

RESOLUTION NO 6940-2020

*Introduced by: Mr. Ray
First Reading: February 18, 2020
Second Reading: March 2, 2020
Third Reading: March 16, 2020*

A RESOLUTION APPROVING THE AMENDMENT TO RESOLUTIONS 6513-2013 AND 6850-2019
“THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SUMMIT COUNTY COMBINED
GENERAL HEALTH DISTRICT AND THE VILLAGE OF LAKEMORE”

WHEREAS, the Village of Lakemore requires the continued services of the Summit County Combined
General Health District, and

WHEREAS, the Summit County Combined General Health District is amending the Investment and Term
Sections of the Memorandum of Understanding

Now Therefore, Be it Resolved by the Council of the Village of Lakemore, County of Summit, and
State of Ohio:

Section 1: That Council approves the amendment to the six-year contract with the Summit County
Combined General Health District for services of monitoring of storm water pollution
and / or enforcement of regulations prohibiting illicit discharges to the municipal
separate storm sewer system of the Village of Lakemore.

Section 2: The Investment and Term Sections of Memorandum of Understanding will be
amended.

Section 3: An executed copy of this Memorandum of Understanding and the amendment are
attached hereto and made part hereof as if fully rewritten herein.

Section 4: This Resolution shall take full force and effect on and after the earliest period allowed
by law.


Passed: March 16, 2020


RICHARD COLE JR, Mayor

ATTEST:


TRACY FAST, Fiscal Officer

I, Tracy Fast, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing
Resolution No. 6940-2020 was duly adopted by Council at its regular meeting held on March 16, 2020.


TRACY FAST, Fiscal Officer

RESOLUTION NO 6942-2020

Introduced by: Mr. Ray
First Reading: February 18, 2020
Second Reading: March 2, 2020
Third Reading: March 16, 2020

A RESOLUTION ACCEPTING THE PROPOSAL FROM HAMMONTREE AND ASSOCIATES, LTD FOR PROFESSIONAL SURVEYING AND ENGINEERING SERVICES FOR THE 2020 ROADWAY RESURFACING PROGRAM

Now, Therefore, Be it Resolved by the Council of the Village of Lakemore, County of Summit, State of Ohio:

Section 1: Council accepts the proposal from Hammontree and Associates, Ltd to perform professional surveying and engineering services for the 2020 Roadway Resurfacing program. This program includes Lakeview Street, Elizabeth, Sunnyside, Church Street, Fourth Street, Fifth Street, Lake Road, and Park Drive.

Section 2: The proposal and terms of payment of \$44,700.00 are attached hereto and made part hereof as if fully re-written herein.

Section 3: This Resolution shall go into effect on and after the earliest period allowed by law.


Passed: March 16, 2020


RICHARD COLE, JR., Mayor

ATTEST:


TRACY FAST, Fiscal Officer

I, Tracy Fast, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Resolution No. 6942-2020 was duly adopted by Council at its regular meeting held on March 16, 2020.


TRACY FAST, Fiscal Officer

ORDINANCE NO 1670-2020

Introduced by: Ms. Snyder
First Reading: February 18, 2020
Second Reading: March 2, 2020
Third Reading: March 16, 2020

An Ordinance amending /supplementing the Codified Ordinances of the Village of Lakemore to prohibit the the sale of cigarettes, other tobacco products, and tobacco product paraphernalia to individuals under the age of twenty-one and authorizing a contract with the Summit County Combined General Health District to implement these provisions through regulations.

