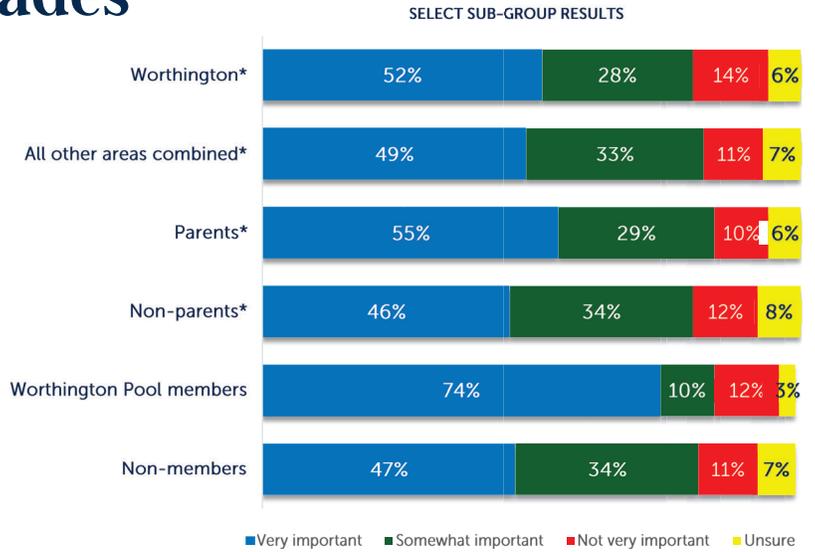
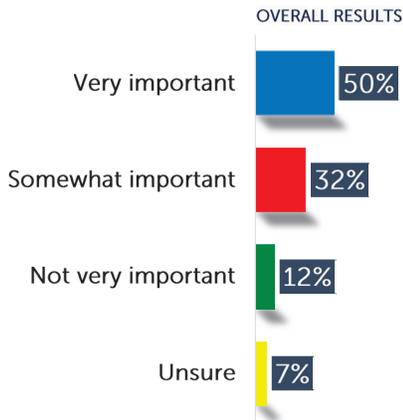
Q: Generally speaking, how would you rate the conditions of the outdoor pool?

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Importance of Upgrades & Repairs



How important do you think it is to make upgrades and improvements to the outdoor pool, which was originally built in the 1950s, in order to ensure that it continues to remain operable?

* Differences are not statistically significant

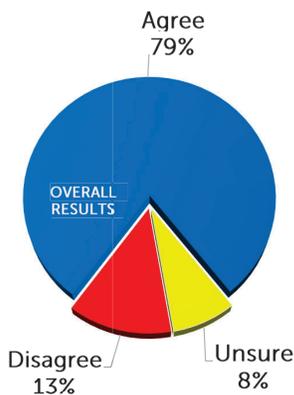
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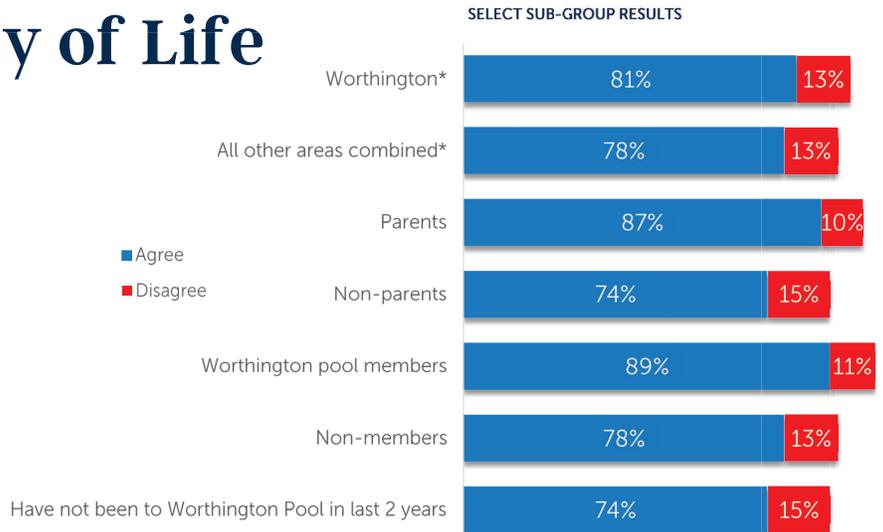


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Impact on Quality of Life



■ Agree
 ■ Disagree



Generally speaking, do you agree or disagree that having a high-quality outdoor pool available to community members is important to the quality of life in the greater Worthington area?

