



## City of Mentor-on-the-Lake

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### MINUTES VIRTUAL REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE MAY 25, 2021

The Virtual Regular Meeting of Council of May 25, 2021, for the City of Mentor-on-the-Lake, Ohio, was called to Order at 7:00 P.M. by Council President Desirea Thompson.

**CALL TO ORDER:** PLEDGE OF ALLEGIANCE

A moment of silence was held for retired Mentor-on-the-Lake Fire Department Lieutenant David Birtley, who passed away on May 22, 2021.

**ROLL CALL:**

Aye:	At Large:	JIM LUNDER, Vice President	(Appeared in Person)
Aye:	Ward 3:	ROB JOHNSON	(Appeared in Person)
Aye:	At Large:	KEVIN BITTNER	(Appeared in Person)
	At Large:	PRESTON WOLK	(Absent/Excused)
Aye:	Ward 1:	DAVID CHABUT	(Appeared in Person)
Aye:	Ward 2:	PAUL MORRIS	(Appeared in Person)
Aye:	Ward 4:	DESIREA THOMPSON, President	(Appeared in Person)

**READING OF MINUTES:** Regular Meeting of Council – May 11, 2021

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Lunder, for Approval of the Minutes of the May 11, 2021, Virtual Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 6/0**

**CORRESPONDENCE:** (None)

**ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:**

**Mayor & Safety Director – Mr. Eva**

Mayor Eva asked Council to suspend the Rules on Resolution No. 2021-R-14. This is the Resolution talked about at the last Council Meeting, and will allow us to apply for the CDBG Program Grant which will allow Mentor to install an elevator at the Mentor Beach Park facility. Mrs. Bartone sent emails to each Member of Council outlining the cost and some of the benefits to the City of Mentor-on-the-Lake.

Mayor Eva received a copy of a letter sent to Chief Gielink from Dan Ponstingle, Lakeland Community College CJ Internship Coordinator, and read the letter. Mr. Ponstingle thanked Chief Gielink and members of the Police Department for guiding Intern Priyanka Dod through her varied observations and experiences while interning with the Police Department during the Spring semester.

**Administrative Director – Mrs. Bartone**

Mrs. Bartone advised the Public Hearing on Resolution No. 2021-R-15 on June 8, 2021, which will be the Second Reading for this Resolution. It will be advertised at the end of this week.

**Law Director – Mr. Lyons (No report)**

**Service Director – Mr. Moore**

Mr. Moore advised the Service Department has begun daily maintenance at the parks, checking garbage, fence repair, and mowing when needed. It has begun installing the playground equipment at City Hall by the new pavilion. It continues to fix pot holes and drainage issues throughout the City. The Service Department has investigated 155 OUPS tickets for excavation. The Housing Department has performed 55 point of sale inspections, 25 reinspections, and 22 rental inspections. The Zoning Department has issued 72 zoning permits.

**QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:**

Mr. Morris asked Mr. Moore about several months ago along Reynolds Road, a whole bunch of lines were flagged. Mr. Moore stated Aqua is planning to replace lines starting in June.

**BOARD/COMMITTEE/COMMISSION REPORTS:**

**Ordinance Committee / May 17, 2021 / Mr. Chabut**

Mr. Chabut advised the Ordinance Committee met on Monday, May 17, 2021, at 6:00 P.M. Present were Council Members Chabut, Johnson, Wolk, Morris, Council Vice-President Lunder, City Engineer Jim Sayles, and residents Ron and Cathy Dohnal and Skip Gray. The Committee discussed CRA Ordinance 2016-O-28. The Committee will approve the added items, but it has a question for Mr. Lyons regarding the transfer of property. The Committee would like to know how we can be assured that the property remains owner occupied in order to retain the exemption. The Committee then discussed the right-of-way tree law. Mr. Sayles advised the Committee, per ODOT, the tree lawn is generally 8' from the center of the street. The Committee needs to consider that not all Mentor-on-the-Lake streets are the same width. It needs to be concerned that nothing on the tree lawn poses a hazard to vehicles. The Committee also discussed the issue of parking on tree lawns where the property owner may have installed and maintained covered drainage pipes. Mentor-on-the-Lake Ordinance 1022.02(a) may need to be addressed for better clarification. It was decided that we request Mr. Lyons to attend our next meeting to advise us. Mr. Sayles will also attend. The next Ordinance Committee meeting will be on June 21, 2021, at 6:00 P.M. The meeting adjourned at 6:53 P.M.

