



City of Willowick
CITY COUNCIL REGULAR MEETING

Tuesday, January 18, 2022 at 7:30 PM
City Council Chambers

ADA NOTICE

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

AGENDA

CALL MEETING TO ORDER

PLEDGE ALLEGIANCE

INVOCATION

ROLL CALL OF COUNCIL

APPROVAL OF MINUTES

1. Motion to approve the minutes of the Regular City Council Meeting of January 11, 2022.

APPOINTMENTS, SPECIAL RESOLUTIONS & PROCLAMATIONS

ADMINISTRATIVE APPEALS

REPORTS & COMMUNICATIONS FROM THE MAYOR/SAFETY DIRECTOR

COUNCIL DISCUSSION OF THE MAYOR'S REPORT

GENERAL COMMUNICATIONS & REPORTS – Directors & Officials

Service Director – Todd Shannon

Recreation Director – Julie Kless

City Engineer – Tim McLaughlin

Finance Director – Cheryl Benedict

Law Director – Stephanie Landgraf

Police Chief – Brian Turner

Fire Chief – Joe Tennyson

Chief Housing/Zoning Inspector – Sean Brennan

Economic Development Manager – Monica Drake

WARD MATTERS

PUBLIC PARTICIPATION

- a) *Public statement (1 minute maximum)*
- b) *Council response to the public*
- c) *Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

REPORTS OF STANDING COMMITTEES

Finance – Vanni, Bisbee, Koudela

Safety – Phares, Malta, Bisbee

Service, Utilities & Public Lands – Malta, Phares, Bisbee

Streets, Sidewalks & Sewers – Vanni, Malta, Antosh

Tax Compliance – Koudela, Antosh, Patton

Moral Claims – Antosh, Phares, Patton

Budget – Vanni, Koudela, Patton

LIAISON REPORTS

Planning – Phares/Alternate Koudela

Board of Zoning Appeals – Koudela/Alternate Vanni

Volunteer Fire Fighters' Dependents Fund Board – Antosh, Phares

Recreation Board – Bisbee/Alternate Phares

Plan Review Board – Antosh

Hearts & Hammers – Malta

FUND TRANSFERS & BID AUTHORIZATIONS

CONTRACT APPROVALS

INTRODUCTION & CONSIDERATION OF LEGISLATION

2. Ordinance No. 2022-2 (Law Director)

An Ordinance establishing the 2022 fee schedule for the Willowick Recreation Department, repealing certain Ordinances, and declaring an emergency.

3. Ordinance No. 2022-3 (Finance Director)

An Ordinance providing for the issuance and sale of \$183,300 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the Municipal Sewerage System, and declaring an emergency.

4. Ordinance No. 2022-4 (Law Director)

An Ordinance authorizing the Finance Director of the City to temporarily advance funds from the general Fund (101) to the Northeast Ohio Public Energy Council (“NOPEC”) Energized Community Grant Fund (227), and declaring an emergency.

MISCELLANEOUS

- 5. Motion authorizing \$25,000 for CT Consultants to perform Sanitary Sewer System Engineering Services including review of CCTV of various sewers, sewer system Inflow and Infiltration

studies, neighborhood smoke testing, sewer modeling, basement flooding studies, rain event analysis and sewer system metering.

6. Motion rejecting all bids received for the Willowick Community Center HVAC Improvements.
7. Motion to authorize the Mayor to terminate the service contract with Kone Elevator, as successor in interest to Ross Elevator, Inc., for the parts, oil and grease examination service of city elevators effective April 30, 2022.
8. Motion authorizing an expenditure in the amount of \$27,850. to C & P Advisors for the conversion of the cash basis financial statements to U.S. GAAP and to comply with GASB Statement No. 34.
9. Motion to declare eight, 8 foot., 2 bulb high output fluorescent light fixtures, as surplus, obsolete, unneeded, unfit for public use, and authorizing its sale or subsequent disposal.

PUBLIC PARTICIPATION

a) Public statement (1 minute maximum)

b) Council response to the public

c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)

ADJOURNMENT



City of Willowick
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MINUTES

CALL MEETING TO ORDER

The first meeting of Council was called to order at 7:30 p.m. by Council President Patton.

PLEDGE ALLEGIANCE

INVOCATION

ROLL CALL OF COUNCIL

Roll call was taken by Mayor Regovich.