* Differences are not statistically significant

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Solutions

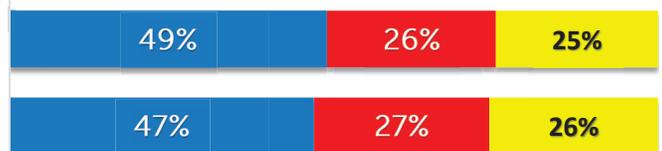
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Options

OVERALL RESULTS

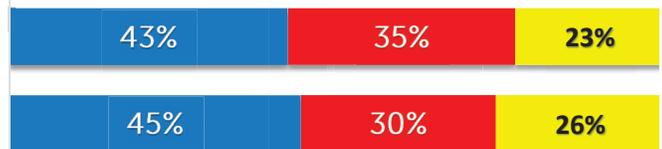
Do you favor or oppose renovating and repairing the existing outdoor pool and pool house, including the concessions and locker facilities, to ensure they remain serviceable, which would cost approximately \$10 million dollars to complete?

Worthington*



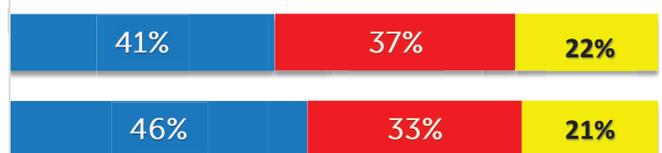
Do you favor or oppose renovating and repairing the existing outdoor pool and replacing the pool house, including the concessions and locker facilities, with a new one, which would cost approximately \$13 million dollars to complete?

Worthington*



Do you favor or oppose replacing both the existing outdoor pool and pool house, including the concessions and locker facilities, with new ones, which would cost approximately \$15 and a half-million dollars to complete?

Worthington*



- Favor
- Oppose
- Unsure



Reasons to Oppose

* ASKED ONLY TO THOSE OPPOSED TO ALL 3 OPTIONS

OVERALL RESULTS

- 33%** Do not want budget/taxes to go up/taxes are too high
- 14%** Do not use Worthington Pool/use other pool
- 13%** Too expensive/the cost
- 12%** There are other more important priorities
- 5%** Should fund repairs with existing budget
- 4%** Work is not needed
- 4%** Members/users should pay/fund with admission fees
- 14%** Other reasons
- 2%** Unsure

n=53*

Q: In a few words, what is the biggest reason that you are opposed to the prospective plans for the Worthington Pool and pool house?

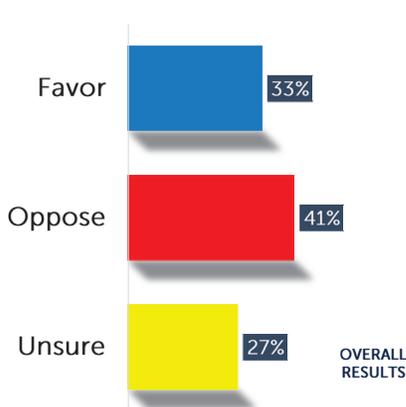
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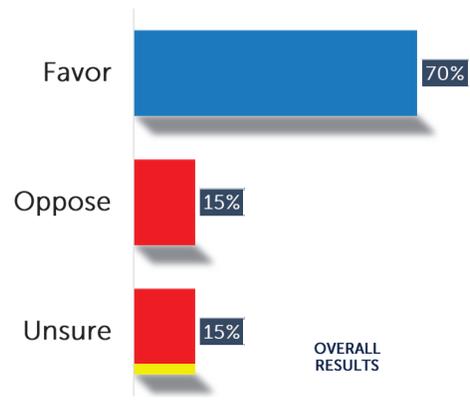
Local Budget Priorities



* ASKED ONLY TO WORTHINGTON CITY RESIDENTS

Q:

In order to pay for repairing or replacing the Worthington outdoor pool and pool house, do you favor or oppose having the City of Worthington pay the entire costs from its existing budget, even it means reducing other services?*



* ASKED ONLY TO RESIDENTS OF OTHER PARTS OF THE SERVICE AREA

Q:

In order to pay for repairing or replacing the Worthington outdoor pool and pool house, do you favor or oppose having each city and township that is served by the Worthington outdoor pool contribute funding?*

