

August 5, 2021

**PROCEEDINGS**

**Lordstown Village Council Special Meeting**

**(WHEREAS, the special meeting before the Lordstown Village Council commenced on Thursday, August 5, 2021, and proceedings were as follows:)**

**(TRANSCRIBED FROM AUDIO RECORDING.)**

MAYOR HILL: Roll call, please.  
MR. BLANK: Mayor Hill?  
MAYOR HILL: Present.  
MR. BLANK: Mr. Bond?  
MR. BOND: Here.  
MR. BLANK: Mr. Liming?  
MR. LIMING: Here.  
MR. BLANK: Mr. Radtka?  
MR. RADTKA: Present.  
MR. BLANK: Mr. Campbell?  
MR. CAMPBELL: Here.  
MR. BLANK: Mr. Sheely?  
MR. SHEELY: Here.  
MR. BLANK: Mr. Reider?  
MR. REIDER: Present.  
MR. BLANK: Clerk Blank, present.  
Solicitor Paul Dutton?  
SOLICITOR DUTTON: Present.  
MAYOR HILL: I'll entertain a motion for adoption of the agenda.  
MR. RADTKA: So moved.  
MAYOR HILL: Moved by Radtka. Second?  
MR. BOND: Second.  
MAYOR HILL: Second Bond. All in favor?  
COUNCIL: Aye.  
MAYOR HILL: Opposed?  
(NO RESPONSE FROM COUNCIL)

**(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)**

Motion carried.  
Mayor's remarks. The reason we're here, I want to turn over to Solicitor Dutton and let him explain why we're here.  
SOLICITOR DUTTON: Okay. This may sound bizarre, but Tuesday evening I'm sitting at home, and I checked my phone for my emails at almost 8:30. And I get an email from an organization that I belong to, because I'm Solicitor, called the Ohio Municipal Attorneys Association. And I received an email that I forwarded to each of you with the exhibits. The cover page of that email looks like this (indicating). You have it right there.  
MAYOR HILL: There it is.  
SOLICITOR DUTTON: Okay. OneOhio—no, that's not it. Here it is right here. Action needed by August 13, 2021. See that?  
MAYOR HILL: Yep.  
SOLICITOR DUTTON: All right. That's why I said it's bizarre. If you read it, it says, "each local government must"—it says, "—advise you of an Ohio specific opioid proposed settlement that has been negotiated by the Ohio Attorney General, David Yost." He actually didn't do much of it. It was retained legal counsel and attorneys for Ohio subdivisions. "As you are likely aware, in 2019, Ohio negotiated OneOhio, the first

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state/local government allocation agreement concerning future opioid settlements. And through this agreement between our local governments and the State of Ohio, a negotiating committee and mechanism for allocation and distribution of funds were established. This agreement led to Ohio being able to enter into a proposed Ohio specific — What that means is only Ohio, not the other 49 states — "opioid settlement with McKesson" — That's a pharmaceutical company — "Amerisource Burgen, Cardinal Health, the three largest distributors," — these are not the manufacturers of opioids, Purdue Pharma, this is the distributors of those. And those distributors may distribute them to Walgreens, or CVS, etc., or hospitals — "which, we are hereby sharing with you." And this email is dated August 3, so it was prepared the same day that I received it. "Each local government must determine whether to sign a OneOhio participation form, Exhibit 6" — which a copy is in your packet — "by Friday, August 13 in order to be included in the settlement. The OneOhio participation form must be executed by the proper authorities, signed, dated and returned to" — and they've got an email address — "or sent by overnight delivery to" this law firm in Pensacola, Florida, which Ohio has engaged to represent all of these interest groups, these political subdivisions. "We ask that you return the OneOhio participation form to us by August 6." Now, that is confusing. They said by Friday, August 13, then they say, "to us by August 6, if at all possible, but no later than Friday, August 13. Additionally, please return a copy of the OneOhio participation form to us via the email found in the signature block." Then, the rest of the email deals with exhibits that they were sending to us, and I will explain what you have to the extent that I can answer any questions. So, I immediately called the boss, the Mayor, and let him know what we had here and are we going to, you know, can we call a special meeting to consider this? And he said, right away we'll do it Thursday. So, I forwarded this email to Ron, the Mayor, and Bill. I called Bill the following morning, and he said he's in sync. Now, let me give you some background. In 2019, when this whole thing hit the newspaper and everything and Ohio was going to file suit against these distributors, Bill and I — we received an invitation to participate, actively participate, as one of the communities. And a lawsuit was filed in Madison County, Ohio, Madison County Court of Common Pleas. And, if you drive down 71 from Columbus to Cincinnati, you drive through Madison County. So, it's a rural county. So, Bill and I talked about, you know, can we establish any financial loss or expenditures attributed to opioid addiction from the Village of Lordstown? And we concluded — and I think you may have talked to the Chief of Police — no. I mean, other than buying Narcan, we probably had no expenditures. So, rather than get caught in a trap where we might have to reimburse somebody for legal expenses, we concluded that we wouldn't do it. I believe I talked with the Mayor at that time, and he understood and signed off on that. So, we didn't have to take any legislation. We didn't have to

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do anything. The question was, do you want to join in the lawsuit? And, if you joined in the lawsuit, you'd have to be able to produce some evidence that you had damages. And we didn't have any of those damages.