**OPEN TO THE PUBLIC TO SPEAK: 7:08 P.M.**

Kathy Dohnal, 6097 Thunderbird. Mrs. Dohnal had several comments: Eastlake has chosen to decline any solicitors in the city next year because of a rising crime rate with houses being cased for break-ins and cars. She would like Mentor-on-the-Lake to think about something similar to that. Mentor is also having a rash of problems with people being dropped off, going door to door, and destroying property when people refuse to buy something from them. So this way there is no question with the Police Department that if or not they have a permit, done. Mrs. Dohnal said she talked to Senator Portman's Office and Representative Joyce's Office about Loba. They said different funds may be available to help with the erosion at Loba, but we as a community needs to be more of a squeaky wheel to that office so that when they are doing their budget some funds may be carved out to help with the erosion at Loba. Mrs. Dohnal said she would like to see, when we chose a person for Citizen of the Year for Mentor-on-

the-Lake that it be a Council decision, not just the Mayor's decision. She thinks this would be more fair mostly because she does not agree with who he picked not because of anything besides how he is choosing to go through with his political actions. She does not feel this necessarily espouses how many in Mentor-on-the-Lake feel. Mrs. Dohnal had a question about the elevator grant. She asked how long do they have to use the funds; if the grant is given by the County, nothing says for sure that they are going to go ahead and give us the grant, so she was wondering what is the time limit to spend those funds; are the funds going to be given to the City and then disbursed back to Mentor, and if that is going to happen and there is a time limit for a year, and Mentor does not go ahead with the project, where is there a safeguard that the City will get the funds to return to the County. Mrs. Bartone stated the grant is completely reimbursed so no money is given to any entity before the money is spent. Mrs. Dohnal said this is what she understood, it had to spent for that, it can't be dumped into a general fund. Mrs. Bartone said the same thing with the pavilion; the CDBG Program also paid for the new pavilion; we had to spend the money with the understanding they would reimburse the City. Mrs. Dohnal said they want to put in a restaurant and banquet hall, is that an additional zoning change that would have to go before the City's Planning and Zoning Commission, and have any Council member seen what Mentor proposes to do with that building. Mrs. Bartone said this has been discussed for about three to four years now. Mrs. Dohnal asked if they have seen an actual drawing of what is going to happen there. Mayor Eva said yes. Mrs. Dohnal said she keeps getting told different things about what is or isn't being done. Mayor Eva said they have seen drawings, menus. Mrs. Dohnal said she has also been told there is a lot of work that needs to be done to the building, that the foundation and electrical may not be up to par. Mrs. Bartone stated Mentor has spent a significant amount of money upgrading the electrical over the last two years, Mentor had erosion control put in, and the building is completely sound. Mrs. Dohnal said in talking to the Lake County Commissioners today, she was told it is not up to code to be able to have the electric put in for the elevator. Mrs. Bartone stated there are additional upgrades that need to be done and Mentor is in the process of doing this. Mrs. Dohnal asked if some type of City forum could be held to let people see what is being planned with the park. Mayor Eva said that could be done.

**CLOSED OPEN TO THE PUBLIC SECTION: 7:14 P.M.**

**LEGISLATION BEFORE COUNCIL:**

**RESOLUTION NO. 2021-R-14**

**A RESOLUTION AUTHORIZING THE ADMINISTRATIVE DIRECTOR TO APPLY FOR AND ACCEPT FINANCIAL ASSISTANCE FROM LAKE COUNTY FY 2021-2022 COMMUNITY BLOCK GRANT (CDBG) PROGRAM TO DESIGN AND INSTALL AN ELEVATOR LOCATED AT THE MENTOR BEACH PARK FACILITY AND DECLARING AN EMERGENCY**