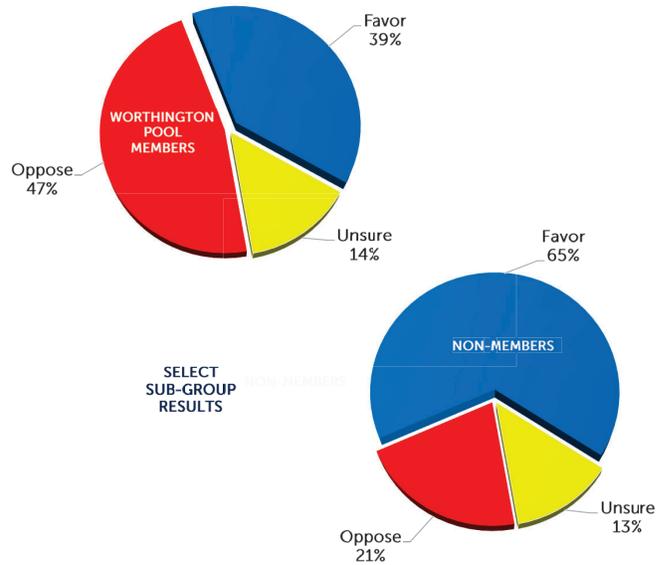
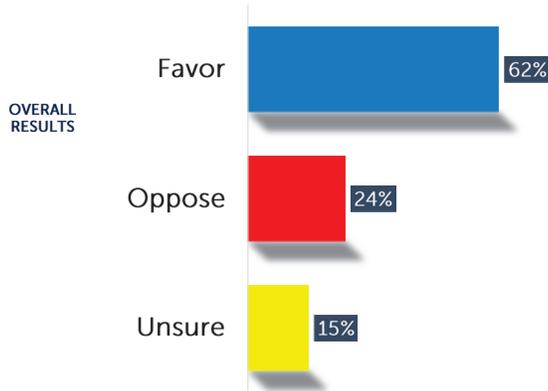
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Raising Admission Fees



In order to pay for repairing or replacing the Worthington outdoor pool, do you favor or oppose also increasing membership costs and admission fees, to offset general repairs to the outdoor pool to keep it serviceable and operating?

* Differences are not statistically significant

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Conclusion

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Other Results

- 31 percent of respondents indicated that they had visited the Worthington Pool within the last 2 years, including 55 percent of Worthington residents
- 42 percent indicated that they had children under 18 years of age, which is an important characteristic that corresponded with other attitudinal variables
- 11 percent indicated that they or their household had a membership to the Worthington Pool
- 35 percent indicated that they belong to or use another private or public swimming pool

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17

Key Findings Recap

The vast majority of residents were satisfied with the quality of life in the community, suggesting that there were no underlying problems or concerns that may have tainted views about other matters, such as the principal focus of the opinion study

Most Worthington residents also were satisfied with the services being provided to them, which suggests that they have immense trust and confidence in their city leaders and officials

Area residents had varying degrees of familiarity with the Worthington Pool, and while they seemed to have valued it as a key asset, results indicated that those who knew it best were, paradoxically, the most content with its current conditions, which may complicate the ability to build a consensus about repairs and renovations; **simply put, the biggest challenge may be one of complacency**

None of the options explored garnered a majority among Worthington residents, except raising admissions fees, and such a measure could undermine the sentiments of pool members, whose voices may carry inordinate weight in deliberations about how to proceed

Another complicating factor was that the myriad of options that appear to be available may constrain pool leaders in such a highly competitive environment for the patronage of pool-goers, who may seek alternatives if membership becomes too onerous

Despite the challenges that exist, the results indicated that many residents saw the Worthington Pool as being central to the social fabric of the community and, therefore, will likely be receptive to the discourse about various solutions to continue to make it attractive and accessible to the public

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18



Questions?

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Outdoor Pool Funding Request

November 6, 2023

1

Background

Swiminc runs Worthington Pools which includes outdoor pools and a natatorium on the grounds of Thomas Worthington High School

Worthington Schools is rebuilding the natatorium along with the high school reconstruction

Swiminc has approached the City for funding to renovate or replace the outdoor pools

Swiminc has presented three options for investment

2

Investment Option #1

\$10,300,000

Renovation and repair of existing outdoor pool and pool house, including the concessions and locker facilities



OPTION 1 SITE CONCEPT

3

Investment Option #2

\$12,800,000

Renovations and repair of existing outdoor pool;
Replacement of the pool house, including the concessions and locker facilities



OPTION 2 SITE CONCEPT

4

Investment Option #3

\$15,400,000

Replacement of existing outdoor pool and pool house, including the concessions and locker facilities



OPTION 3 SITE CONCEPT

5

Discussions to Date

Multiple conversations with Swiminc through the spring and summer, including conversations among representatives of the City, Swiminc and Schools through a working group

Preliminary discussion of financial strategies in June

Presentation of options for investment by Swiminc in June

Continued conversation in July, including authorization of the community survey

Presentation of survey responses in October

6

Community Survey

Questions or follow up discussion related to the survey before moving into financial strategy options?