PRESENT

Council President Robert Patton
 Ward 1 Councilman Michael Vanni
 Ward 2 Councilwoman Natalie Antosh
 Ward 2 Councilwoman Theresa Bisbee
 Ward 3 Councilman Charles Malta
 Ward 3 Councilman David Phares

ALSO PRESENT

Mayor Regovich, Law Director Landgraf, Fire Chief Tennyson, Police Chief Turner, Service Director Shannon, Chief Housing & Zoning Inspector Brennan, City Engineer McLaughlin, Economic Manager Drake and Council Clerk Trend.

ABSENT

Finance Director Benedict and Recreation Director Kless.

APPOINTMENTS, SPECIAL RESOLUTIONS & PROCLAMATIONS

As a matter of procedure, Council President Patton took Ordinance 2022-1 out of order.

2. Ordinance No. 2022-1 (Law Director)

An Ordinance approving and confirming the appointment of Angela Trend as Clerk of Council, and declaring an emergency.

Motion made by Mr. Malta, seconded by Ms. Antosh to waive the three readings on Ordinance No. 2022-1.

Discussion: None.

Vote: All ayes. Motion carried.

Motion made by Ms. Antosh, seconded by Mr. Malta to adopt Ordinance No. 2022-1.

Discussion: None.

Vote: All ayes. Motion carried.

Oath of office was administered by Mayor Regovich to Angela Trend as Clerk of Council

Add-on to the agenda is the administration of the Oath of Office to Monica Koudela.

Law Director Landgraf stated Monica Koudela gave notice to the City that she sold her residence in Ward 1 effective December 29, 2021. Pursuant to the Charter, Council has thirty (30) days to make an appointment to the unexpired term that Monica resigned from. Monica has since relocated to a residence that is still in Ward 1.

Motion made by Ms. Antosh, seconded by Mr. Malta to nominate Monica Koudela to the unexpired term of Ward 1 Councilwoman expiring December 31, 2023.

With no other nominations, nominations were closed.

Discussion: None.

Vote: All ayes. Motion carried.

Oath of office was administered by Mayor Regovich to Monica Koudela as Ward 1 Councilwoman.

APPROVAL OF MINUTES

1. Motion made by Ms. Antosh, seconded by Ms. Bisbee to approve the minutes of the Regular City Council meeting of December 21, 2021.

Discussion: None.

Vote: All ayes. Motion carried.

ADMINISTRATIVE APPEALS

REPORTS & COMMUNICATIONS FROM THE MAYOR/SAFETY DIRECTOR

Budgets for 2022 have been presented to the City by the Directors in preparation for the February 5 Budget Hearings.

COUNCIL DISCUSSION OF THE MAYOR'S REPORT

None.

GENERAL COMMUNICATIONS & REPORTS – Directors & Officials

Service Director – Todd Shannon

Report submitted electronically. Mr. Malta inquired if the City was mandated to purchase a certain amount of road salt. Mr. Shannon stated the City is on an ODOT Bid Program through the state and they generally take 1800 tons of salt which is budgeted for.

Recreation Director – Julie Kless

No report - absent.

City Engineer – Tim McLaughlin

No written report. December 29, 2021 was the bid opening for the Community Center's HVAC improvements. Only one bid was received and it was over 35% of the estimated cost. Options are being assessed at this time. Advertisement will be going out on Friday for the 2022 Road Program.

Finance Director – Cheryl Benedict

No written report - absent.

Law Director – Stephanie Landgraf

No written report. Ms. Landgraf requested an Executive Session at the conclusion of the meeting to discuss pending litigation.

Police Chief – Brian Turner

Report submitted electronically.

Fire Chief – Joe Tennyson

Report submitted electronically. The Fire Department had a record number of calls in 2021 totaling 2,487.

Chief Housing/Zoning Inspector – Sean Brennan

Report submitted electronically.

Economic Development Manager – Monica Drake

The opening for Pashas Turkish Kitchen is being held up due to contractor issues and Cleveland Pizza is experiencing some of the same issues. The former Calas location has been leased to Mama Primozz Pizza and they are hoping to open within the next thirty to sixty days. Mr. Vanni stated that the old Taco Bell building is up for sale and inquired if Ms. Drake could reach out to Taco Bell to see if they would have interest in coming back to the City.

