

**DUBLIN CITY COUNCIL
WORK SESSION
FEBRUARY 6, 2023**

Minutes

Mayor Fox called the Monday, February 6, 2023 work session to order at 6:00 p.m.

Council members present: Ms. Alutto, Vice Mayor De Rosa, Mayor Fox, Mr. Reiner, Mr. Keeler, and Ms. Kramb. Ms. Amorose Groomes was absent.

Staff present: Ms. O'Callaghan, Ms. Readler, Mr. Ranc, Ms. Rauch, Mr. Rayburn, Ms. Noble, Chief Paez, Mr. Ament, Ms. Willis, Ms. Wawzkiewicz, Mr. Rogers, Ms. Weisenauer, Ms. Goliver.

Also present were: Lindsay Rodenhauser, Care Coordinator and Addiction Services Supervisor and Eric West, Tobacco Cessation and Harm Reduction Liaison, Franklin County Public Health; and Chris Lankenau and Isaac Kwon, Urban Partners.

Pledge of Allegiance

Ms. Kramb led the Pledge of Allegiance.

Flavored Tobacco Products Discussion

Ms. O'Callaghan stated that Lindsay Rodenhauser, Care Coordinator and Addiction Services Supervisor and Eric West, Tobacco Cessation and Harm Reduction Liaison, from the Franklin County Public Health District were in attendance as the City's contracted health advisors to answer any questions Council may have. She stated that both Ms. Rodenhauser and Mr. West have been providing staff with statistical information about flavored tobacco and its effects, as well as keeping staff apprised of the regional conversation that has been happening. She stated they have also consulted with staff about enforcement.

Ms. O'Callaghan stated that on October 7, 2022 at the Central Ohio Mayors and Managers Association (COMMA) meeting, Dr. Rob Crane and Amanda Turner, Executive Director of Preventing Tobacco Addiction Foundation/Tobacco 21 spoke on the topic of ending the sale of flavored nicotine and tobacco products. Then on November 14, 2022, Dr. Crane and Amanda Turner attended the Council meeting regarding the negative effects that flavored tobacco products have had on youth and their movement to ban flavored tobacco and nicotine products. Following Dr. Crane's presentation in November, City Council members expressed an interest in furthering a ban on flavored tobacco and nicotine products within the City.

Ms. O'Callaghan provided the legislative history of tobacco issues that have come before City Council. In 2004, Dr. Crane assisted the City in enacting legislation to combat second-hand smoke by preventing smoking in public places and in places of employment, under Chapter 94 of the Dublin City Code. In 2017, Dr. Crane approached the City to raise the age to purchase nicotine products from 18 years to 21 years of age. Later that same year, the City enacted legislation prohibiting the sale of tobacco or alternative nicotine products to individuals under 21 years of age, and creating a licensing scheme for tobacco and alternative nicotine device retailers (this legislation was referred to as Tobacco 21). Based on the 2017 legislation, the City already prohibits the sale of any tobacco product or alternative nicotine device (including flavored tobacco) to anyone under the age of 21 within the City. Therefore, any legislation that Council would consider would be to amend the City Code to additionally prohibit the sale of flavored tobacco products to any person within the City regardless of age.

Ms. O'Callaghan provided the status of tobacco regulation in other Central Ohio communities. There are two communities that currently have flavored tobacco ban ordinances: Columbus and Bexley. Columbus's legislation was recently passed in December and will go into effect January 2024. She also provided a list of several communities that are currently discussing tobacco retail licensing and/or a flavored tobacco ban. Ms. O'Callaghan stated that the Law Department has drafted what an amendment to the Code could look like if Council wished to prohibit the sale of flavored tobacco to any individual, regardless of age, within the City.