WHEREAS, tobacco use is the leading cause of preventable death in the United States (“U.S.”), resulting in approximately 480,000 deaths a year, or one in five of all deaths in the U.S.; and

WHEREAS, more than 16 million Americans live with a disease caused by smoking, resulting in direct medical costs of about \$170 billion annually, with total economic costs of more than \$300 billion annually; and

WHEREAS, if current rates of youth tobacco use continue, 5.6 million Americans currently under the age of 18 are expected to die from smoking; and

WHEREAS, tobacco use contributes to many of Ohio and the Village of Lakemore’s greatest health challenges, including cardiovascular disease, cancer, and infant mortality; and

WHEREAS, according to 2014 data, in Summit County, pregnant women under age 21 smoke at a rate that is 70% higher than their older counterparts and 23.7% of pregnant women in Summit County age 18 to 21 smoked while pregnant; and

WHEREAS, research shows that increasing the tobacco sales age to 21 across the U.S. could result in 249,000 fewer premature deaths, 286,000 fewer pre-term births, and 438,000 fewer babies with low birth weight; and

WHEREAS, studies show that young people who are addicted to nicotine are seven times more likely to suffer from a drug use disorder, and that individuals who have never used tobacco by age 21 are unlikely to ever start smoking; and

WHEREAS, according to 2019 data, 42% of Summit County high school students have tried an e-cigarette and of those students, almost 11% tried the product at the age of 12 or younger; and

WHEREAS, more than one-third (37%) of high school students who smoked said they could purchase the tobacco they used at a store; and

WHEREAS, students who use e-cigarettes are seven times (7x) more likely to try traditional tobacco the following school year; and

WHEREAS, the Village of Lakemore seeks to promote the health and well-being of all its citizens.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Lakemore:

Section 1. For the purpose of this Ordinance certain terms and words are hereby defined and shall apply unless the context clearly indicates or requires a different meaning.

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“ELECTRONIC SMOKING DEVICE” ANY DEVICE THAT CAN BE USED TO DELIVER AEROSOLIZED OR VAPORIZED NICOTINE OR ANY OTHER SUBSTANCE TO THE PERSON INHALING FROM THE DEVICE, INCLUDING BUT NOT LIMITED TO, AN E-CIGARETTE, E-CIGAR, E-PIPE, VAPE PEN OR E-HOOKA. ELECTRONIC SMOKING 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 BY THE U.S. FOOD AND DRUG ADMINISTRATION, AS THOSE TERMS ARE DEFINED IN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

...
“TOBACCO PRODUCT PARAPHERNALIA” 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, ROLLING PAPERS, AND ELECTRONIC CIGARETTE CASES.

“TOBACCO PRODUCT” ANY PRODUCT THAT IS MADE FROM OR DERIVED FROM TOBACCO, AND 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, A CIGAR, PIPE TOBACCO, CHEWING TOBACCO, SNUFF, OR SNUS. THE TERM ALSO INCLUDES TOBACCO PRODUCT PARAPHERNALIA, INCLUDING BUT NOT LIMITED TO, ELECTRONIC SMOKING DEVICES AND ANY COMPONENT OR ACCESSORY USED IN THE CONSUMPTION OF A TOBACCO PRODUCT, SUCH AS FILTERS, ROLLING PAPERS, PIPES, 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 BY THE U.S. FOOD AND DRUG ADMINISTRATION, AS THOSE TERMS ARE DEFINED IN THE FEDERAL FOOD, DRUG AND COSMETIC ACT.

Section 2. That the Illegal distribution of cigarettes, tobacco products, OR TOBACCO PRODUCT PARAPHERNALIA shall read as follows:

- A. EXCEPT AS OTHERWISE PROVIDED BY DIVISIONS (D) AND (E) OF SECTION 2927.02 OF THE OHIO REVISED CODE, no manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, OR TOBACCO PRODUCT PARAPHERNALIA or any agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, OR TOBACCO PRODUCT PARAPHERNALIA shall do any of the following:
1. Give, sell, or otherwise distribute cigarettes, other tobacco products, OR TOBACCO PRODUCT PARAPHERNALIA to any person under TWENTY-ONE years of age;
 2. Give away, sell, or distribute cigarettes, other tobacco products, OR TOBACCO PRODUCT PARAPHERNALIA in any place that does not have posted in a conspicuous place sign stating that giving, selling, or otherwise distributing cigarettes or other tobacco products to a person under TWENTY-ONE years of age is prohibited by law.