Mr. Morris asked for discussion. He stated he has also talked to one of the Lake County Commissioners, John Hamercheck, who told him the County Commissioners are definitely not solidly behind this because they have not seen anything in print other than a request for this or that or something else as to what the park will look like when this whole thing is done. He also relayed to Mr. Morris the concerns about the structural soundness of that building. Mr. Morris said he also talked to Scott Marn, a Mentor Council Person who is also his financial advisor, who said right now they did not plan on doing anything for plans or anything else until this elevator issue is dealt with; he said because if the elevator is not approved by us or through the Community Grant Program, the whole project is dead, so there is a whole lot of stuff here. Mr. Morris said he has talked to a whole lot of residents, they prefer the idea of a restaurant without the party center to maintain more of the park than get rid of the park, and they said if the park was to be removed in generality then they do not want it, they would rather it be left the way it is, and he did relay those concerns to Scott Marn too. But he said everything is up in the air and this is going to take years for them to actually fulfill their needs but he said it all hinged on this elevator. Mr. Morris said there was also on the Community of Mentor-on-the-Lake Facebook page an unofficial poll

taken as to what you would like to see done, and it was overwhelmingly the poll came out that they do not want that change, they want the park left the way it is. So, as we vote for this tonight, and he knows one of his concerns is that they do the car show down there every year, so he does not want anybody to think that whichever way he votes, is that car show is a concern. He was assured by the City of Mentor there are no problems this year, nothing is going to change before the end of this year that they foresee. So there are a lot of factors involved in this, as far as what is going to happen down there. He said to Mayor Eva that he said we have seen plans, the only thing we have seen is an artist's rendition of what the building would look like, there are no plot plans or anything, right, or did he miss something. Mayor Eva said he has seen the artist's renditions, also the menu. Mrs. Thompson said she thought there was a floor plan in there also. Mr. Morris said there is nothing in there to show what the property will look like when they or done, right, or did he miss something. Mayor Eva said some of the drawings, there are windows that are going in. Mr. Morris said he is talking about the park, the land itself. Mrs. Thompson said she did not think the land is changing much, except they are adding a parking lot, and they are not doing any removal of any of the playground equipment. Mrs. Bartone said the west side is not changing, the east side is. Mr. Morris asked if the soccer field would disappear. Mrs. Bartone said there would be more parking, currently when Mentor used to rent it, before they stopped renting it for parties, it would hold up to 300 people, there was not enough parking for that, so if they chose to go back to using it as a parking lot, they can because it is their building. There would be no difference except there would be an elevator for people to use to access the other floor. Mrs. Thompson asked if Mentor controlled who uses that as a soccer field during soccer season. Mrs. Bartone said yes. Mrs. Thompson said so we do not have judgment on that to say who can use it as a soccer field. She said her other thing too is that we're not voting on this going into a restaurant, we are just voting on an elevator to make it ADA compliant. We are not saying that in the future we are going to allow this to be a restaurant or party center, we are just voting on making this building ADA compliant so that people can use it for whatever in the future it might turn into. Mr. Morris said he is not sure we have any say over whether it becomes a restaurant, do we? Mrs. Thompson said no.

**MOTION MADE BY MR. BITTNER**, Seconded by Mr. Lunder, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Lunder, Bittner, Chabut, Thompson. Nays: None. Abstain: Council Member Johnson, Morris.

**MOTION FAILED: 4/0/2**

Resolution No. 2021-R-14 goes to Second Reading.

**RESOLUTION NO. 2021-R-15**

**A RESOLUTION APPROVING THE 2022 BUDGET**

Mrs. Thompson stated this Resolution will go on to Second Reading. The Public Hearing is scheduled for June 8, 2021, at 7:00 P.M.

**ORDINANCE NO. 2020-O-28 (REFERRED TO ORDINANCE COMMITTEE)**

**AN ORDINANCE AMENDING CRA ORDINANCE 2016-O-28 AND DECLARING AN EMERGENCY**

Mr. Chabut said the Ordinance Committee is still working on this.

**ORDINANCE NO. 2021-O-12 (THIRD READING)**

**AN ORDINANCE AMENDING ORDINANCE 1242.03(e) – CONDITIONAL USE PERMITS**

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Morris, for Passage. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 6/0**

**OLD BUSINESS:** (None)

**NEW BUSINESS:**

**Expenditure Approval**

**Vendor:** Travelers Insurance Company  
**Cost:** \$76,685.00  
**Item:** Renewal of various insurance policies  
(Per Memorandum of May 12, 2021, from Mrs. Bartone)

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Morris, to approve the Expenditure to Travelers Insurance Company in the amount of \$76,685.00. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 6/0**

**OPEN TO THE PUBLIC TO SPEAK: 7:21 P.M.**

Mr. Morris asked if everyone in the audience could hear Council ok. They said yes.

