

**RESOLUTION NO.:**  
**SPONSOR:**  
**INTRODUCED:**

**2018-R85**  
**MAYOR NEUGEBAUER**  
**OCTOBER 23, 2018**

**Transportation, Connectivity  
and Storm Water**

**ASSIGNED TO: \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH O.R. COLAN ASSOCIATES, LLC FOR PROFESSIONAL ENGINEERING SERVICES FOR A THREE-YEAR TERM COMMENCING NOVEMBER 13, 2018, AND DECLARING AN EMERGENCY.**

WHEREAS, the City routinely contracts for various types of professional services with multiple firms; and

WHEREAS, as a result of Codified Ordinance Section 210.08, it is necessary for City Council to approve the hiring of professional service providers; and

WHEREAS, the City is best able to consider, plan, design, and construct projects when it has a multiple number of firms available to choose from for the desired services; and

WHEREAS, the City, pursuant to the qualifications-based selection process in the Ohio Revised Code, routinely hires professional service firms for a three (3) year term; and

WHEREAS, the City has entered into similar agreements with other firms providing engineering and related services for a three (3) year term pursuant to written agreements which are readily available to inspect and review in the office of the City Engineer; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:**

**SECTION ONE:**

Green City Council authorizes the Mayor to enter into a contract with O.R. Colan Associates, LLC for right of way acquisition services.

**SECTION TWO:**

Green City Council authorizes the Finance Director to make payment to O.R. Colan Associates, LLC for services provided through the established purchase order process.

**SECTION THREE:**

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION FOUR:**

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green and so that this project

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may move forward immediately. Provided that this legislation receives the affirmative vote of three-fourths (¾ths) of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: November 13, 2018

Molly Kapelner  
Nichole Baldinger, Clerk of Council, Interim  
Molly Kapelner

Chris Humphrey  
Chris Humphrey, Council President

APPROVED: Nov. 13, 2018

Gerard M. Neugebauer  
Gerard M. Neugebauer, Mayor

COPIED  
MAY FIN LAW PLAN ENG  
SVCE FIRE PARK ZONE HR

ENACTED EFFECTIVE: November 13, 2018

ON ROLL CALL: Babbitt -Aye Dyer -Aye Humphrey -Aye Shaughnessy -Aye  
Speight -Aye Yeargin -Aye Young -Aye Adopted 7-0

Suburbanite publication on November 16 and November 23, 2018

Molly Kapelner  
Nichole Baldinger, Clerk of Council, Interim  
Molly Kapelner

10/18/2018 Approved as to form and content by William G. Chris, Interim Law Director

William G. Chris

# Health and Social Service

SUBSTITUTE OFFERED AS AN AMENDMENT

(HOCK, KAMMER, KEITH)

EVB/SIM

04/02/2018

8 - 3

KEITH

Offered by: MAYOR HARRIGAN; COUNCILWOMAN OMOBIEN

**SWIRSKY**

(SIMS, SAMPLE  
ABSTAINET)

ORDINANCE NO. 123 -2018 amending/supplementing Title 13 "General Offenses," Chapter 130 "General Provisions," Section 130.02 "Definitions" and Title 13 "General Offenses," Chapter 139 "Miscellaneous," Section 139.09 "Illegal distribution of cigarettes or other tobacco products" of the Codified Ordinances of the City of Akron to prohibit the sale of cigarettes, other tobacco products, and tobacco product paraphernalia to individuals under the age of twenty-one; authorizing a contract with the Summit County Combined General Health District to implement these provisions through regulations; and declaring an emergency.

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 Akron's greatest health challenges, including cardiovascular disease, cancer, and infant mortality; and

WHEREAS, the infant mortality rate in Akron is nearly double the national average, and in 2016, 30 Akron babies died before their first birthday; 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, 75% of adults support raising the tobacco sales age to 21, including 70% of smokers, and five states and more than 270 U.S. cities have already done so; and

WHEREAS, military leaders are supportive of raising the tobacco age to 21 due to tobacco's negative impact on military readiness; and

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

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

Section 1. That Title 13 "General Offenses," Chapter 130 "General Provisions," Section 130.02 "Definitions" of the Code of Ordinances of the City of Akron be and is amended and/or supplemented to add the following definitions:

130.02 - Definitions.

For the purpose of this title the following definitions shall apply unless the context clearly indicates or requires a different meaning.

....

"ELECTRONIC SMOKING DEVICE" 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, E-CIGAR, E-PIPE, VAPE PEN OR E-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 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 Title 13 "General Offenses," Chapter 139 "Miscellaneous," Section 139.09 "Illegal distribution of cigarettes or other tobacco products" of the Code of Ordinances of the City of Akron be and is amended and/or supplemented to read as follows:

139.09 - Illegal distribution of cigarettes, tobacco products, OR TOBACCO PRODUCT PARAPHERNALIA.

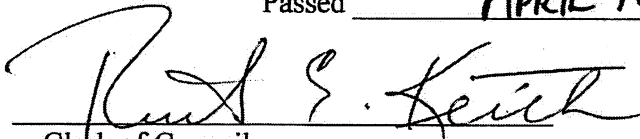
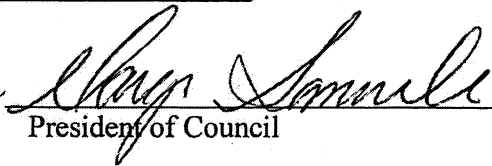
- A. EXCEPT AS OTHERWISE PROVIDED BY DIVISIONS (D) AND (E) OF SECTION 2927.02 OF THE OHIO REVISED CODE, no manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, OR TOBACCO PRODUCT PARAPHERNALIA or any agent, employee, or representative of a manufacturer, 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. ALL MANUFACTURERS, PRODUCERS, DISTRIBUTORS, WHOLESALERS, OR RETAILERS OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR TOBACCO PRODUCT PARAPHERNALIA SHALL COMPLY WITH ANY APPLICABLE CERTIFICATION REQUIREMENTS PROMULGATED BY THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT.
- E. ~~Whoever violates this section is guilty of~~ 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. ~~a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of this section, then illegal distribution of cigarettes, tobacco products is a misdemeanor of the third degree. Penalty, see § 130.99.~~
- F. 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.
- G. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, AUTHORITY TO ISSUE PENALTIES UNDER THIS SECTION SHALL REST WITH THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT. PENALTIES SHALL ONLY BE ISSUED UNDER THIS SECTION FOLLOWING:
1. THE EXECUTION OF A WRITTEN AGREEMENT BETWEEN THE CITY AND THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT GRANTING AUTHORITY TO ISSUE SUCH PENALTIES; AND
  2. THE ADOPTION OF REGULATIONS BY THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT RELATING TO THE ENFORCEMENT OF THIS ORDINANCE.

Section 3. That the Mayor is authorized to enter into an agreement with the Summit County Combined General Health District ("the District") to allow the District to exercise the authority of the City of Akron in implementation of penalties related to retail sales of cigarettes, tobacco products, and tobacco product paraphernalia to the fullest extent permitted by law.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that it will safeguard the health of Akron residents, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed APRIL 16, 2018

 Clerk of Council  
 President of Council Adw

Approved 4/17, 2018

  
MAYOR

Code