

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
MARCH 16, 2015
7:30 P.M.**

The Regular Meetings of Lakewood City Council shall be held on the first and third Mondays of each month at 7:30 P.M., except that when such meeting date falls on a holiday such meeting shall instead be held on the following day. A Docket and Agenda of the business proposed to be transacted by Council will be available in the Clerk's Office and on the City's website www.onelakewood.com after 4 PM on the Friday before a Council meeting.

Section 121.08 of the Codified Ordinances of the City of Lakewood establishes rules for the public to follow when speaking before Council:

ADDRESSING COUNCIL – The President may recognize any non-member for addressing Council on any question then pending. In such cases, the person recognized shall address the chair, state his or her name and address and the subject matter he or she desires to discuss. Speakers must be courteous in their language and avoid personalities. When addressed by the Chair, the speaker must yield the floor and comply with all rulings of the chair, said rulings not being open to debate. Except with permission of Council specifically given, speakers shall be limited to five minutes. No person who has had the floor shall again be recognized until all others desiring an opportunity to speak have been given an opportunity to do so.

AGENDA ITEMS PROTOCOL:

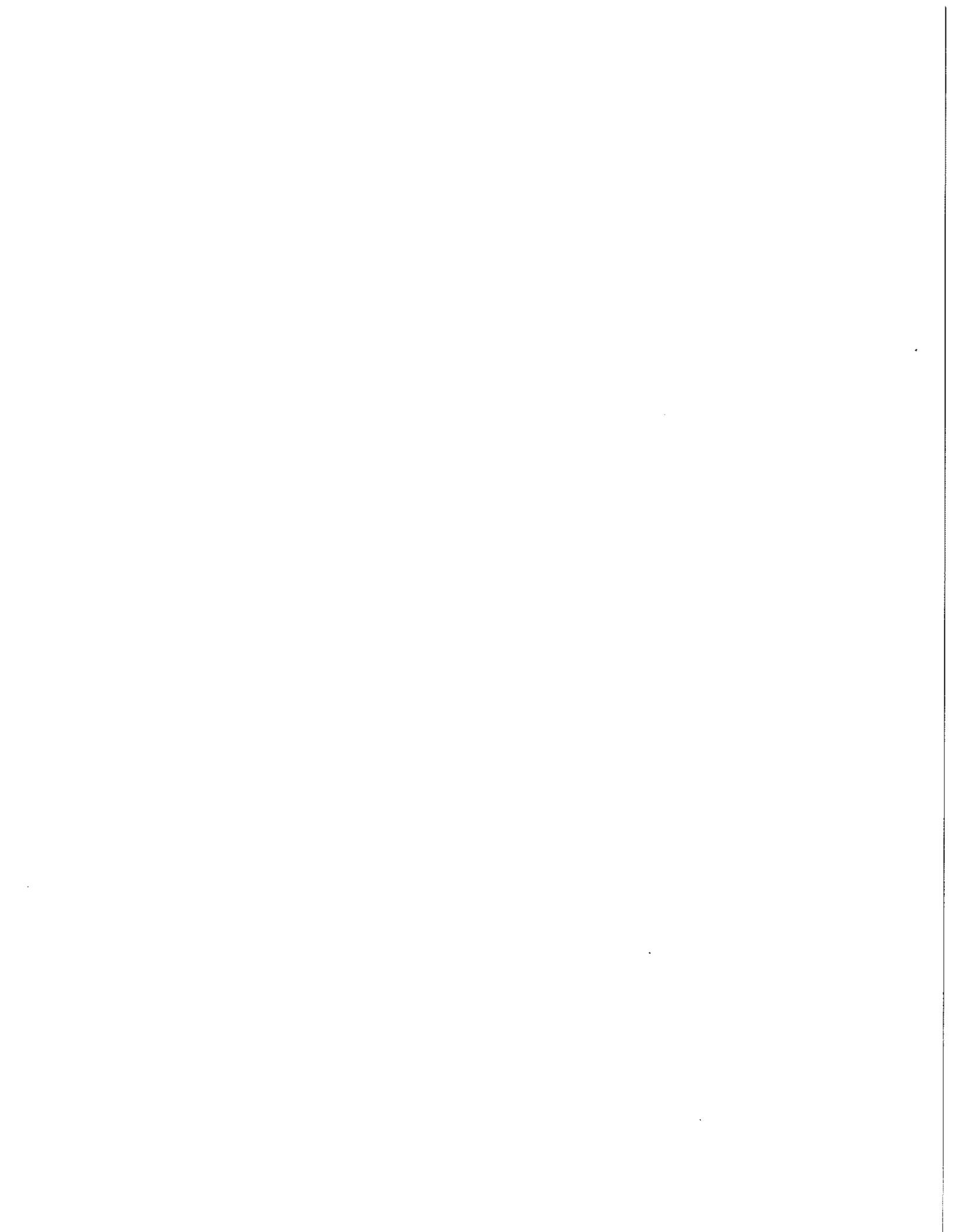
The Clerk at the beginning of the meeting will present the AGENDA ITEMS sign-in sheet to the President of Council. Speakers will be called to address Council by the Chair. A citizen must first write his or her name, address and agenda item number on the designated sign-in sheet in order to be recognized.