Ms. Rodenhauser stated that flavored tobacco is marketed toward youth. She stated that it is the flavored tobacco that "hooks" the younger population so that they continue to use nicotine projects into adulthood. She shared the following data:

- there are 3.4 retailers for every 10,000 residents;
- 12.3% of Dublin residents smoke and of those, 27.6% are menthol smokers; and
- there are 39 total tobacco retailers within the Dublin school district.

Ms. Alutto wanted to know more about conversations occurring with surrounding jurisdictions like Washington Township, since the School District is much larger than the City. Ms. Rodenhauser stated that conversations are being held with all of their jurisdictions (within Franklin County). She reviewed the status of some of the cities they are working with, such as Upper Arlington and Hilliard. Hilliard just passed tobacco retail licensing legislation last fall. There is an enforcement agreement between Franklin County Public Health and Hilliard that is similar to the agreement that Dublin has had with Franklin County Public Health since 2017.

Vice Mayor De Rosa asked about penalties and whether this would be a penalty for the sale and the use or just the sale. She stated that the problem is the use of the product. The City already says individuals under 21 cannot purchase these products, but they are still getting them. She asked if it was allowable to assign penalties for the use or giving away of these products as well.

Ms. Readler stated that the philosophy has been to penalize the giver or the source of it, not the user. For example, if flavored tobacco is prohibited and a gas station has a shelf full of flavored tobacco products, the penalties are going to be on the owner, the clerk and the retailer. She stated that Columbus Public Health has indicated that they are targeting the penalties toward retailers and hope to make the financial penalty strong enough that it has an impact.

Vice Mayor De Rosa asked what can be done if it is purchased and given to minors. Ms. Rodenhauser stated that there has not been a great deal of discussion around those scenarios. The primary focus has been on the retailer.

Mr. West stated that in the state of Ohio, it is legal for parents to provide alcohol or tobacco products to their kids as long as they are supervised in their usage of it. However, giving it to a minor that they are not the parent or guardian of is illegal. Ms. Readler stated that the City's current Code would prohibit anyone from giving a tobacco product to an underage person.

Vice Mayor De Rosa asked what the current penalty was for giving someone a prohibited product. Ms. Readler stated that in the Chapter 135, a first violation would be a fourth degree misdemeanor with up to a \$250 fine as well as 30 days in jail. If there were a prior conviction of this offense, the penalty would be a third degree misdemeanor with a fine up to \$500 and up to 60 days in jail. Dublin Code also has the tobacco licensing section, which is Chapter 94. In that section, if the retailer violates Chapter 135, their license can be suspended for 6 months. If the retailer violates Chapter 135 twice in a 12-month period, their license is revoked.

Ms. Krumb asked what the schools are doing to punish kids that are distributing these products. Mr. O'Callaghan stated that, in her conversations with Dr. Marchhausen, he has indicated that there is a significant issue in the schools. Vaping is an issue in later elementary grades, up through middle school and into high school. He has indicated that it is a resale issue and it is difficult to track.

Ms. Alutto stated that one of the biggest issues is how the kids are getting access to these products.

Ms. Krumb stated that they are still going to get access to these products. She stated that adding another layer of legislation is not going to stop kids from vaping. Ms. Alutto stated that it may not stop it, but it is another tool in the toolbox.

Mr. Keeler stated that it is a manufacturing problem, because it is being manufactured like candy. Every tobacco product has a flavor. If we can fight back against tobacco and eliminate these products, we should. If there is a way to search this out as people enter school buildings, then maybe that could help also.

Ms. Alutto stated it is part of a larger conversation that we need to have with the schools.

Mr. Reiner stated that the tobacco usage was going down in our youth until the flavored tobaccos came on the market and now the numbers of usage are high again. He stated his support of banning all flavored tobacco products.

Vice Mayor De Rosa asked what is happening at the federal level. Ms. Readler stated that the FDA has taken JUUL products off the shelves. Ms. Rodenhauser shared that in the past, menthol was not considered a "flavor" of tobacco, but it is now considered a flavor.