**CLOSED OPEN TO THE PUBLIC SECTION: 7:22 P.M.**

**ANNOUNCEMENTS AND SETTING OF MEETINGS:**

Parks and Recreation Board	Wednesday, May 26, 2021, at 7:00 P.M.
Community Development Committee	Tuesday, June 1, 2021, at 6:00 P.M.
Planning and Zoning Commission	Monday, June 7, 2021, at 7:00 P.M.
Public Hearing on Resolution No. 2021-R-15	Tuesday, June 8, 2021, at 7:00 P.M.
Ordinance Committee	Monday, June 21, 2021, at 6:00 P.M.
Regular Agenda Meeting	Thursday, June 3, 2021, at 6:00 P.M.
Regular Council Meeting	Tuesday, June 8, 2021, at 7:00 P.M.

**ADJOURNMENT:**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Lunder, for Adjournment. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 6/0**

The Virtual Regular Meeting of Council adjourned at 7:25 P.M.

**APPROVED:**

June 8, 2021  
Date

Michelle Hoan  
Attest: **Clerk of Council**  
Acting

Desiree Thompson  
Desiree Thompson  
President of Council

**RESOLUTION NO. 2021-R-14**

**A RESOLUTION AUTHORIZING THE ADMINISTRATIVE DIRECTOR TO APPLY FOR AND ACCEPT FINANCIAL ASSISTANCE FROM LAKE COUNTY FY 2021-2022 COMMUNITY BLOCK GRANT (CDBG) PROGRAM TO DESIGN AND INSTALL AN ELEVATOR LOCATED AT THE MENTOR BEACH PARK FACILITY AND DECLARING AN EMERGENCY**

**WHEREAS**, the Lake County Federal Grants Office administers financial assistance to improve a community's housing stock and for the purpose of addressing urgent community development needs through the Federal CDBG Program; and

**WHEREAS**, the Lake County Federal Grants Office accepted applications for the FY 2020-2021 CDBG program through the substantial Amendment of the Consolidated Plan; and

**WHEREAS**, the City of Mentor-on-the-Lake wishes to submit an application for funding through the FY 2021-2022 CDBG Program in order to design and install an elevator located at the Mentor Beach Park facility; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MENTOR-ON-THE-LAKE, COUNTY OF LAKE, AND STATE OF OHIO:**

**SECTION 1.** That the City Council hereby authorizes the Administrative Director to file an application with the Lake County Planning and Community Development Office and to provide all information and necessary documentation required to become eligible for possible funding assistance.


**SECTION 2.** That the City Council hereby authorizes the Administrative Director to accept the FY 2021-2020. CDBG funding awarded by the Lake County Board of County Commissioners.

**SECTION 2.** That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22, of the Ohio Revised Code.


**SECTION 3.** That this Resolution is hereby declared to be and is passed as an emergency measure, the emergency being the necessity to meet the CDBG program deadline. Said Resolution is necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Mentor-on-the-Lake.

**WHEREFORE**, this Resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

**ADOPTED:** June 8, 2021

  
**DESIREA A. THOMPSON**  
**PRESIDENT OF COUNCIL**

**ATTEST:** Michelle Moran  
**ACTING CLERK OF COUNCIL**

  
**DAVID R. EVA** **DATE**  
**MAYOR**

**RESOLUTION NO. 2021-R-16**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF  
CATHERINE A. ROOS TO THE BOARD OF ZONING APPEALS**

**WHEREAS**, pursuant to Article VII, Section 7.04 of the Charter, Mayor Eva has appointed **CATHERINE A. ROOS**, 7610 Dahlia Drive, to the Board of Zoning Appeals for the term ending December 31, 2022; and

**WHEREAS**, **CATHERINE A. ROOS** possesses the requisite qualifications for appointment to the said Board of Zoning Appeals; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Mentor-on-the-Lake, County of Lake, and State of Ohio, as follows:

**Section 1.** That the appointment of **CATHERINE A. ROOS** to the Board of Zoning Appeals for the term beginning July 19, 2021 and ending December 31, 2022 is hereby confirmed.

**Section 2.** That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**WHEREFORE**, this Resolution shall be in full force and effect immediately upon its passage by Council, and approval by the Mayor.