Fast forward. That was in 2019. On Tuesday, I get this email. So, despite the fact that we didn't agree to participate, every political subdivision in Ohio is included in this settlement. There's a one-page insert here that I lifted out that shows what Lordstown is earmarked to receive. If I can find that. There are two columns here that are (inaudible)—three, actually. We are in Region 7. It's 13 different regions: Cuyahoga County; Hamilton County, Cincinnati; and Franklin County, Columbus are in their own regions. The rest of the state is cobbled together in multiple counties. And we are in Region 7 with Mahoning, Trumbull, I think Ashtabula is in there and I think Portage is in there. So, our region gets a total of, I think 15 million dollars, of which Lordstown gets a hundred percent, \$41,901 if they exceed the 95 percent threshold. If we don't exceed the 95—when I say "threshold," if 95 percent of the political subdivisions don't sign on to this, our default number is \$29,331. My understanding in reading all this is that you get that check in lump sum up front. The rest of the money is paid over 18 years. So, 17 years from now some council, some clerk is going to get a check in the mail for \$2.50 and wonder what this is all about. Now, of the money in this settlement—there's 280 million dollars coming to Ohio—55 percent of it goes to a trust fund in the State of Ohio. The rest is distributed. The 45 percent hitting among these various regions.

So, if a community doesn't sign on and accept this, they will not get their money. I'd have to believe that this deadline is going to be extended. Because it's ridiculous to assume—I mean, I got this on my smart phone because I was checking emails. I can guarantee you that most of the communities in Trumbull County aren't meeting tonight to pass this.

MAYOR HILL:

There may be one or two meetings because I saw in the paper. I can't remember which ones.

SOLICITOR DUTTON:

There are a few of them. So, I talked to Bill and the Mayor, as I said, and, you know, \$29,000 isn't going to break the bank. It's not going to make our budget next year, but if you don't do this and it's in the newspaper, all these communities that passed up on this and didn't act, your constituents are going to be here wanting your heads on a platter. And they believe (inaudible).

So, what can you use the money for? Because that's the question that everybody is asking. And, if you go to a document in your packet called OneOhio Memorandum of Understanding, Page 2, Paragraph 7 at the top, that's the Memorandum of Understanding that's in your packet, Page 2, Paragraph 7, it says "approved purposes shall mean evidence-based forward looking strategies, programs and services used to expand the availability of treatment for individuals affected by substance use disorders. Develop, promote and provide evidence-based substance use prevention strategies, provide substance abuse avoidance and

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awareness education," maybe that might be working with the school systems—"decrease the over supply of licit and illicit opioids and support recovery from addition services performed by qualified and appropriately licensed providers as is further set forth in the agreed opioid abatement strategies. And for purposes of local government share, approved purposes will also include any past expenditures that you can substantiate." Now, probably none of that applies to the Village. We're not Cleveland. We're not Youngstown. We're not Warren. We don't have people, you know, laying on the streets who have overdosed. We may have an occasion where the police, EMS, respond to someone's home where there's an OD. I'm not saying that we are immune from it, but I'm saying that not only do we not have these programs in place—and \$29,000 isn't going to go very far—we will at least have some money in a line item that if two or three communities like Newton Falls, Weathersfield Township, wanted to get together and somebody said hire a drug dog or something of this nature, you would have those kinds of resources for that. Also, maybe, working with your school district to come up with a creative plan or something that they may want to do. So, that's what we're here for, and the approved purposes are very limited, very restrictive. You can't buy capital goods. You can't use this—you know, we might be able to use it to buy an ambulance. But we would have to run that by—there's a commission to be set up. If you read the rest of this, it's a state—wide commission that would approve certain expenditures. So, we don't just make it up and ask the Solicitor for an opinion and go ahead and spend it.

MR. LIMING: How long can this money sit in an account before it has to be spent?

SOLICITOR DUTTON: I haven't read anything in the literature about that. I would imagine that they would set up some kind of—the terms and the regulations will be written by this commission that has yet to be put together.

MR. LIMING: Oh, okay.

MR. RADTKA: Certainly, paying you out over 18 years, you'd think it would last—

MAYOR HILL: 18 years.

MR. RADTKA: At least that long.

MR. LIMING: You would think, but you don't want to assume.