Mayor Fox asked if, historically speaking, tobacco initiatives have shown to be more successful when started at the local level and elevated to the national level. Ms. Rodenhauser responded affirmatively.

Mayor Fox stated that she was amazed to see how widespread the usage is among kids. The education piece is essential. She asked about the education efforts in schools and to parents alike. Mr. West stated that the education is key because there is such prominent use in schools. One in three high school students and one in five middle school students have used a vape in the last 30 days. He stated they are trying to reach more youth organizations. Mayor Fox asked if he (Mr. West) is finding that younger kids are unaware of the consequences to health that these products create. Mr. West stated that in his experience, that message resonates with the youth and they are not shy about sharing stories of their own usage. He stated that getting to these kids earlier and educating them is helpful.

Vice Mayor De Rosa asked what education is happening at the high schools today. Mr. West stated that he could not speak specifically to Dublin High Schools, but they recently met with a local 4-H group.

Ms. Alutto stated that her middle school age child received some education about tobacco products in his health class, but that the message and education is not stressed enough at the high school level. Ms. Rodenhauser stated that this is an addictive substance, so providing services to be able to quit using the substance needs to be a part of the education as well. Ms. Alutto added that it is important to provide those services without stigma or judgement.

Mayor Fox stated that the focus for the City is trying to be a good partner in fixing this problem, but it is also about engaging in finding resources to push the educational aspect that will have an impact.

Vice Mayor De Rosa asked about enforcement and what the schools are doing or planning to do. Ms. O'Callaghan stated that Dr. Marchhausen shared that the education on vaping and flavored tobacco is addressed as part of the "all" tobacco conversations they are having about the dangers of using any tobacco products. Chief Paez stated that they have their own drug abuse prevention programming that they do in conjunction with the schools. From an enforcement perspective, they try to find a balance in the support offered from the School Resource Officer and enforcing a health and school policy issue. He stated that if there are sales or redistribution of these products happening in the schools, then the School Resource Officers would certainly work with the schools to keep the school environment safe.

Vice Mayor De Rosa stated that it seems like having a broader discussion with the schools about education and enforcement would be a logical step.

Mr. Reiner stated that he is supportive of moving forward on the legislation and still having the discussions needed with the schools.

Ms. O'Callaghan stated that should Council move forward with the legislation, staff would bring forward a communication plan similar to what was done in 2017.

Ms. Kramb stated that she is supportive of more education to the youth, but she is not supportive of banning flavored substances that are legal for adults to buy.

Mr. Keeler stated that the idea of marketing this to children is ill conceived. The only way to stop them from using it is to eliminate the product. If it stops even one child from becoming addicted to it, then it is worth it.

Ms. Alutto stated that she feels making it a little harder to get is worth trying and the conversation with the schools is imperative.

Vice Mayor De Rosa stated that she would not be supportive of passing legislation without having the conversations with the schools and partners either prior to or parallel to the legislation. She noted the statistic that, of the people who smoke, 30% smoke menthol. The public needs an opportunity to weigh in on this. Having the broader conversation with the schools provides that opportunity.

Ms. O'Callaghan noted that Columbus just passed the ban on flavored tobacco products, but it does not go into effect until January 2024 to allow retailers time to clear their product. She stated in 2017, the communication plan included working with the retailers to give them time to comply. Vice Mayor De Rosa asked how long that process took in 2017. Ms. Weisenauer stated that staff worked with Franklin County Public Health on a plan, and they started communicating about three months prior to the legislation taking effect. Once the legislation went into effect, they continued to work with the retailers for about a year after, providing signage and education on social media.

Mayor Fox moved to direct staff to draft legislation to ban the giveaway, sale, or other distribution of flavored tobacco products and to develop a comprehensive plan to engage schools, public health representatives and other community partners in conversations regarding education and enforcement of such legislation.

Ms. Alutto seconded.