**ADOPTED:**

June 8, 2021

Desiree Thompson

**DESIREA A. THOMPSON  
PRESIDENT OF COUNCIL**

**ATTEST:**

*ACTING*

Michelle Moo  
**CLERK OF COUNCIL**

David R. Eva

**DAVID R. EVA**                      **DATE**  
**MAYOR**

**RESOLUTION NO. 2021-R-17**

**A RESOLUTION RECOGNIZING THE BROAD DUTY TO AFFIRMATIVELY FURTHER FAIR HOUSING AND RECOGNIZING APRIL 2021 AS FAIR HOUSING MONTH IN MENTOR-ON-THE-LAKE, OHIO AND DECLARING AN EMERGENCY**

**WHEREAS**, 2021 marks the 53th Anniversary of the passage of Title VIII of the Civil Rights Act; and

**WHEREAS**, the effort to create equal housing opportunities for all people is encouraged at every level of government; and

**WHEREAS**, it is an important goal of our government to eliminate housing discrimination and assure the rights of every citizen to buy, rent, and sell housing, without regard to race, color, sex, religion, familial status, national origin or disability; and

**WHEREAS**, Title VIII of the Civil Rights Act and Presidential Executive Order 12892 initially described the obligation to Affirmatively Further Fair Housing (AFFH); and

**WHEREAS**, The AFFH final rule effective August 17, 2015 more clearly established the responsibility of participants using CDBG/HOME funds in great detail to Affirmatively Further Fair Housing at 80 Fed. Reg. 42,272 and codified at 24 CFR Part 5; and

**WHEREAS**, it is the City of Mentor-on-the-Lake's goal to accord residents with an enhanced quality of life through the development of opportunities in housing, employment, education and services by the implementation of plans that assure all people are afforded their rights thus fostering open inclusive communities; and

**WHEREAS**, as an applicant or potential recipient of federal funds, the City of Mentor-on-the-Lake agrees that it will take specified actions to Affirmatively Further Fair Housing (AFFH) and confidently asserts that that all policies and practices adopted and in place are in conformance with applicable fair housing law and that prior to April 1, 2021 any outstanding civil rights matters are resolved per HUD Docket No. FR-5800-N-01 Section III-C.2b ELIGIBILITY INFORMATION-Threshold Requirements.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MENTOR-ON-THE-LAKE, COUNTY OF LAKE, AND STATE OF OHIO:**

**SECTION 1.** That the Administration and City Council of Mentor-on-the-Lake would like to recognize the broad duty to affirmatively further fair housing.

**SECTION 2.** That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22, of the Ohio Revised Code.



**SECTION 3.** That this Resolution is hereby declared to be and is passed as an emergency measure. Said Resolution is necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Mentor-on-the-Lake.

**WHEREFORE**, this Resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

ADOPTED: June 8, 2021

Desiree Thompson  
DESIREA A. THOMPSON  
PRESIDENT OF COUNCIL

ATTEST: Michelle Woo  
*ACTING* CLERK OF COUNCIL

David R. Eva  
DAVID R. EVA  
MAYOR DATE

**RESOLUTION NO. 2021-R-18**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF  
CAROL STAFINSKI TO THE BOARD OF LOCAL TAX REVIEW  
AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to Article VII, Section 7.04 of the Charter, Mayor Eva has appointed **CAROL STAFINSKI**, 7066 Sunset Drive, to the Board of Local Tax Review for the term ending December 31, 2022; and

**WHEREAS**, **CAROL STAFINSKI** possesses the requisite qualifications for appointment to the said Board of Local Tax Review; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Mentor-on-the-Lake, County of Lake, and State of Ohio, as follows:

**Section 1.** That the appointment of **CAROL STAFINSKI** to the Board of Local Tax Review for the term beginning June 1, 2021 and ending December 31, 2022 is hereby confirmed.

**Section 2.** That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 3.** That this Resolution is hereby declared to be and is passed as an emergency measure, the emergency being the necessity to conduct the Board of Local Tax Review business in a timely manner. Said Resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City.

**WHEREFORE**, this Resolution shall be in full force and effect immediately upon its passage by Council, and approval by the Mayor.