7

Financial Options

No Action	Current City Funds	Voted Ballot Issue	Charter Millage
Hybrid	Fundraising	School Joint Recreation District	Other Joint Recreation District

8

Financial Options: Not Likely and/or Feasible

- No Action**
 - Likely results in closure of outdoor pool
- Fundraising**
 - Won't raise sufficient funds
- Other JRD**
 - Outside of the School District, no other entity provides enough additional taxpayers/beneficiaries

9

Financial Options

No Action	Current City Funds	Voted Ballot Issue	Charter Millage
Hybrid	Fundraising	School Joint Recreation District	Other Joint Recreation District

10

Financial Options: Current Funds

Benefits

- Quick & easy to authorize

Challenges

- Creates a deficit throughout the five-year forecast and beyond until bonds are paid off, OR
- Utilizes cash from the General Fund balance, which will immediately trigger the need to raise revenue or reduce expenditures to align with the General Fund Balance Policy
- Impacts to other planned expenditures

11

Financial Options: Current Funds – GF Balance

\$10,300,000 Option

- Projected General Fund Balance reduced to 30% of prior year expenditures
- Per the General Fund Balance Policy, the City would need to take steps to raise revenue or reduce expenditures to reach at least 35%

\$15,400,000 Option

- Projected General Fund Balance reduced to 16% of prior year expenditures
- Per the General Fund Balance Policy, the City would need to take steps to raise revenue or reduce expenditures to reach at least 35%

Note: Utilizes proposed 2024 Operating Budget as baseline

12

Financial Options: Current Funds – GF Bond Payments

\$10,300,000 Option

- Annual operating deficit of between \$971,000 - \$2,183,000
- Projected General Fund Balance would shrink to 40% by 2028 and continue to decline beyond 2028

\$15,400,000 Option

- Annual operating deficit of between \$1,367,000 - \$2,579,700
- Projected General Fund Balance would shrink to 34% by 2028, triggering steps to raise revenue or reduce expenditures to comply with the General Fund Balance Policy

Note: Utilizes proposed 2024 Operating Budget as baseline

13

Financial Options: Current Funds – CIP Bond Payments

\$10,300,000 Option

- Annual deficit in the CIP Fund of between \$347,000 - \$1,138,775
- CIP Fund Balance would shrink to 23% by 2028

\$15,400,000 Option

- Annual deficit in the CIP Fund of between \$755,846 - \$1,547,511
- The City's CIP Fund Balance would be fully spent by 2028

Note: Utilizes proposed 2024-2028 Capital Improvements Program as baseline

14

Financial Options: Voted Ballot Issue

Benefits

- Dedicated revenue stream to fund the outdoor pool investments
- Voters weigh in
- No need to forego other planned expenditures

Challenges

- Additional tax burden on residents
- Time and effort associated with a ballot issue
- Need support of voters to move forward with investment

Note: City will need to move quickly if there is a desire for a spring ballot issue

15

Financial Options: Voted Ballot Issue

\$10,300,000 Option

- 1.084 mills
- \$38 cost per \$100,000 of appraised value
- 20 Years

\$15,400,000 Option

- 1.620 mills
- \$57 cost per \$100,000 of appraised value
- 20 Years

Note: Based on current assessed valuation; expected to change for next year

16

Financial Options: Charter Millage

Benefits

- Dedicated revenue stream to fund the outdoor pool investments
- Requires only the support of City Council; doesn't require voter support
- No need to forego other planned expenditures

Challenges

- Additional tax burden on residents
- Voters are not given the option to weigh in on the new taxes
- Millage would not be available in case of financial downturn to support existing services

17

Financial Options: Charter Millage

\$10,300,000 Option

- 1.084 mills
- \$38 cost per \$100,000 of appraised value

\$15,400,000 Option

- 1.620 mills
- \$57 cost per \$100,000 of appraised value

This would not be a fixed payment amount, but would increase as valuations increase

Note: Based on current assessed valuation; expected to change for next year

18

Financial Options: Hybrid

Benefits

- Decreases the amount of new debt while meeting the requirements of the General Fund Balance Policy
- Reduces the amount of debt payments
- Reduces the impact to other planned investments, OR
- Reduces the amount of new property taxes

Challenges

- Same as those identified for the companion strategy (Voted Ballot Issue, Charter Millage, Current Funds)