WARD MATTERS

PUBLIC PARTICIPATION

- a) Public statement (1 minute maximum)*
- b) Council response to the public*
- c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

Frank Kunstel, 131 Seaborn Dr., stated that in the summer of 2020 he was a part of a group of residents that wanted to examine the city's police policies and practices to determine if there were any items that would benefit from improvement. This was due to the numerous protests regarding police practices. Mr. Kunstel provided handouts to the Council Clerk with a list of suggestions to help toward developing and maintaining a modern and professional police force.

Shane Cook, 613 E. 300 St., inquired how the City would be handling the recent fireworks bill allowing people to legally shoot off fireworks on certain holidays. Also Mr. Cook inquired about the senior competition called Mind Challenge and he would like to volunteer his time if it could be organized.

In response to Mr. Kunstel, Chief Turner stated that since Mr. Kunstel's record requests the Police Department has recertified with Ohio Collaborative and some of the topics have already been addressed. Chief Turner and Mayor Regovich thanked Mr. Kunstel for his interest in the topic and for the time and effort put into the research.

Mr. Cook was advised that Doreen at the Senior Center would be the contact for organizing the Mind Challenge competition. Mayor Regovich stated he would discuss the issue of fireworks with the local mayors.

REPORTS OF STANDING COMMITTEES

Finance – Vanni, Bisbee, Koudela

No report.

Safety – Phares, Malta, Bisbee

Mr. Phares stated that the issue of fireworks would be a good topic for the Safety Committee.

Service, Utilities & Public Lands – Malta, Phares, Bisbee

The committee met tonight at the Richard J. Bonde Activity Center to discuss the old Nike Site Memorial.

Streets, Sidewalks & Sewers – Vanni, Malta, Antosh

No report.

Tax Compliance – Koudela, Antosh, Patton

No report.

Moral Claims – Antosh, Phares, Patton

No report.

Budget – Vanni, Koudela, Patton

The Tax Budget Hearings will be on Saturday, February 5, 2022 at 8:00 a.m.

LIAISON REPORTS

Planning – Phares/Alternate Koudela

No report.

Board of Zoning Appeals – Koudela/Alternate Vanni

No report.

Volunteer Fire Fighters' Dependents Fund Board – Antosh, Phares

No report.

Recreation Board – Bisbee/Alternate Phares

No report.

Plan Review Board – Antosh

Hearts & Hammers – Malta

Mr. Malta stated that they are still accepting baskets for the Chinese Auction to raffle off at the fundraiser on Saturday, January 29, 2022. Mr. Malta can be reached at 440-488-1757.

FUND TRANSFERS & BID AUTHORIZATIONS

None.

CONTRACT APPROVALS

None.

INTRODUCTION & CONSIDERATION OF LEGISLATION

3. Resolution No. 2022-1 (Law Director)

A Resolution authorizing the Mayor to enter into an agreement with Laketran for transportation in the Senior Center, and declaring an emergency.

Motion made by Ms. Antosh, seconded by Mr. Phares to waive the three readings on Resolution No. 2022-1.

Discussion: None.

Vote: All ayes. Motion carried.

Motion made by Ms. Antosh, seconded by Mr. Phares to approve Resolution No. 2022-1.

Discussion: None.

Vote: All ayes. Motion carried.

MISCELLANEOUS

4. Motion made Mr. Vanni, seconded by Ms. Antosh authorizing the Mayor to enter into a 39 month lease with ComDoc for a Xerox C7025 multi-function device for the Senior Center in the monthly amount of \$159.00.

Discussion: None.

Vote: All ayes. Motion carried.

5. Motion made by Mr. Phares, seconded by Ms. Antosh to authorize the Mayor to execute a bond financing application jointly with participating subdivisions for the Shoreline Improvement District.

Discussion: None.

Vote: All ayes. Motion carried.

PUBLIC PARTICIPATION

a) Public statement (1 minute maximum)

b) Council response to the public

c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)

None.

ADJOURN TO EXECUTIVE SESSION

Motion made Ms. Antosh, seconded by Mr. Phares to adjourn to Executive Session to discuss pending litigation.

Discussion: None.

Vote: All ayes. Motion carried.

RETURN TO THE TABLE FROM EXECUTIVE SESSION

Motion made by Mr. Malta, seconded by Ms. Antosh to return to the table from Executive Session.

Discussion: None.

Vote: All ayes. Motion carried.

Council President Patton stated the motion will be presented in the affirmative.

Motion made by Mr. Vanni, seconded by Ms. Antosh to approve the settlement proposal from Concrete Inc. in the case captioned Concrete Inc. vs. Kurtz Bros. "et al" Case No. 20CB1503.

