

# COUNCIL CHAMBER

City of Mentor

President of Council  
04/07/2020

## ORDINANCE NO. 20-O-038

### AN ORDINANCE TO PROVIDE FOR CONDUCTING MEETINGS OF COUNCIL, THE MUNICIPAL PLANNING COMMISSION, AND BOARD OF ZONING AND BUILDING APPEALS BY VIDEO CONFERENCE DURING THE STATE OF EMERGENCY DECLARED BY THE GOVERNOR PURSUANT TO EXECUTIVE ORDER 2020-01D, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to declaration of emergency issued by the Governor (Executive Order 2020-01D, 03/09/2020) and Presidential proclamation of national emergency, the Council, consistent with the provisions of newly enacted amendments to Ohio Revised Code Chapter 121 which provide that meetings of public bodies may be conducted by video conference during this state of emergency, and in the exercise of its authority pursuant to §§ 2.02 and 3.02 of the Charter, does in the interests of public health, safety and to maintain the functioning of City government during this state of emergency hereby adopts temporary procedures for the conduct of video conferenced meetings of the Council, Municipal Planning Commission, and Board of Zoning and Building Appeals.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MENTOR, COUNTY OF LAKE, STATE OF OHIO:

SECTION 1. During the period of the emergency declared by Executive Order 2020-01D, but not beyond December 1, 2020 unless otherwise ordered, the Council, Municipal Planning Commission and Board of Zoning and Building Appeals shall conduct their meetings and hearings by means of video conference with in-person public access not available.

SECTION 2. That the temporary order for the conduct of video conferenced meetings and hearings is and shall be as follows:

#### Public Access

For all meetings of Council and the Municipal Planning Commission:

The public is advised that its sole access to meetings shall be via live-streaming through any of the following: [www.youtube.com/cityofmentor](http://www.youtube.com/cityofmentor), Spectrum Channel 1024, AT&T U-Verse Channel 99, the Mentor Channel App available at [thementorchannel.com](http://thementorchannel.com), and via the internet-based video conferencing service WebEx (or substitute service), which can be accessed by a meeting-specific link that will be posted on the City's website at <https://cityofmentor.com/city-council/> (for Council meetings) and <https://cityofmentor.com/boards-commissions/> (for Planning Commission meetings).

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The public will be able to observe and hear all discussions and deliberations of all members, whether the member is participating in person or electronically. The regular meetings of the Council and Planning Commission will occur on the dates and times previously published.

For all meetings of the Board of Zoning and Building Appeals:

The public is advised that its sole access to meetings shall be via live-streaming via the internet-based video conferencing service WebEx (or substitute service), which can be accessed by a meeting-specific link that will be posted on the City's website at <https://cityofmentor.com/boards-commissions/>.

The public will be able to observe and hear all discussions and deliberations of all members, whether the member is participating in person or electronically. The regular meetings of the Board of Zoning and Building Appeals will occur on the dates and times previously published.

**Public and Applicant Participation**

For all meetings of Council, the Municipal Planning Commission and Board of Zoning and Building Appeals:

Persons desiring to address Council, the Municipal Planning Commission, or Board of Zoning and Building Appeals during a public hearing or as otherwise permitted by Rule may do so only by using the internet-based video conferencing service WebEx (or substitute service), which can be accessed by a meeting-specific link that will be posted on the City's website at <https://cityofmentor.com/city-council/> (for Council meetings) and <https://cityofmentor.com/boards-commissions/> (for Planning Commission and Board of Zoning and Building Appeals meetings).

Persons desiring to speak are instructed to tune in promptly to the meeting 5 minutes prior to 7:00 p.m. (or other published start time) for instructions on how to get into the electronic queue. You will have to provide your name, address, and indicate the matter you intend to address. You will then be permitted to speak at the appropriate time and be required to follow all Rules while doing so. Persons addressing Council will be audible to everyone. Video links may also be established for applicants and other persons participating in hearings conducted by the Planning Commission and Board of Zoning and Building Appeals.

Persons requesting special accommodations are requested to contact the Clerk of Council ([schiavoni@cityofmentor.com](mailto:schiavoni@cityofmentor.com) / 440.974.5755) with respect to such needs.

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Documentary materials that are intended to be presented to Council shall be electronically submitted to the Clerk (schiaconi@cityofmentor.com) by 4:00 p.m. on the day immediately preceding the meeting. They must be submitted in a standardized write-protected format (such as PDF). Documents submitted may only be made a part of the record in accordance with the Rules of Council.

Documentary materials that are intended to be presented to the Planning Commission or Board of Zoning and Building Appeals shall be electronically submitted to the Legal Administrative Assistant (murphy@cityofmentor.com) by 4:00 p.m. on the day immediately preceding the meeting. They must be submitted in a standardized write-protected format (such as PDF). Documents submitted may only be made a part of the record in accordance with the Rules of the Municipal Planning Commission or Board of Zoning and Building Appeals.

When sworn testimony is required to be taken, unless compliance with Ohio law related to the swearing in of online witnesses can be complied with, the Council, Municipal Planning Commission, and Board of Zoning and Building Appeals are authorized to continue any hearing until such time as compliance with Ohio law can be made. All legal deadlines otherwise applicable are and shall be extended for the period of such continuance.

SECTION 3. That the City Manager is hereby authorized to substitute WedEx with another online video conference service of like or greater capabilities. Public notice of such substitution shall be made in accordance with the notice provisions of Section 5 but in no event shall such substitution occur with less than 24-hours prior notice, unless in response to an emergency requiring immediate official action.

SECTION 4. The Clerk of Council is directed to provide a copy of this Ordinance directly to all media and other persons that have requested notification of Council, Municipal Planning Commission and/or Board of Zoning and Building Appeals meetings, and, to any parties required to be notified of any pending hearing(s). Notice to the general public of this Ordinance shall occur as with other legislative enactments.

SECTION 5. In the event the City Manager substitutes an online video conference service pursuant to Section 3, then, the Clerk of Council is directed to provide notice of that substitution directly to all media and other persons that have requested notification of Council, Planning Commission, and/or Board of Zoning and Building Appeals meetings, and, to any parties required to be notified of any pending hearing(s). In addition, notice to the general public of such substitution shall be made by posting Notice of same no less than 24-hours in advance of the applicable meeting date on the City's website, government access cable channel Spectrum 1024 or AT&T UVerse 99, and posted conspicuously on public information boards located on the 1<sup>st</sup> floor of City Hall, unless in the event of an emergency requiring immediate official action.

SECTION 6. That this Ordinance shall while in effect supersede all conflicting provisions of Chapters 115, 155, and 157 of the Codified Ordinances.

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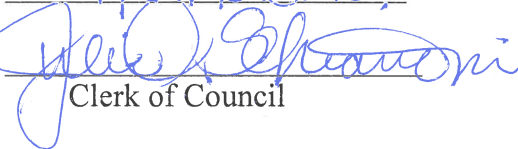
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SECTION 7. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that, except as otherwise provided by § 121.22 of the Ohio Revised Code, all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 8. That this Ordinance constitutes an emergency measure necessary for the peace, health, and safety of the City of Mentor in that it is in direct response to a declared state of emergency and necessary to preserve health and safety and the continued operation of City government; wherefore, this Ordinance must and shall take immediate effect in accordance with the provisions of Article III, § 3.10 of the Charter of Mentor.

  
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President of Council

PASSED: 04/07/2020

ATTEST:   
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Clerk of Council