19

Financial Options: Hybrid

\$4M from GF Balance, Remaining Bonded and Funded from CIP Fund

Maintains projected GF Balance at 41%

\$10,300,000 Option

- Annual deficit in the CIP Fund expanded by \$505,000 annually
- Not sustainable without offsetting expenditure cuts or additional revenue

\$15,400,000 Option

- Annual deficit in the CIP Fund expanded by \$915,000 annually
- Not sustainable without offsetting expenditures cuts or additional revenue

Note: Utilizes proposed 2024 Operating Budget & proposed 2024-2028 Capital Improvements Program as baseline

20

Financial Options: School Joint Recreation District

Benefits

- Dedicated revenue stream to fund the outdoor pool investments
- Voters weigh in
- No need to forego other planned expenditures
- Lowers the amount of new property tax millage
- Spreads financial support to additional users

Challenges

- Additional tax burden on residents
- Time and effort associated with creation of the JRD and passage of a ballot issue (multi-year effort)
- Need support of a broader group of voters to move forward with investment
- Lower feeling of connection to the pool the further the geographic distance

21

Financial Options: School Joint Recreation District

\$10,300,000 Option

- 0.339 mills
- \$12 cost per \$100,000 of appraised value

\$15,400,000 Option

- 0.507 mills
- \$18 cost per \$100,000 of appraised value

Note: Based on current assessed valuation; expected to change for next year

22

Other Details to be Determined



If a ballot issue, what is the structure (bonds or only additional millage)?

Could ask for approval of bonds specifically or seek a parks & recreation levy that would be used to pay off bonds



Who holds the construction contract?

If Swiminc, City could require a qualified & experienced project manager

If City, would need to incorporate public bidding and prevailing wage to scope/cost



Does the City want supplemental review/inspection during construction?

City could hire a contract inspector to monitor construction performed by Swiminc's contractor



Does the City want influence or control related to operations and maintenance?

City could seek representation on Swiminc Board or designate other requirements in exchange for funding

23

Other Details to be Determined



Will Swiminc continue to be the operator?

Swiminc has successfully operated the pool facilities for 70 years



Does the City want operational obligations?

City could request discounted rates for Worthington residents and taxpayers if City provides funding



Does the City want to require funds set aside for maintenance?

City could require an annual set-aside for maintenance of the outdoor pool facility



Does the City want Swiminc to make payments on the capital expense?

City could request Swiminc make annual payments to partially repay the City's contribution

24

Summary of Financial Strategy Options

Current City Funds

Necessitates reduction in other expenditures

Voted Ballot Issue

If want to place issue on spring 2024 ballot, need legislation this month

Charter Millage

Need to signal with Tax Budget in July

Hybrid

If additional millage involved, timelines noted above apply

School Joint Recreation District

Need to engage School District to determine level of support and identify people to lead the JRD and pass a levy



1



Presentation Purpose & Next Steps

- Discuss Departmental Budget Goals
- Review Notable Departmental Budget Changes
- Next Steps
 - November 13th Community Group Presentations
 - November 20th Budget Follow-Up
 - November 20th Introduce Legislation
 - December 4th Public Hearing and Adoption of Legislation



2

2024 Proposed Budget: Highlights

-  \$1,775,000 Capital Transfer in 2024 \$500,000 in 2025-2028 to support additional capital investment
-  Maintenance of Existing Services
-  Funding for Vision Implementation
-  Funding for Comp Plan Update
-  The addition of two and a half (2.5) New Positions
 - Assistant Law Director
 - Fire Inspector
 - Part-Time Public Service Coordinator



3

Legislative & Clerk Goals

- Transition to New City Manager
- Begin Implementation of Vision Action Ideas
- Digitization of Records
- Formalize Procedures for Permits & Public Records
- Tentative Sister City Mayoral Delegation



4

Mayor's Court Goals

- Upgrade Case Management System
- Begin Imaging Case Files & Court Documents



5

Administration Goals

- Transition to New City Manager
- Select a New Police Chief
- Complete Housing Assessment & Prepare Next Steps
- Pursue Action Items that Come from Vision Teams
- Complete Northeast Area Plan



6

Personnel Goals



Training:
Supervisory,
Leadership,
Substance Free
Workplace

New Human
Resources
Information
System



7

Economic Development Goals



Attract New
Employers to 6700
N. High

Continue Support
for High North
Redevelopment

Additional
Restaurants,
Retailers & Offices
at Worthington
Gateway

Complete
Northeast Area
Plan

Expand Business
Retention &
Expansion Program



8



Information Technology Goals

- Functional & Supported Network & Computing Environment
- Upgraded Systems: Court, Personnel, Council Chambers, Fiber
- Be Prepared to Detect & Remediate Cybersecurity Threats
- Develop Guidelines & Policies for Use of AI
- Continue Participation in Regional Data Advisory Committee