PUBLIC COMMENT PROTOCOL:

The clerk at the end of the meeting will present the PUBLIC COMMENT sign-in sheet to the President of Council. Public Comment will be welcomed at the end of a Council Meeting on miscellaneous issues or issues other than agenda items. A citizen must first write his or her name, address and topic on the designated sign-in sheet in order to be recognized. The forum is not designed to be a question and answer session.

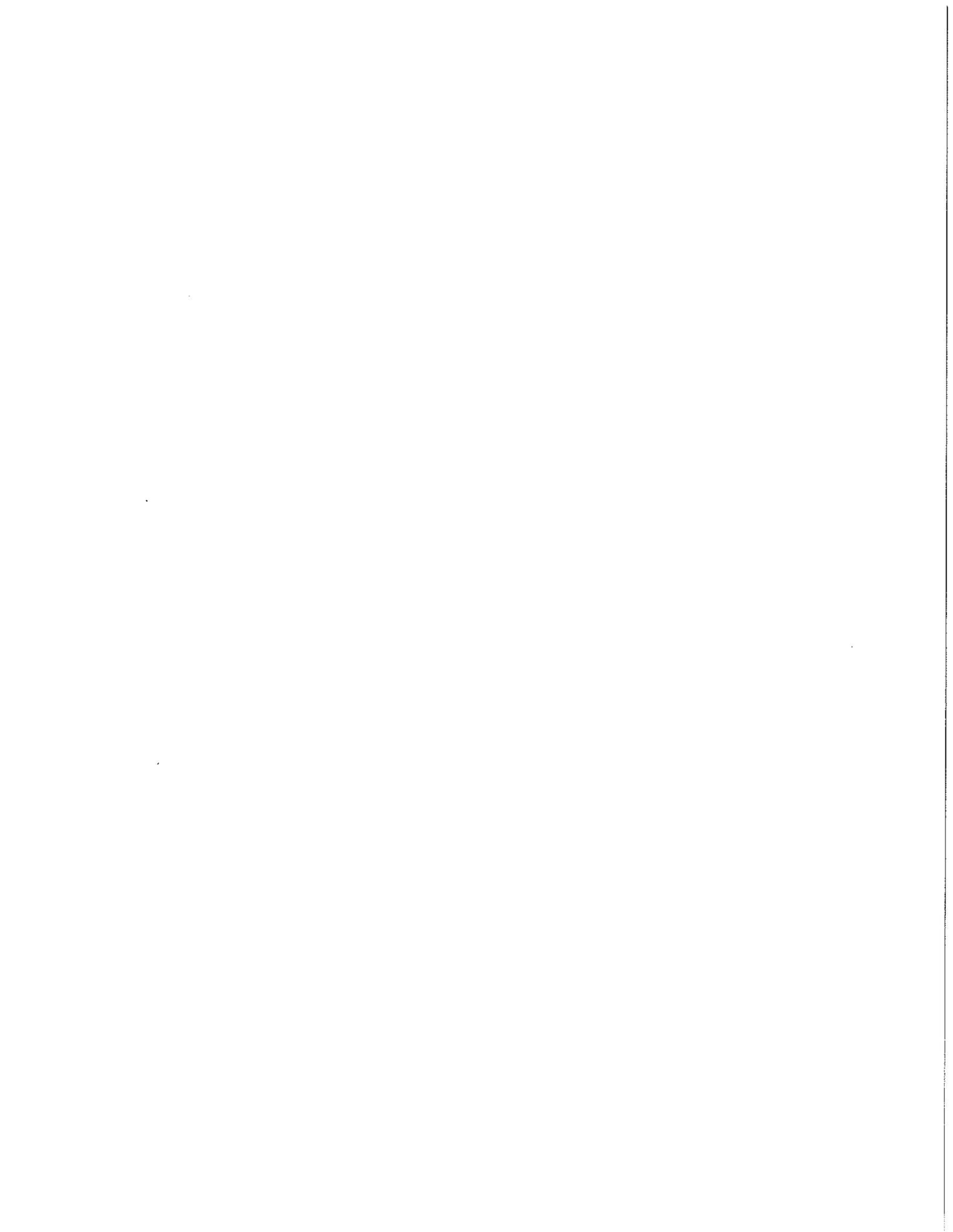
- I. Pledge of Allegiance
 - II. Moment of Silence
 - III. Roll Call
- Reading & disposal of the minutes of the Regular Meeting of Council held February 17, 2015
Reading & disposal of the minutes of the Regular Meeting of Council held March 3, 2016.