Vote on the motion: Ms. Kramb, no; Ms. Alutto, yes; Mr. Reiner, yes; Mayor Fox, yes; Vice Mayor De Rosa, yes; Mr. Keeler, yes.

Dublin Area Housing Study

Ms. Noble stated this Dublin Area Housing Study is an extension of the housing study that MORPC did a few years ago. She introduced Chris Lankenau and Isaac Kwon with Urban Partners to provide an update to Council on the status of the study. Mr. Kwon provided a map illustrating the area of the study. He stated that regarding demographic trends, Dublin has been growing in the last 10 years, and the segments of the population with the largest growth are school-age children and seniors. Employment growth shows that there is an increase of about 10,000 workers from 2002 to 2019 and that 92.6% of the workers who work in Dublin live outside of Dublin. The top employment sectors in Dublin are health and social care, professional, scientific and technical services jobs, as is the case nationally. The housing market analysis shows there were 7,901 home sales between January 2017 and December 2021. Of those home sales, the median sale price was \$320,000, or \$154.02 per square foot. The median living space was 2,021 square feet. Home prices have increased by 22% since 2017. Homes have been getting larger and more expensive as time goes on. Mr. Kwon shared the comparison between Dublin and the study area outside Dublin, which shows Dublin getting prices that are 52% higher than homes within the study area. There is much more diversity in pricing in the condominium market.

Vice Mayor De Rosa asked about national trends. Mr. Kwon stated that in terms of single family residential, homes are larger and more expensive. He stated that "workforce housing", meaning more modestly priced homes that are 1200-1500 square feet, are becoming harder to find.

Mr. Lankenau stated that the rental market analysis shows 72 multi-family rental communities are within the study area, and about 13 of those are in the City of Dublin. There has been an increase in price, which is not surprising. The vacancy rate is 1.2%. A "healthy" community has a vacancy rate of around 5%. The pressure of low rental availability is not a problem exclusive to Dublin.

Mr. Lankenau stated that the population forecast and future housing needs assessment show that by 2040, there will be a little over 60,000 residents in Dublin. Based on past trends and growth projections, there will be a demand in Dublin for both owner-occupied units as well as rental units. It is estimated that a new supply of 4,850 units would be required to keep up with the growth.

Vice Mayor De Rosa asked how the projected growth is calculated. Mr. Kwon stated that if a community decides to build no more housing, then they have effectively decided that there will be no more growth. Mr. Kwon stated that the region is always growing, so it is a matter of determining how much that growth will impact Dublin.

Ms. Noble stated that the remaining residential land and building permit activity information she would be sharing is a result of some questions that Council Members had in September 2022. She provided a chart showing the building permits issued from 2000 to 2020. She then provided a map showing how much land is left for development. She also showed a map of possible infill development sites. Finally, she provided a map showing the complete potential for residential development, including greenfield development, infill development, annexation areas and sites identified for development. In total, these areas could produce approximately 9,500 units.

Mayor Fox asked about how multi-family building permits are issued. Mr. Lankenau stated that one permit per unit is issued.

Mayor Fox asked about the number of units that were approximated on the previous map (9,500) and asked if that calculation took into consideration green space, connectivity, etc. Ms. Noble stated that the approximation was a gross number and did not take into account green space requirements.

Mr. Lankenau compared the population growth of Dublin, Ohio to Carmel, Indiana and Franklin, Tennessee. Looking for the last 20 years, Dublin has grown 57%, Carmel 164% and Franklin 100%. He also shared some comparisons between the three cities in number of units and housing types added over the 20-year span.

Draft Action Strategy Themes

The four action strategy themes are:

- Enhancing the sense of community;
- Ensuring economic competitiveness;
- Planning for future growth; and
- Expanding housing options for seniors.