9



Finance Department Goals



Government Finance Officers Association
 Certificate of Achievement for Excellence in Financial Reporting
 Presented to
City of Worthington Ohio
 For its Annual Comprehensive Financial Report
 For the Fiscal Year Ended
 December 31, 2021
Christopher P. Merrill
 Executive Director/CEO

- GFOA Distinguished Budget Award for 2024
- Fiscal Stability and Sound Investments
- Conversion of Records to Electronic Format
- Evaluate Electronic Payment Options
- Prepare 2023 Annual Comprehensive Financial Report



10



Notable Budget Changes

-  **Legislative & Clerk**
Added \$100,000 to facilitate implementation of items from Vision Implementation Teams
-  **Administration**
Added \$48,150 to convert microfilm and digitize the City's records
-  **Personnel**
Added \$13,000 for annual vacation pay conversion
-  **Information Technology**
Added \$79,647 to account for new Human Resources Information System and maintenance of Police Records Management system



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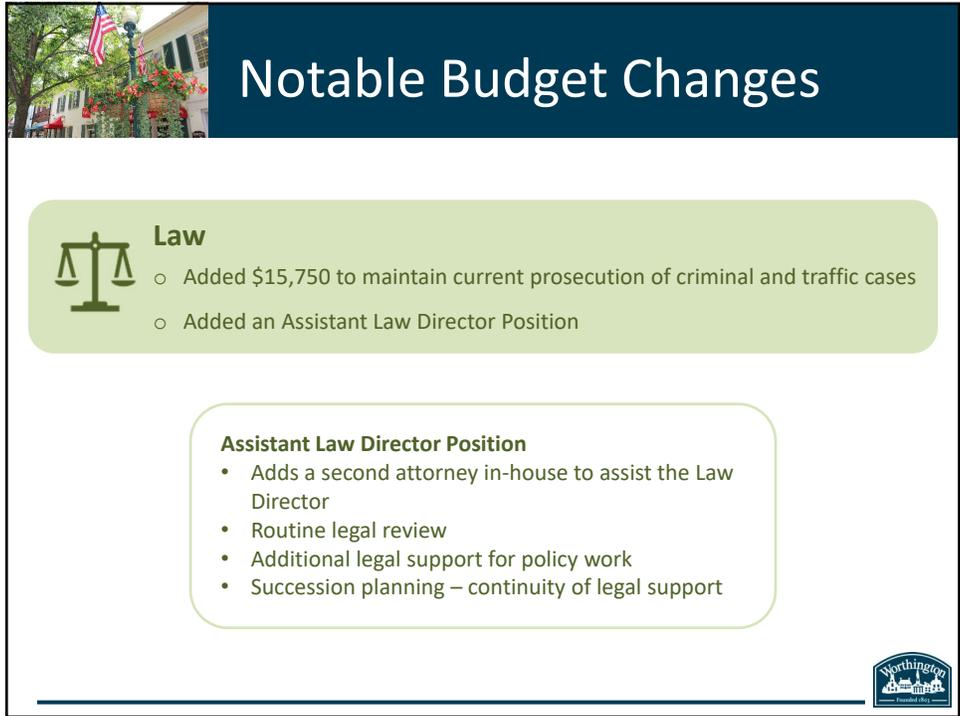


Law Department Goals

- Legal Oversight of Litigation
- Legal Assistance: Sewer Projects & Zoning Code Amendments



12



Notable Budget Changes



Law

- Added \$15,750 to maintain current prosecution of criminal and traffic cases
- Added an Assistant Law Director Position

Assistant Law Director Position

- Adds a second attorney in-house to assist the Law Director
- Routine legal review
- Additional legal support for policy work
- Succession planning – continuity of legal support



13



Service & Engineering Goals

Graduate Two More Supervisors from Ohio Public Service Institute



Streamline Project Delivery Through Strategic Use of Consultants

Smooth Transition After Retirements in Key Positions

Manage & Oversee Capital Infrastructure Projects

Improve Response Time for Infrastructure Damage

Continue Support for Bicycle & Pedestrian Advisory Board



14



Notable Budget Changes



Service & Engineering

- Added \$25,000 for additional consulting support
- Added \$20,000 for accident reimbursements for repair/replacement of infrastructure damaged by vehicles
- Added \$12,750 for new software for sewer utilities to track conditions and make video accessible
- Converted an existing vacant position to a Full-Time Engineering Coordinator and a Part-Time Public Service Coordinator Position