SOLICITOR DUTTON: But to give you an example, Cuyahoga County—or wait, one of these that was in Cincinnati, they gave an example—Hamilton.

MR. LIMING: Hamilton County is getting real money. Where is that? I think they get, like, 15 million. That was somewhere in here.

MR. RADTKA: Could it be used to staff or pay for EMT—

MR. LIMING: 55 million.

SOLICITOR DUTTON: Hamilton County gets 55 million dollars.

MR. LIMING: Hamilton is in Cincinnati.

SOLICITOR DUTTON: So, the whole county, they're one region. So, that whole county gets 55 million. How much does Cincinnati get?

MR. LIMING: That's (inaudible) but then there's this, what's Foundation allocation?

SOLICITOR DUTTON: That's the hundred percent.

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MR. LIMING: Oh, okay. Well then Cincinnati and Hamilton together gets 36 million Foundation and then the rest is, I don't know.

SOLICITOR DUTTON: There's a direct allocation. Our \$29,000 is their 8 million, eight and 11 million, seven. And then if there's 100 percent participation, they get an additional, almost 40 million dollars. So, you know, they've got people in place. They've got programs in place. And \$29,000 isn't going to go very far. Even \$41,000, the balance paid over 18 years isn't going to go very far. But, if you don't do this, you know, you need to answer questions from your constituents. And they'll probably be banging on your door to join in anyway. Does anyone have any questions other than that?  
(NO RESPONSE FROM COUNCIL.)

MAYOR HILL: That's it for the Mayor's report. Any Council remarks?  
(NO RESPONSE FROM COUNCIL.)  
Hearing none, public remarks?  
(NO RESPONSE.)  
Hearing none, the purpose of this special meeting:  
Lordstown Village Council will conduct a special Council meeting on August 5, 2021, at 4:00 p.m to consider the following legislation: Mr. Blank?

MR. BLANK: From Council as a Whole For Emergency Passage, **AN ORDINANCE ACCEPTING THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT, AUTHORIZING THE MAYOR TO EXECUTE THE ONEOHIO SUBDIVISION PARTICIPATION FORM, AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?

MR. LIMING: Motion to suspend the rules.

MAYOR HILL: Motion to suspend by Liming. Second?

MR. SHEELY: Second.

MAYOR HILL: Second by Sheely. Roll call.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

MR. BLANK: Mr. Campbell?

MR. CAMPBELL: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

**(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)**

MAYOR HILL: 6, ayes; 0, nays. Motion carried to suspend the rules.  
Motion to adopt?

MR. CAMPBELL: So moved.

MAYOR HILL: Moved by Campbell. Second?

MR. REIDER: Second.

MAYOR HILL: Second by Reider. Comments?

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(NO RESPONSE FROM COUNCIL.)

Roll call.

- MR. BLANK: Mr. Bond?
- MR. BOND: Yes.
- MR. BLANK: Mr. Campbell?
- MR. CAMPBELL: Yes.
- MR. BLANK: Mr. Liming?
- MR. LIMING: Yes.
- MR. BLANK: Mr. Radtka?
- MR. RADTKA: Yes.
- MR. BLANK: Mr. Reider?
- MR. REIDER: Yes.
- MR. BLANK: Mr. Sheely?
- MR. SHEELY: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

- MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Ordinance 50-2021.
- MR. CAMPBELL: Motion to adjourn—  
Hey, Arno. Just to let Council know, number one, I talked to the Police Chief today, and everybody will have an email in their mailbox about all these trucks delivering to Ultium Cells.
- MR. BLANK: Terry, we can't discuss anything except what we advertised.
- MR. CAMPBELL: Okay.
- MAYOR HILL: You can discuss it after the meeting adjourns.
- MR. CAMPBELL: Okay. I'm sorry.
- MAYOR HILL: Motion to adjourn?
- MR. LIMING: So moved.
- MAYOR HILL: Moved by Liming. Second?
- MR. BOND: Second.
- MAYOR HILL: Second by Bond. All in favor?
- COUNCIL: Aye.
- MAYOR HILL: Opposed?

(NO RESPONSE FROM COUNCIL.)

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

Motion carries.

(WHEREAS, THE SPECIAL MEETING BEFORE THE VILLAGE OF LORDSTOWN COUNCIL ADJOURNED.)

\_\_\_\_\_, Mayor  
 \_\_\_\_\_, Clerk

STATE OF OHIO            )  
                                   )  
 COUNTY OF TRUMBULL    )

I, Sharon K. Vigorito, a Notary Public, within and for the State of Ohio, do certify that the foregoing special meeting before the Lordstown Village Council was written from audio recording and by me transcribed. I further certify that the foregoing is a true and accurate transcript to the best of my abilities.

\_\_\_\_\_  
 Sharon K. Vigorito, Notary Public  
 My commission Expires May 9, 2022