Enhancing the Sense of Community

Mr. Lankenau shared that Dublin is a community of choice for families searching for high quality housing in Central Ohio. Strict residential design standards have helped maintain the city's aesthetic character, but they also contribute to high home prices. The population segments that are forecasted to grow the fastest have strong preferences for walkable, mixed-use neighborhoods. The toolbox of potential strategies are:

- Promote walkability throughout the City. Make stronger pedestrian connections from housing to shops, recreation amenities, public facilities and healthcare providers through multi-modal trails and complete streets.
- Encourage context-sensitive, mixed-use development that includes varied housing types.
- Ensure that the City's standards encourage features that promote interaction while maintaining high-quality design standards.
- Focus future growth in intentional nodes of activity throughout the City.

Mayor Fox stated that there was no mention of studying some newer, more innovative housing styles, such as home sharing, pocket neighborhoods or smaller senior-specific complexes. She has seen these as trends and was hoping to find the balance between what is needed in the community for seniors and strategizing how we could use what we already have to accommodate their needs. She suggested that there should be a strategy that explores existing residential neighborhoods and how we might adjust our planning and zoning to allow some of these newer ideas. Mr. Lankenau stated that some of these strategies may be covered in the fourth strategy, which focuses on housing options for seniors.

Ensuring Economic Competitiveness

For the second strategy, Mr. Lankenau noted that there is not enough housing in Dublin for young people starting their careers and families with modest incomes. Dublin has maintained its status as a key employment node in the region, employing 50,000 workers within the city limits. Though generally known as a hub for corporate and professional services jobs, Dublin has a sizable number of service sector jobs. At today's mortgage interest rates, a 4-person, middle-income family can afford a maximum of \$299,000 for a new home, while the median sale price for a home in Dublin in 2021 was \$500,000. There is a need for housing in Dublin for young professionals starting their careers. The potential strategy tools for this theme are:

- Regularly participate in discussions with employers, City staff, and housing professionals to understand the housing needs to support our major employers.
- Work with developers to encourage building a variety of housing types close to transportation and employment centers.
- Preserve existing income-restricted rental housing stock within the Dublin area.
- Continue working with transit partners and employers to provide first and last mile connections for commuters.
- Provide resources to the public about programs and incentives to assist first-time homebuyers with down payment assistance, low-interest loans and other financial assistance.

Planning for Future Growth/Optimizing Land Use

Mr. Kwon stated that the key takeaways for this strategy theme are that Dublin is forecast to grow by more than 11,000 by 2040, so the City will need to build 4,850 housing units to keep pace with the growth. Communities that are walkable to shops, restaurants and outdoor recreation are highly desirable in Dublin. Despite development impact analyses showing that apartments minimally impact schools, segments of the community fear that denser growth will compromise school quality. Most of Dublin's developable land areas have been built out, leaving 1,090 acres of greenfield area available for residential development. He provided the following potential strategy tools for this theme:

- Educate the public on the benefits of adding "gentle" housing density into residential areas.
- Identify opportunities where infill development or redevelopment of under-utilized office/commercial areas would benefit from residential development.
- Examine and modify current zoning to identify areas where denser residential development is appropriate.
- Work with regional partners to understand the availability of incentives or financing assistance for smaller-scale or infill housing projects.
- Collaborate with adjacent municipalities to ensure sustainable future growth.

Expanding Housing Options for Seniors

Mr. Kwon shared the key takeaways of the fourth strategy. He stated that Dublin is experiencing growth in the senior population and will grow by 38% by 2040. There is a strong and growing demand for lower-maintenance housing in walkable, amenity-rich neighborhoods with design features suitable for seniors. Housing suitable for seniors wishing to downsize is limited in Dublin. The new smaller, low-maintenance homes that do exist in Dublin are very expensive. Seniors are remaining in their homes longer, which interrupts the next generation of growing families from relocating to the next level of housing needs. The potential strategy tools for this theme are:

- Increase the supply of new, lower maintenance housing in walkable, amenity-rich neighborhoods with design features that are suitable for senior living.
- Investigate opportunities for accessory dwelling units as a housing option for seniors.
- Work with Forever Dublin and regional partners to identify senior home modification programs that offer grants, low interest loans, and or volunteer labor for a variety of items to help mobility-challenged seniors live safely in their current home.
- Work with housing providers to build new homes for seniors with fixed incomes and retain the supply of such units. Prioritize areas serviced by public transit, social services, and medical facilities.