Discussion: None.

Vote: Ayes: Malta.

Nays: Bisbee, Koudela, Vanni, Phares, Patton and Antosh.

Motion failed.

ADJOURNMENT

Motion made by Mr. Phares, seconded by Ms. Bisbee to adjourn.

Discussion: None.

Vote: All ayes. Motion carried.

Meeting adjourned at 8:10 p.m.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

ORDINANCE NO. 2022-2

AN ORDINANCE ESTABLISHING THE 2022 FEE SCHEDULE FOR THE WILLOWICK RECREATION DEPARTMENT, REPEALING CERTAIN ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS the orderly operation of the Willowick Recreation Department necessitates that establishment of a fee schedule for the use of City facilities by residents and non-residents of the City of Willowick, as well as the City’s provision of recreational programming and activities for residents and non-residents by the City of Willowick Recreation Department.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Willowick, County of Lake, State of Ohio, that:

Section 1. Effective January 1, 2022, the following fee schedule for residents and non-residents shall be established in the Willowick Recreation Department:

Facility Usage Fees	
Community Center	Resident \$350.00 Resident Deposit \$100.00 Non-resident \$700.00 Non-resident Deposit \$500.00
Dudley	Resident \$200.00 Resident Deposit \$100.00 Non-resident \$400.00 Non-resident Deposit \$200.00
Dudley Pavilion	Resident (only) \$25.00
Manry Meeting Room	Resident (only) \$90.00/3 hours
Manry Gym	Resident \$175.00/hour Non-resident \$275.00/hour
Gym/Room Party Package	Resident (only) \$300.00/3 hours
Manry Pavilion	Resident (only) \$25.00
Baseball Fields	\$75.00/night
Pool Parties	Deposit \$25.00 Resident \$300.00 Non-resident \$350.00

Program Fees	
Recreation/Senior Membership	Resident \$12.00 Non-resident \$15.00 Renewal (Resident) \$8.00

	Renewal (Non-resident) \$10.00
Swim passes	Resident (child) \$40.00 Resident (adult) \$30.00 Resident (family) \$125.00 Non-resident \$125.00 Non-resident (family) \$275.00
General pool admission	\$7.00/person
Learn to Swim Lessons	Resident \$50.00 Resident (Family of 4+) \$170.00 Non-resident \$100.00
Camp	Resident \$750.00 Non-resident \$1500.00
Camp (Before/After Care)	Resident \$150.00 Non-resident \$175.00
Open Gym	Youth \$5.00 Adult \$10.00, or 10 for \$20.00 (punch card for Willoughby-Eastlake students only)
Youth Basketball	Resident \$40.00 to \$70.00/player Non-resident \$40.00 to \$70.00/player + \$10.00
Youth Baseball /Softball	Resident \$50.00 to \$100.00/player Non-resident \$50.00 to \$100.00/player + \$10.00
Special Needs (Basketball/Softball)	\$40.00/player
Adult Athletic Leagues	Entry fee \$150.00/team Non-resident \$20.00/player
Flea Market	\$20.00/table
Craft Fair	\$30.00/table
Safety Town	Resident \$40.00 Non-resident \$50.00
Pickleball	\$5.00/day or 10 for \$20.00 (punch card)
Officials/Umpire	\$15.00 to \$50.00/game

Section 3. That all ordinances or parts thereof in conflict herewith be and the same are hereby repealed.

Section 4. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick and further, provides for the usual daily operation of a municipal department; wherefore, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Adopted by Council: _____, 2022

Robert Patton, Council President

Submitted to the Mayor: _____, 2022

Richard J. Regovich, Mayor

Approved by the Mayor: _____, 2022

ATTEST: _____
Angela Trend, Clerk of Council

ORDINANCE NO. 2022-3

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$183,300 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE MUNICIPAL SEWERAGE SYSTEM, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to an Ordinance passed January 29, 2021, a \$228,000 note in anticipation of bonds, dated February 17, 2021, was issued for the purpose stated in Section 1 (the Outstanding Note) and combined with another note issue of the City into a consolidated issue pursuant to Section 133.30(B) of the Revised Code, to mature on February 17, 2022; and

WHEREAS, this Council finds and determines that the City should retire \$183,300 of the Outstanding Note with the proceeds of the notes described in Section 3; and

WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the bonds described in Section 1 is twenty-seven years, and the maximum maturity of the notes described in Section 3, to be issued in anticipation of the bonds, is March 16, 2024;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$183,300 (the Bonds) for the purpose of paying costs of improving the municipal sewerage system.