ADOPTED: June 8, 2021

Desiree A. Thompson  
**DESIREA A. THOMPSON**  
**PRESIDENT OF COUNCIL**

ATTEST: Michelle Hoover  
**ACTING CLERK OF COUNCIL**

David R. Eva  
**DAVID R. EVA**                      **DATE**  
**MAYOR**

**RESOLUTION NO. 2021-R-19**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF  
RENEE SHEAFFER TO THE BOARD OF LOCAL TAX REVIEW  
AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to Article VII, Section 7.04 of the Charter, Mayor Eva has appointed **RENEE SHEAFFER**, 7761 Sharon Drive, to the Board of Local Tax Review for the term ending December 31, 2022; and

**WHEREAS**, **RENEE SHEAFFER** possesses the requisite qualifications for appointment to the said Board of Local Tax Review; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Mentor-on-the-Lake, County of Lake, and State of Ohio, as follows:

**Section 1.** That the appointment of **RENEE SHEAFFER** to the Board of Local Tax Review for the term beginning June 1, 2021 and ending December 31, 2022 is hereby confirmed.

**Section 2.** That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 3.** That this Resolution is hereby declared to be and is passed as an emergency measure, the emergency being the necessity to conduct the Board of Local Tax Review business in a timely manner. Said Resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City.

**WHEREFORE**, this Resolution shall be in full force and effect immediately upon its passage by Council, and approval by the Mayor.

**ADOPTED:** June 8, 2021

  
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**DESIREA A. THOMPSON**  
**PRESIDENT OF COUNCIL**

**ATTEST:** Michelle Moo  
*Acting* **CLERK OF COUNCIL**

  
\_\_\_\_\_  
**DAVID R. EVA**                      **DATE**  
**MAYOR**

ORDINANCE NO. 2021-O-13 \_\_\_\_\_

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,085,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, (I) TO PAY A PORTION OF THE COSTS OF IMPROVING STATE ROUTE 283 BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, PAVING, RECONSTRUCTING, WIDENING, WHERE NECESSARY, CONSTRUCTING BIKE PATHS, SIDEWALKS, CURBS, GUTTERS, STORM SEWERS, CATCH BASINS, MANHOLES AND DRIVEWAY APRONS, WHERE NECESSARY, INSTALLING AND UPGRADING TRAFFIC CONTROL DEVICES AND SIGNALS, WHERE NECESSARY, ACQUIRING ANY REAL ESTATE OR INTERESTS THEREIN NECESSARY IN CONNECTION THEREWITH, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, (II) TO PAY THE COSTS OF ACQUIRING A VEHICLE AND RELATED EQUIPMENT FOR THE SERVICE DEPARTMENT, AND ALL RELATED EXPENSES THERETO, (III) TO PAY A PORTION OF THE COSTS OF THE ACQUISITION AND INSTALLATION OF THE LAKE STREET TRUNK STORM SEWER, AND ALL RELATED EXPENSES THERETO, (IV) TO PAY A PORTION OF THE COSTS OF THE ACQUISITION AND INSTALLATION OF THE PINEHURST STREET TRUNK STORM SEWER, AND ALL RELATED EXPENSES THERETO, AND (V) TO PAY A PORTION OF THE COSTS OF THE ACQUISITION OF CITY VEHICLES INCLUDING A DUMP TRUCK AND A POLICE SQUAD CAR, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance Nos. 2020-O-10 passed May 26, 2020, a note in anticipation of bonds in the aggregate amount of \$1,310,000, dated June 11, 2020, was issued for Project Nos. 1, 2, 3, 4, 5 and 6, among others, as described and identified in Section 1 and as a consolidated issue pursuant to Section 133.30(B) of the Revised Code to mature on June 11, 2021 (the Outstanding Note); and

WHEREAS, this Council finds and determines that the City should retire a portion of the Outstanding Note with the proceeds of the notes described in Section 3 and other funds available to the City; and

WHEREAS, the Administrative Director as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of Project No. 1, Project No. 2, Project No. 3, Project No. 4 and Project No. 5 as described above and in Section 1 is at least five years, the estimated maximum maturity of the bonds described in Section 1 is five years with respect to Project No. 1, seven years with respect to Project No. 2, forty years with respect to Project Nos. 3 and 4 and nine years with respect to Project No. 5, the maximum maturity of the notes

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mentor-on-the-Lake, Lake County, Ohio, that:

**Section 1.** It is necessary to issue bonds of this City in the aggregate principal amount of \$1,085,000 (the Bonds) (i) to pay a portion of the costs of improving State Route 283 from State Route 615 at the south corporation line of the City thence northerly on Andrews Road to Lakeshore Boulevard and thence easterly on Lakeshore Boulevard to the east corporation line of the City by grading, draining, paving, reconstructing, widening, where necessary, constructing bike paths, sidewalks, curbs, gutters, storm sewers, catch basins, manholes and driveway aprons where necessary, installing and upgrading traffic control devices and signals, where necessary, acquiring any real estate or interests therein necessary in connection therewith, and otherwise improving the same, all together with the necessary appurtenances thereto (Project No. 1), (ii) to pay the costs of acquiring a vehicle and related equipment for the Service Department, and all related expenses thereto (Project No. 2), (iii) to pay a portion of the costs of the acquisition and installation of the Lake Street trunk storm sewer, and all related expenses thereto (Project No. 3), (iv) to pay a portion of the costs of the acquisition and installation of the Pinehurst Street trunk storm sewer, and all related expenses thereto (Project No. 4), and (v) to pay a portion of the costs of the acquisition of City vehicles including a dump truck and a police squad car (Project No. 5). The portion thereof with respect to Project No. 1 is \$155,000, with respect to Project No. 2 is \$90,000, with respect to Project No. 3 is \$360,000, with respect to Project No. 4 is \$320,000 and with respect to Project No. 5 is \$160,000.

**Section 2.** The Bonds shall be dated approximately June 1, 2022, shall bear interest at the now estimated rate of 5% per year, payable on June 1 and December 1 of each year, commencing December 1, 2022, until the principal amount is paid, and are estimated to mature in five annual installments with respect to Project No. 1, in seven annual principal installments with respect to Project No. 2, in forty annual principal installments with respect to Project Nos. 3 and 4 and nine annual principal installments with respect to Project No. 5, such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. Based on the foregoing, the principal installments payable on the Bonds on December 1 of each year (commencing December 1, 2022) are estimated to be as follows: (i) with respect to Project No. 1, approximately \$31,000 each year; (ii) with respect to Project No. 2, \$10,000, \$10,000, \$10,000, \$15,000, \$15,000, \$15,000, and \$15,000; (iii) with respect to Project No. 3, approximately \$9,000 each year; and (iv) with respect to Project No. 4, approximately \$8,000 each year; and (v) with respect to Project No. 5, approximately \$17,800 each year.

**Section 3.** It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,085,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Note. The Notes shall bear interest at a rate or rates not to exceed 4.5% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Administrative Director in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award). The Notes shall be dated the date of issuance and shall mature one year from the date of issuance, provided that the Administrative Director may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to seven days less than one year from the date of issuance by setting forth that maturity date in the Certificate of Award.

**Section 4.** The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America, as determined by the Administrative Director in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent (the Paying Agent), at the principal

corporate trust office of The Huntington National Bank, Columbus, Ohio, or at the office of a bank or trust company designated by the Administrative Director in the Certificate of Award after determining that the payment at that bank or trust company will adequately protect the funds of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Administrative Director if agreed to by the Administrative Director and the original purchaser.

**Section 5.** The Notes shall be signed by the Mayor and Administrative Director, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the numbers and denominations as may be requested by the original purchaser and approved by the Administrative Director, provided that no such denomination shall be less than \$100,000 and provided further that the entire principal amount may be represented by a single note. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Administrative Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Administrative Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Administrative Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this section and this Ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Administrative Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Administrative Director does not or is unable to do so, the Administrative Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed

necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Administrative Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, including the execution of a Blanket Issuer Letter of Representations in the form utilized by The Depository Trust Company.

**Section 6.** The Notes shall be sold at private sale by the Administrative Director at a price of not less than par and accrued interest, if any, in accordance with law and the provisions of this Ordinance. The Administrative Director shall sign the Certificate of Award referred to in Section 3 of this Ordinance evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Administrative Director, the Clerk of Council, the Law Director and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Administrative Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Administrative Director is hereby authorized to sign and deliver, in the name and on behalf of the City, a Note Purchase Agreement between the City and the original purchaser of the Notes, if requested by the original purchaser of the notes, in substantially the form as is now on file with the Administrative Director, providing for the sale and purchase of the Notes. The Note Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Administrative Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Note Purchase Agreement or amendments thereto.