Mr. Reiner stated that mini-cities within the City, such as Bridge Park, are where we could meet some of the demand, but the City needs to determine the zoning, planning and design of the area first. Mr. Kwon agreed that having the little clusters around the City is beneficial.

Ms. Krumb, referring to the third strategy and areas where denser residential development is appropriate, stated that Council has had discussions about where denser development is not appropriate; an example would be apartments along the freeway. Council has already determined that locating apartments along the freeway would not be appropriate. She also stated that incentives are not necessary for infill development. She explained that developers are more than willing to build residential without incentives. She agreed that it should be planned well first.

Vice Mayor De Rosa stated that she was happy to see a slower growth rate than Dublin has been experiencing. She shared that previous Dublin Councils have required a balance between commercial and residential as a principle. She suggested adding this principle to the third strategy because available land needs to have rules around it. She explained that this is why Dublin has experienced slower growth than some cities. It was intentional, so that we would keep this balance. She stated that the discussion and consideration of sustainability was not represented in the themes as well. Finally, she shared the need to balance what is built with available support (transportation).

Ms. Alutto stated that she appreciated the suggestion of adding the balance of the commercial versus residential. She agreed with Ms. Krumb's comments. A comprehensive look is needed about what should be built and developed in the areas that are still available. The growth rate has been intentional and has been a result of good purposeful planning. She suggested that the principles that have guided the community up to now need to be in the Community Plan (such as the commercial versus residential ratio).

Mr. Keeler stated that the maps were very helpful. The housing that seniors and young professionals want is very similar. There is some truth to what the development community says about multi-family not contributing to the school population, but not all multi-family is created equal (it depends on how many bedrooms each unit has). Mr. Kwon stated that there could be community conversations to see if the community wants to keep pace with what has been forecasted. He stated that the Community Plan update process will involve much of what he has heard Council members discussing.

Mayor Fox stated that this points to what we have said we want. She agreed with Mr. Reiner's comments about mini-cities or areas of the community to live, work, play. She suggested through the Community Plan update process mapping out the areas where we want to see these nodes. We will be redeveloping areas of the City to work for us now and in the future. There are many ways to create community and placemaking.

Ms. Krumb stated that this document will be brought back to us for acceptance. These tools in the toolbox are suggestions.

Ms. Noble stated that the intention was for these strategies to dovetail into the Community Plan update process.

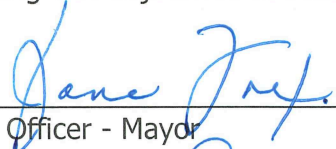
Ms. Alutto expressed that the document was well done and reads as informational rather than instructional.

Ms. Rauch stated that they will incorporate sustainability into the themes before it is brought back to Council for acceptance. She also offered to provide additional information in the tools about transportation and mobility, if Council so desires.

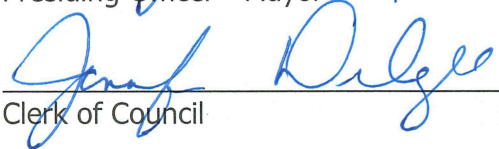
Vice Mayor De Rosa stated that how the growth rate was calculated should be clarified, so as not to assume that is the will of the community. Ms. Kramb suggested putting caveats around the available land statistics, as well.

Mr. Reiner stated that the City should take the lead on planning the areas that we have, and the developers should take their lead from us.

The meeting was adjourned at 8:12 p.m.



Presiding Officer - Mayor



Clerk of Council