Section 2. The Bonds shall be dated approximately February 1, 2023, shall bear interest at the now estimated rate of 5% per year, payable on June 1 and December 1 of each year, commencing June 1, 2023, until the principal amount is paid, and are estimated to mature in twenty-seven annual principal installments that are substantially equal. The first principal installment is estimated to be December 1, 2023.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$183,300 (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, all as further described in the preambles hereto. 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. If requested by the original purchaser, the Notes may provide that, in the event the City does not pay or make provision for payment at maturity of the debt charges on the Notes, the principal amount of the Notes shall bear interest at a different rate or rates not to exceed 10-1/2% per year from the maturity date until the City pays or makes provision to pay that principal amount. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this ordinance (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 Director of Finance may, if it is determined to

be necessary or advisable to the sale of the Notes, establish a maturity date that is up to one-hundred 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 Federal Reserve funds of the United States of America 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 Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser.

Section 5. The Notes shall be signed by the Mayor and Director of Finance, 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 denominations and numbers as requested by the original purchaser and approved by the Director of Finance, 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 Director of Finance 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 Director of Finance 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 Director of Finance 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 Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, 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 Director of Finance 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 Director of Finance at a price of not less than par and accrued interest, if any, in accordance with law and the provisions of this ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 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 Director of Finance, the Clerk of Council, the Director of Law 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.

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 Bonds 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. In each year to the extent the income from the municipal sewerage system is available for the payment of the debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of that tax shall be reduced by the amount of the income so available and appropriated.

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 (a) the Notes will not (i) 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 (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) 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, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) 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) 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 benefited 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 Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) 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, (b) 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 (c) 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, 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 Director of Finance, the Director of Law, 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 12. The Clerk of Council is directed to deliver a certified copy of this ordinance to the County Auditor.

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, property, health and safety of the City, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Note and thereby preserve its credit; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2022

President of Council

Attest: _____
Clerk of Council

Approved: _____, 2022

Mayor

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Willowick, Ohio:

As fiscal officer of the City of Willowick, I certify in connection with your proposed issue of \$183,300 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) for the purpose of paying costs of improving the municipal sewerage system (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is twenty-seven years. To the extent that 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, the period in excess of those five years has been deducted and taken into account in setting forth the estimated maximum maturity of the Bonds as stated in the preceding sentence.
3. The maximum maturity of the Notes is March 16, 2024 which is twenty years from the date of the original note issued for this purpose.

Dated: _____, 2022

Director of Finance
City of Willowick, Ohio

ORDINANCE NO. 2022-4

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR OF THE CITY TO TEMPORARILY ADVANCE FUNDS FROM THE GENERAL FUND (101) TO THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (“NOPEC”) ENERGIZED COMMUNITY GRANT FUND (227), AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willowick has now established the Northeast Ohio Public Energy Council (“NOPEC”) Energized Community Grant Fund, Fund No. 227, for the purpose of accumulating resources for the acquisition, construction, or improvement of fixed assets of the City for energy efficiency or energy infrastructure; and

WHEREAS, Fund No. 227 now requires funding by transfer in the amount of Sixteen Thousand Nine Hundred Eighty Dollars (\$16,980); and

WHEREAS, it is in the best interests of the City and its residents to authorize the temporary transfer of the amount of Sixteen Thousand Nine Hundred Eighty Dollars (\$16,980) from the General Fund (101) to the Northeast Ohio Public Energy Council (“NOPEC”) Energized Community Grant Fund (227);

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Willowick, County of Lake County, and State of Ohio:

Section 1. That the Finance Director is hereby authorized to transfer on a temporary basis the amount of Sixteen Thousand Nine Hundred Eighty Dollars (\$16,980) from the General Fund (101) to the Northeast Ohio Public Energy Council (“NOPEC”) Energized Community Grant Fund (227).

Section 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of 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 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare of the residents of the City of Willowick and the operation of its Finance Department, and that it will ensure the orderly and uninterrupted efficient operation of the City and its Finance Department.

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

Adopted by Council: _____, 2022

Robert Patton, Council President

Submitted to the Mayor: _____, 2022

Richard J. Regovich, Mayor

Approved by the Mayor: _____, 2022

ATTEST: _____
Angela Trend, Clerk of Council