Reports, legislation and communications from Members of Council, the Mayor and other City Officials.



****OLD BUSINESS****

1. Committee of the Whole Report regarding March 5, 9, 12, & 16, 2015 Committee meetings addressing Letter of Intent submitted to Lakewood City Council by the Lakewood Hospital Association (LHA) the Lakewood Hospital Foundation (LHF) and Cleveland Clinic (To Be Provided) Chair; Madigan.
2. Finance Committee Report of March 9, 2015 meeting (Ords 6, 7, 8, 9, 10, 11,)-15). Mr. Nowlin; Chair.(Pg.8)
3. **ORDINANCE NO. 5-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, law authorizing the transfer and advance of certain funds. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15, 2ND 3/2/15) (Pg.10)
4. **ORDINANCE NO. 6-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$12,027,000 in anticipation of the issuance of bonds to pay costs of (i) improving Madison Avenue by providing new traffic signalization; (ii) improving and renovating the refuse facility; (iii) replacing the roof on city hall; (iv) resurfacing Atkins Avenue, Arlington Road, Arthur Avenue, Blossom Park Avenue, Brockley Avenue, Clifton Boulevard, Cranford Street, Cove Avenue, Donald Street, Hird Avenue, Lakeland Road, Lakeland Avenue, Larchmont Avenue, Lauderdale Avenue, Lewis Drive, Madison Avenue, McKinley Avenue, Marlowe Avenue, Morrison Avenue, Nicholson Street, North Marginal Street, Northland Avenue, Olive Avenue, Overlook Road, South Marginal Street, St. Charles Avenue, Summit Avenue, Wascana Avenue, Waterbury Road, Woodward Avenue, Woodward Street, Wyandotte Avenue, and other streets located within the city; (v) improving Detroit Avenue, Franklin Street, Hilliard Street and Madison Avenue by providing new and upgraded traffic signalization and pedestrian signals; (vi) improving the municipal garage ventilation system; (vii) improving parks within the city, including Lakewood Park, Wagar Park and the Lakewood Park skate house, together with all necessary appurtenances thereto; (viii) reconstructing Madison Avenue; (ix) constructing a sheet pile bulkhead, docks and a parking area, together with all necessary appurtenances thereto; (x) improving sidewalks within the city, (xi) replacing a salt storage facility and (xii) improving the sewer system in the city by constructing the West End sewer separation project and a new sanitary sewer and improvements and renovations to the existing sanitary sewers and storm water sewers along Edgewater Drive, together with all necessary appurtenances thereto, and retiring notes previously issued for such purpose; and approving related matters. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15, 2ND 3/2/15) (Pg. 12)
5. **ORDINANCE NO. 7-15** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$2,000,000 in anticipation of the issuance of bonds; to pay costs of West End sewer separation project, together with all necessary appurtenances thereto. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15, 2ND 3/2/15) (Pg. 21)