**Section 7.** The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

**Section 8.** The par value to be received from the sale of the Notes or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**Section 9.** During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

**Section 10:** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (i) the Notes will not (a) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (b) be treated other than as bonds to which Section 103(a) of the Code applies, and (ii) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (a) apply the proceeds of the Notes to the governmental purpose of the borrowing, (b) restrict the yield on investment property, (c) make timely and adequate payments to the federal government, (d) maintain books and records and make calculations and reports and (e) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code to the extent that the amount of the refunding obligations does not exceed the outstanding principal amount of the refunded obligations) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations". Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations," it has not formed or participated in the formation of, or benefitted from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Administrative Director, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable



expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

**Section 11.** In connection with the issuance of the Notes, the legal services of Squire Patton Boggs (US) LLP (or such successor to Squire Patton Boggs (US) LLP), as bond counsel, are retained pursuant to an engagement letter which has been delivered to the City by that firm. That engagement letter, and the execution thereof by the Mayor, the Administrative Director, the Law Director, or any one of them, are hereby authorized, ratified and approved. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

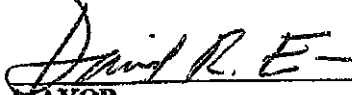
**Section 13.** This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

**Section 14.** This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.


**Section 15.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that the immediate effectiveness of this Ordinance is required in order to effect the issuance and sale of the Notes, which is necessary to enable the City to retire the Outstanding Note and thereby preserve its credit.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

  
PRESIDENT OF COUNCIL

  
MAYOR

Passed: June 8, 2021

Attest:   
*ACTING* CLERK OF COUNCIL

## FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Mentor-on-the-Lake, Ohio:

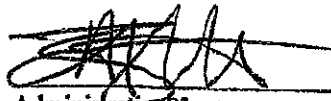
As fiscal officer of the City of Mentor-on-the-Lake, I certify in connection with your proposed issue of \$1,085,000 notes (the Notes) to be issued in anticipation of the issuance of bonds (the Bonds) to pay a portion of the costs of improving State Route 283 from State Route 615 at the south corporation line of the City thence northerly on Andrews Road to Lakeshore Boulevard and thence easterly on Lakeshore Boulevard to the east corporation line of the City by grading, draining, paving, reconstructing, widening, where necessary, constructing bike paths, sidewalks, curbs, gutters, storm sewers, catch basins, manholes and driveway aprons where necessary, installing and upgrading traffic control devices and signals, where necessary, acquiring any real estate or interests therein necessary in connection therewith, and otherwise improving the same, all together with the necessary appurtenances thereto (Project No. 1), to pay the costs of acquiring a vehicle and related equipment for the Service Department, and all related expenses thereto (Project No. 2), to pay a portion of the costs of the acquisition and installation of the Lake Street trunk storm sewer, and all related expenses thereto (Project No. 3), to pay a portion of the costs of the acquisition and installation of the Pinehurst Street trunk storm sewer, and all related expenses thereto (Project No. 4) and to pay a portion of the costs of the acquisition of City vehicles including a dump truck and a police squad car (Project No. 5), that:

1. The estimated life or period of usefulness of each of Project No. 1, Project No. 2, Project No. 3, Project No. 4 and Project No. 5 is at least five years. The portion of that principal amount with respect to Project No. 1 is \$155,000, with respect to Project No. 2 is \$90,000, with respect to Project No. 3 is \$360,000, with respect to Project No. 4 is \$320,000 and with respect to Project No. 5 is \$160,000.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is five years with respect to Project No. 1, seven years with respect to Project No. 2, forty years with respect to Project Nos. 3 and 4, and nine years with respect to Project No. 5. If notes in anticipation of the Bonds have been outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes with respect to such Projects, the maximum maturity of the Bonds with respect to such Projects set forth above has already been reduced by the period in excess of those five years.

3. The maximum maturity is July 2, 2022 with respect to Project No. 1, June 17, 2030 with respect to Project No. 2, June 15, 2036 with respect to Project No. 3, June 14, 2037 with respect to Project No. 4 and June 13, 2033 with respect to Project No. 5.

Dated: May 25, 2021



Administrative Director  
City of Mentor-on-the-Lake, Ohio