- B. No person shall sell or offer to sell cigarettes, tobacco products, OR TOBACCO PRODUCT PARAPHERNALIA by or from a vending machine except in the following locations:
1. An area either:
 - A. Within a factory, business office, or other place not open to the general public; or
 - B. To which persons under the age of TWENTY-ONE years are not generally permitted access;
 2. In any other place not identified in subsection (B)(1) of this section, upon all of the following conditions:
 - A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of such person, so that all PURCHASES OF cigarettes, tobacco products, OR TOBACCO PRODUCT PARAPHERNALIA from the vending machine will be readily observed by the person who owns or operates the place or an employee of such person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of such person.
 - B. The vending machine is inaccessible to the public when the place is closed.
- C. As used in this section, "vending machine" has the same meaning as "coin machine" as defined in Section 2913.01 of the Revised Code.
- D. Whoever violates this section SHALL BE SUBJECT TO A CIVIL PENALTY FOR illegal distribution of cigarettes, tobacco products, OR TOBACCO PRODUCT PARAPHERNALIA. WHOEVER VIOLATES THIS SECTION SHALL NOT BE SUBJECT TO A FINE FOR A FIRST VIOLATION. A CIVIL FINE OF \$500 WILL BE ISSUED FOR A SECOND VIOLATION OF THIS SECTION. A CIVIL FINE OF \$1000 WILL BE ISSUED FOR ALL SUBSEQUENT VIOLATIONS.
- E. ALL FINES COLLECTED BY THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT PURSUANT TO THIS SECTION SHALL BE UTILIZED FOR EFFORTS TO PREVENT SMOKING INITIATION BY PERSONS UNDER THE AGE OF 21 OR FOR EFFORTS TO PROMOTE SMOKING CESSATION, INCLUDING SUPPORTS FOR THOSE WHO WILL NO LONGER BE ABLE TO PURCHASE CIGARETTES OR OTHER TOBACCO PRODUCTS PURSUANT TO THIS SECTION.
- F. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, ENFORCEMENT AUTHORITY OF THIS SECTION SHALL REST WITH THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT PURSUANT TO O.R.C. 3709.281. ENFORCEMENT OF THIS ORDINANCE, INCLUDING THE ISSUANCE OF PENALTIES, SHALL ONLY BE UNDERTAKEN FOLLOWING THE ADOPTION OF REGULATIONS BY THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT RELATING TO THE ENFORCEMENT OF THIS ORDINANCE.

Section 3: That it is hereby found and determined that all formal actions of this

Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4: This resolution shall take full force and effect on and after the earliest period allowed by law.

Passed: March 16, 2020


RICHARD COLE, JR, Mayor

ATTEST:

TRACY FAST, Fiscal Officer

I, Tracy Fast, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1670-2020 was duly adopted by Council at its regular meeting held on March 16, 2020.

TRACY FAST, Fiscal Officer

RESOLUTION NO 6950-2020

*Introduced by: MRS. COCHRAN
Dispense with the Three Readings*

**A RESOLUTION TO PROMOTE MATT THOMAS TO A PART-TIME PATROL
OFFICER WITH THE LAKEMORE POLICE DEPARTMENT**

Now Therefore Be it Resolved by the Council of the Village of Lakemore, Ohio:

- Section 1: The Council confirms the promotion of Matt Thomas to part-time patrol officer with the Lakemore Police Department per Ordinance 1584-2017.
- Section 2: Mr. Thomas will receive compensation per Ordinance 1581-2017, and shall serve one year of probation.
- Section 3: This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the Village of Lakemore and shall take effect and be in force immediately.

Passed: March 16, 2020



RICHARD COLE JR., Mayor

ATTEST:

TRACY FAST, Fiscal Officer

I, Tracy Fast, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Resolution No. 6950-2020 was duly adopted by Council at its regular meeting held on March 16, 2020.

TRACY FAST, Fiscal Officer