6. **ORDINANCE NO. 8-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$1,500,000 in anticipation of the issuance of bonds; to pay the costs of resurfacing Arthur Avenue, Carabel Avenue, Cliffdale Avenue, Cook Avenue, Cranford Avenue, Edgewater Drive, Edwards Avenue, Garfield Avenue, Kenneth Avenue, Lake Point Drive, Maile Avenue, Nicolson Avenue, Ogontz Avenue, Owego Avenue, Rockway Avenue, Sloane Subway, South Marginal Drive, St. Charles Avenue, and other streets located within the city. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15, 2ND 3/2/15) (Pg. 29)

7. **ORDINANCE NO. 9-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$950,000 in anticipation of the issuance of bonds; to pay the costs of improving parks within the city, including Lakewood Park, together with all necessary appurtenances thereto. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15, 2ND 3/2/15) (Pg. 37)

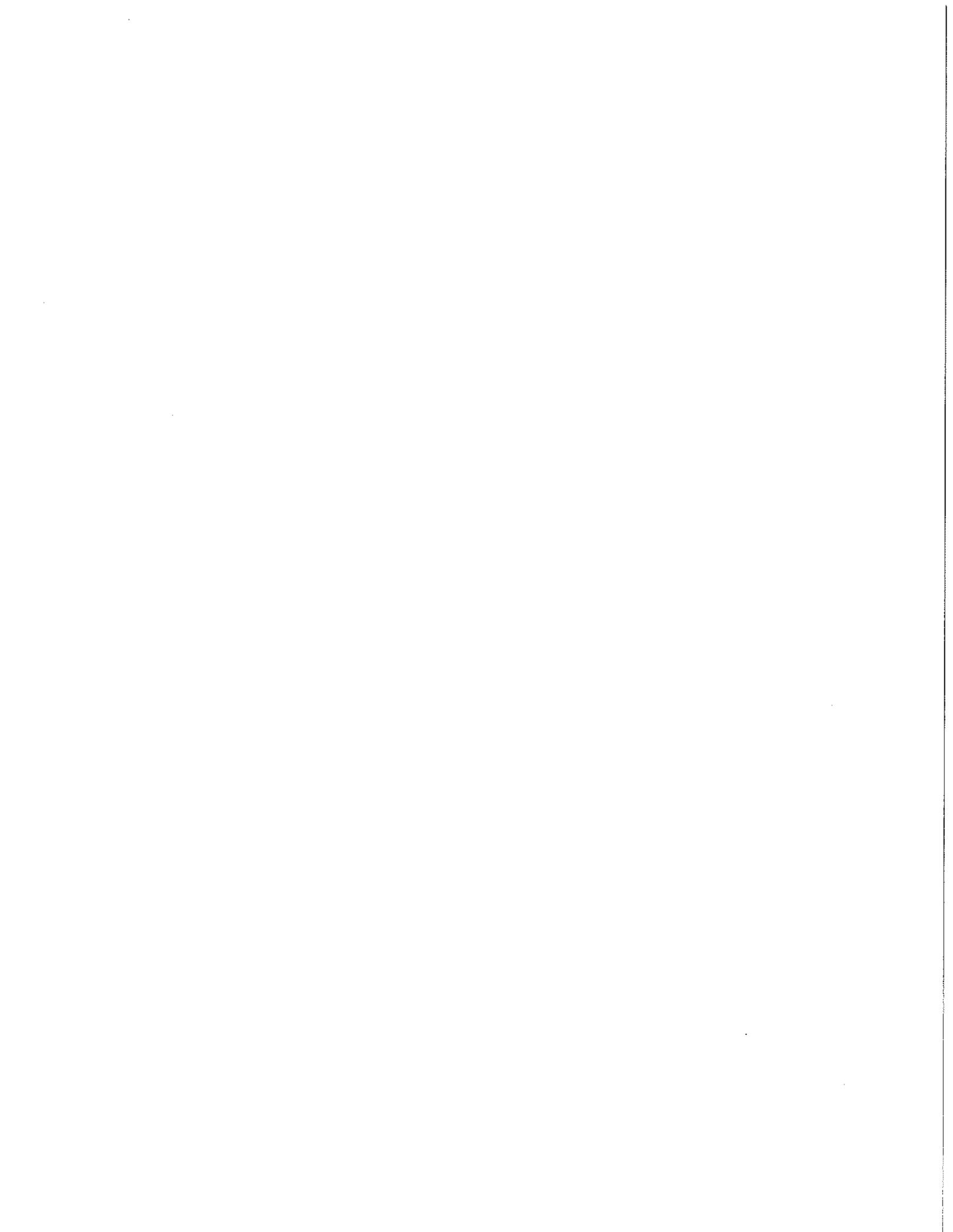
8. **ORDINANCE NO. 10-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$650,000 in anticipation of the issuance of bonds; to pay costs of improving sidewalks within the city. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15, 2ND 3/2/15) (Pg. 45)