Engineering Personnel Changes

- Converts an existing position to Engineering Coordinator, with a focus on technical/specialized project and right-of-way management
- Adds a Part-Time Public Service Coordinator, with a focus on administrative work in support of projects and compliance



15



Fire & EMS Goals



Establish Service Coordinator Program

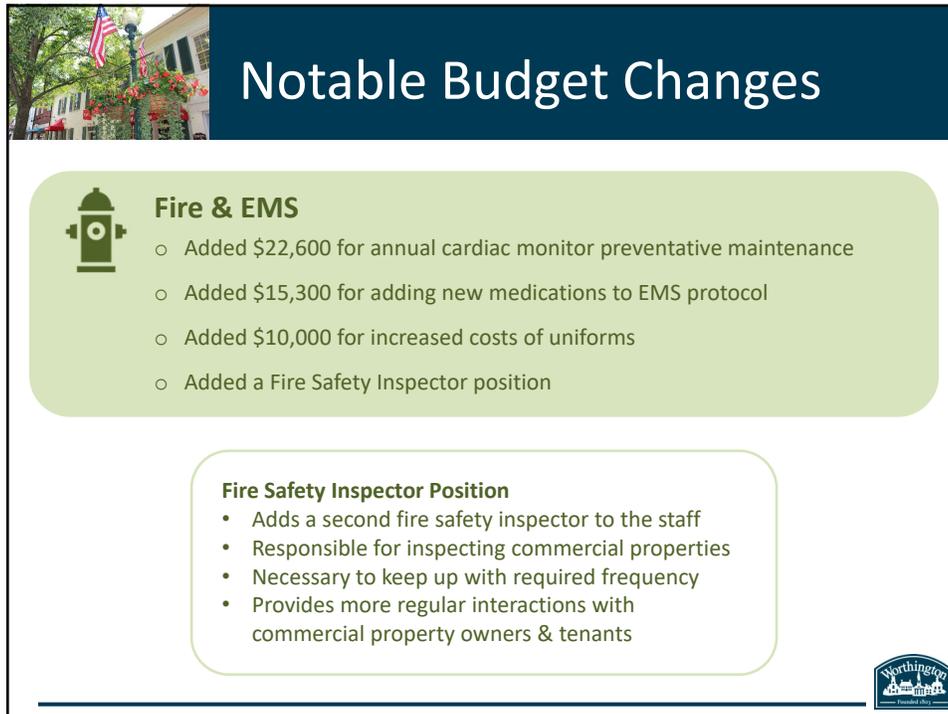
Continue Hiring & Onboarding Firefighters

Build Peer Support Training Program

Update Standard Operating Procedures



16



Notable Budget Changes



Fire & EMS

- Added \$22,600 for annual cardiac monitor preventative maintenance
- Added \$15,300 for adding new medications to EMS protocol
- Added \$10,000 for increased costs of uniforms
- Added a Fire Safety Inspector position

Fire Safety Inspector Position

- Adds a second fire safety inspector to the staff
- Responsible for inspecting commercial properties
- Necessary to keep up with required frequency
- Provides more regular interactions with commercial property owners & tenants