9. **ORDINANCE NO. 11-15** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$250,000 in anticipation of the issuance of bonds; and to pay the costs of replacing or improving the roofs of city hall, city hall annex, Winterhurst ice rink and the city's service garage. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/17/15 2ND 3/2/15) (Pg. 53)

10. Public Works Committee Report regarding 2/2/15 Meeting, Ord. 58-14 Mr. Juris; Chair. (Pg. 61)

11. Public Works Committee Report regarding 3/5/15 Meeting.; Res 8794-15, Ords 4-15, 12-15 & Pavement Condition Report. Mr. Juris; Chair. (Pg. 62)

12. **RESOLUTION NO. 8794-15** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, establishing a pilot program in western Lakewood to remove clean water sources from the City's sanitary sewer system in the furtherance of the City's permitting under the Ohio Environmental

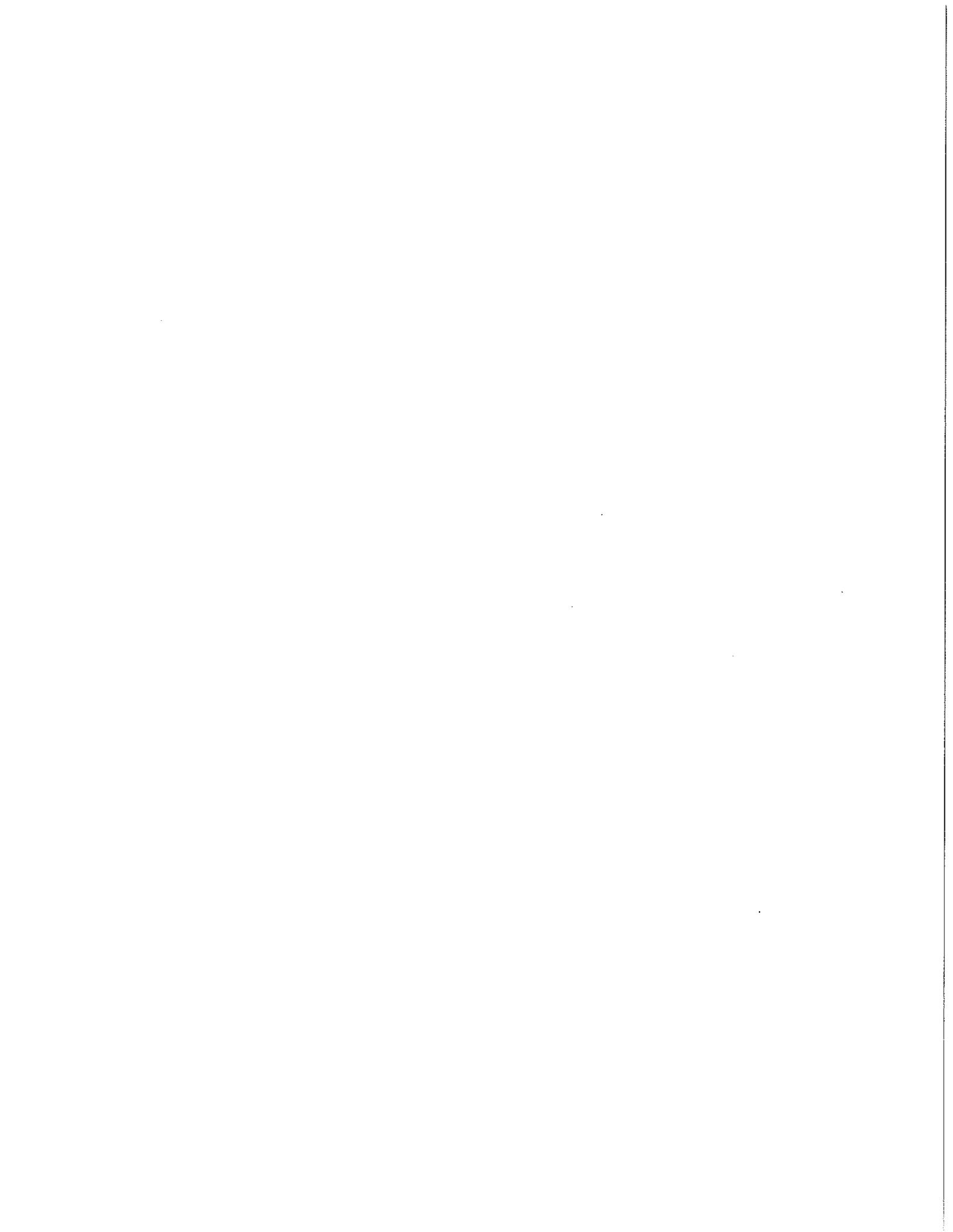


Protection Agency; authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance and/or the Purchasing Manager to enter into contracts for professional services for the pilot program, and to advertise for bids and enter into contracts for the purchase of repair, maintenance and operating supplies, services and equipment for the pilot program as authorized by the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law in an amount not to exceed \$900,000.00; declaring a nuisance; and identifying resident payment options under the pilot program. (1ST Reading and referred to the Public Works Committee 2/17/15, 2ND 3/2/15) (Pg. 63)

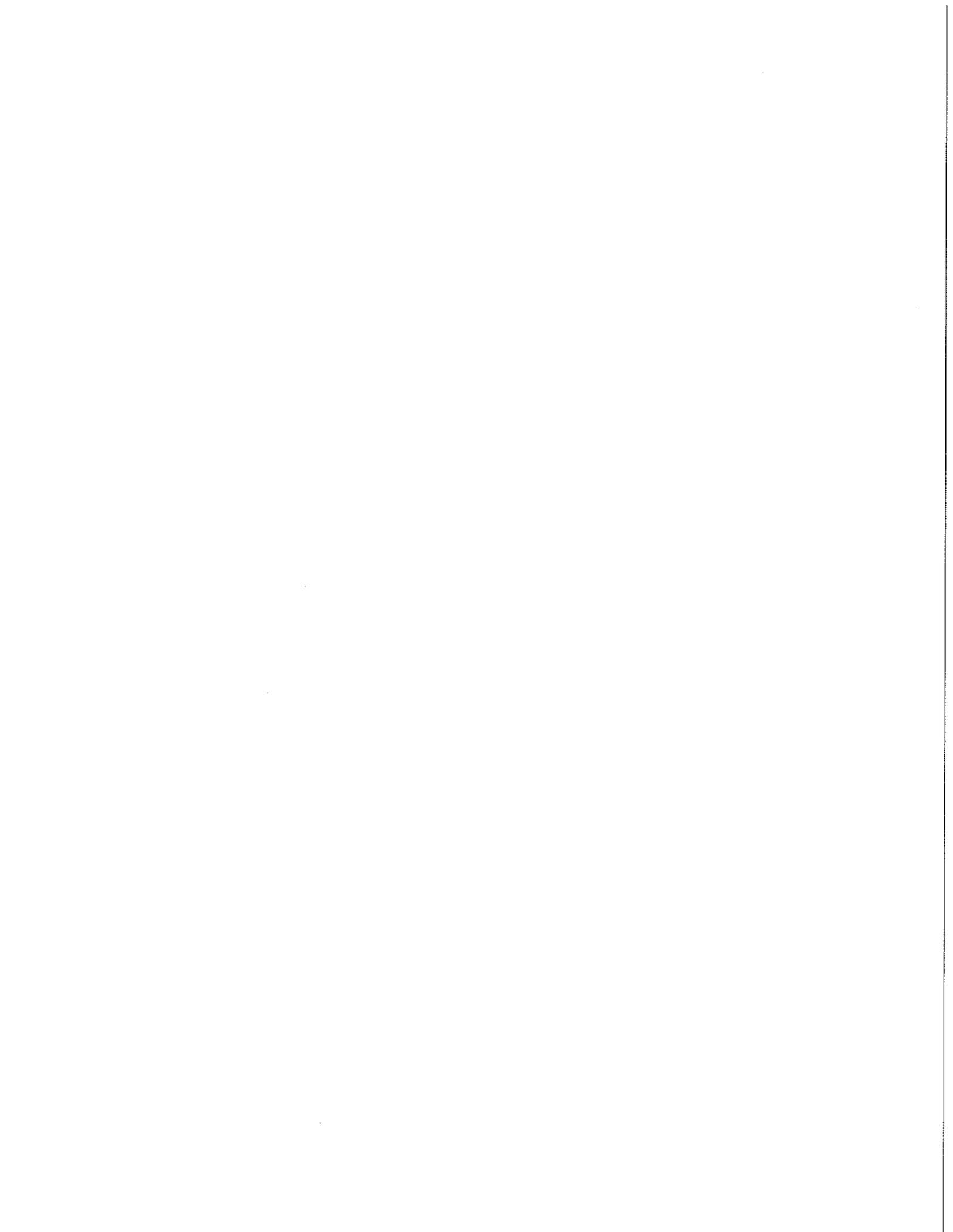
13. **ORDINANCE NO. 4-15** – AN ORDINANCE to amend Section 903.10, Duty to Repair and Maintain Sidewalks, of the Codified Ordinances of the City of Lakewood to remove the requirement that a sidewalk survey be included with the notice to repair. (PLACED ON 1ST READING AND REFERRED TO THE PUBLIC WORKS COMMITTEE 2/2/15, 2ND 2/17/15) (Pg. 74)
14. Communication from Planning & Development Director Siley; Construction of High School and Lincoln Elementary – Rezoning. (Pg. 77)
15. **ORDINANCE NO. 1-15** – AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 1207 Summit Avenue (PPN 311-31-094), 1206 Lakeland Avenue (PPN 311-31-095), 1600 Robinwood Avenue (PPN 314-12-040) and 1604 Robinwood Avenue (PPN 314-12-039) from R1H (Single Family, High Density) to C4 (Commercial, Public School). (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 1/5/15. 2ND Reading 1/20/15)(Pg. 78)
16. **ORDINANCE NO. 13-15** – AN ORDINANCE amending Chapter 143, City Records Commission, of the Codified Ordinances of the City of Lakewood, in order to update the code regulating the composition and duties of the commission. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 3/2/15). (Pg. 80)
17. Liquor Permit Application for a D2 TREX to Bevy in Birdtown 12112 Madison Ave from Cincinnati, Oh 45239. (DEFERRED 3/2/15) (Pg. 87)
18. Liquor Permit Application for D5, D6 to Citizens Eatery, 14600 Detroit Ave, from Pacers same address. (DEFERRED 3/2/15) (Pg. 88)