17



Police Goals

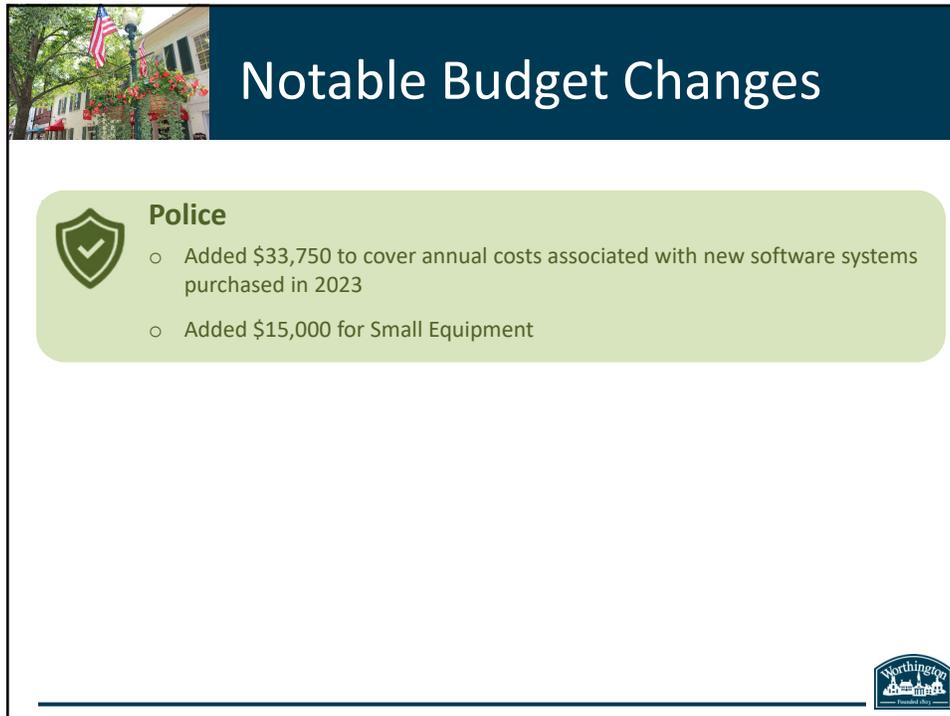
Transition to New
Police Chief

Increase
Community
Policing with Bike
& Foot Patrols

Fill Vacant
Positions to Get to
Full Staffing



18



Notable Budget Changes

Police

- Added \$33,750 to cover annual costs associated with new software systems purchased in 2023
- Added \$15,000 for Small Equipment



19

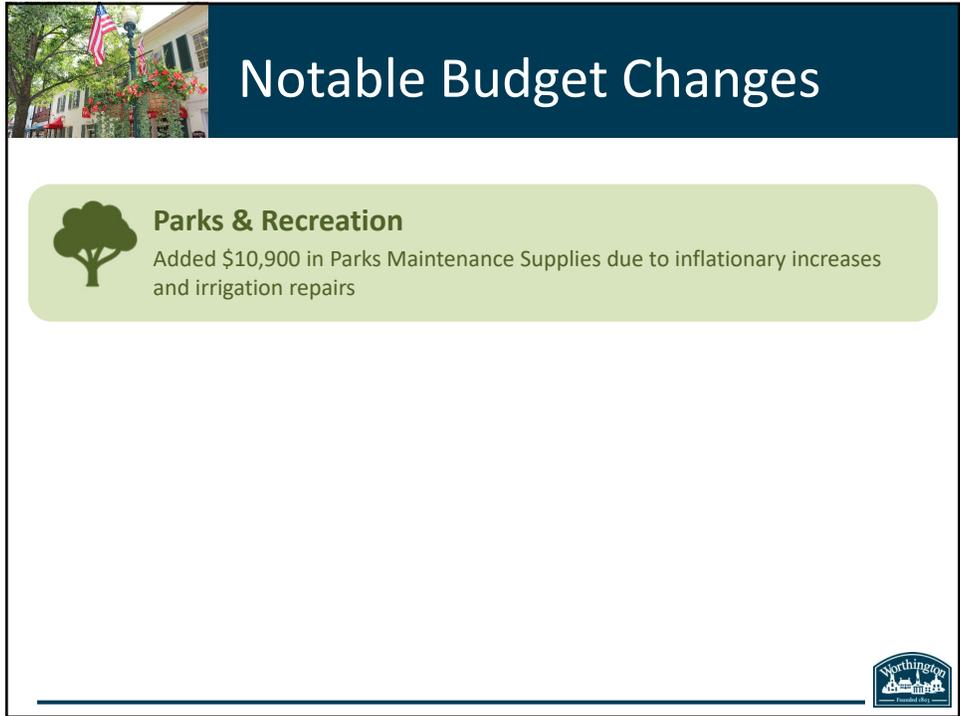


Parks & Recreation Goals

- Lead Community Process for E. Granville Playground Replacement
- Support Bike/Ped, Age Friendly & New Foundation
- Open New McCord Park Ball Diamonds & Establish Rental Rates
- Continue Development of Outdoor & Nature Programming



20



Notable Budget Changes

 **Parks & Recreation**
Added \$10,900 in Parks Maintenance Supplies due to inflationary increases and irrigation repairs



21



Planning & Building Goals

- Continue Implementation of Wayfinding & Signage Replacement
- Manage Development Review Process for Projects
- Continue Updates & Refinements of Planning & Zoning Code
- Begin Comprehensive Plan Update & Housing Strategy
- Continue to Enhance Online Applications for Permits



22



Notable Budget Changes



Planning & Building

Included \$455,000 for a Comprehensive Plan update (an increase of \$340,000 from 2023 budget due to Northeast Area Plan)



23



Next Council Meeting

November 13th presentation covers

- McConnell Arts Center
- Worthington Historical Society
- Worthington Partnership
- Worthington Area Chamber of Commerce



24