******NEW BUSINESS******

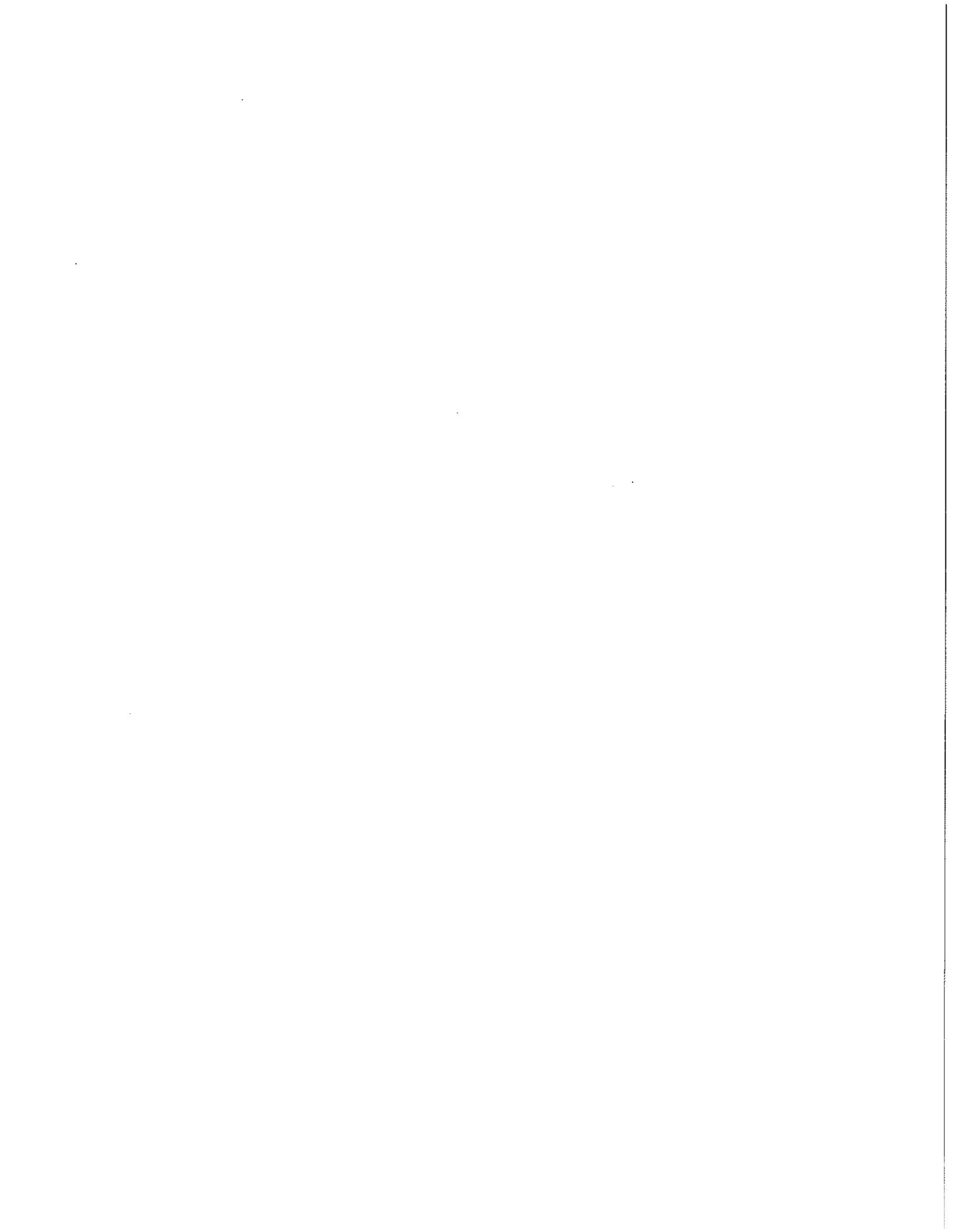
19. Keep Lakewood Beautiful Board Awards Presentation.
20. Communication from Councilmembers Bullock and Anderson regarding Commending Scott Duennes and Cornucopia/Nature's Bin for three decades of service. (Pg. 89)



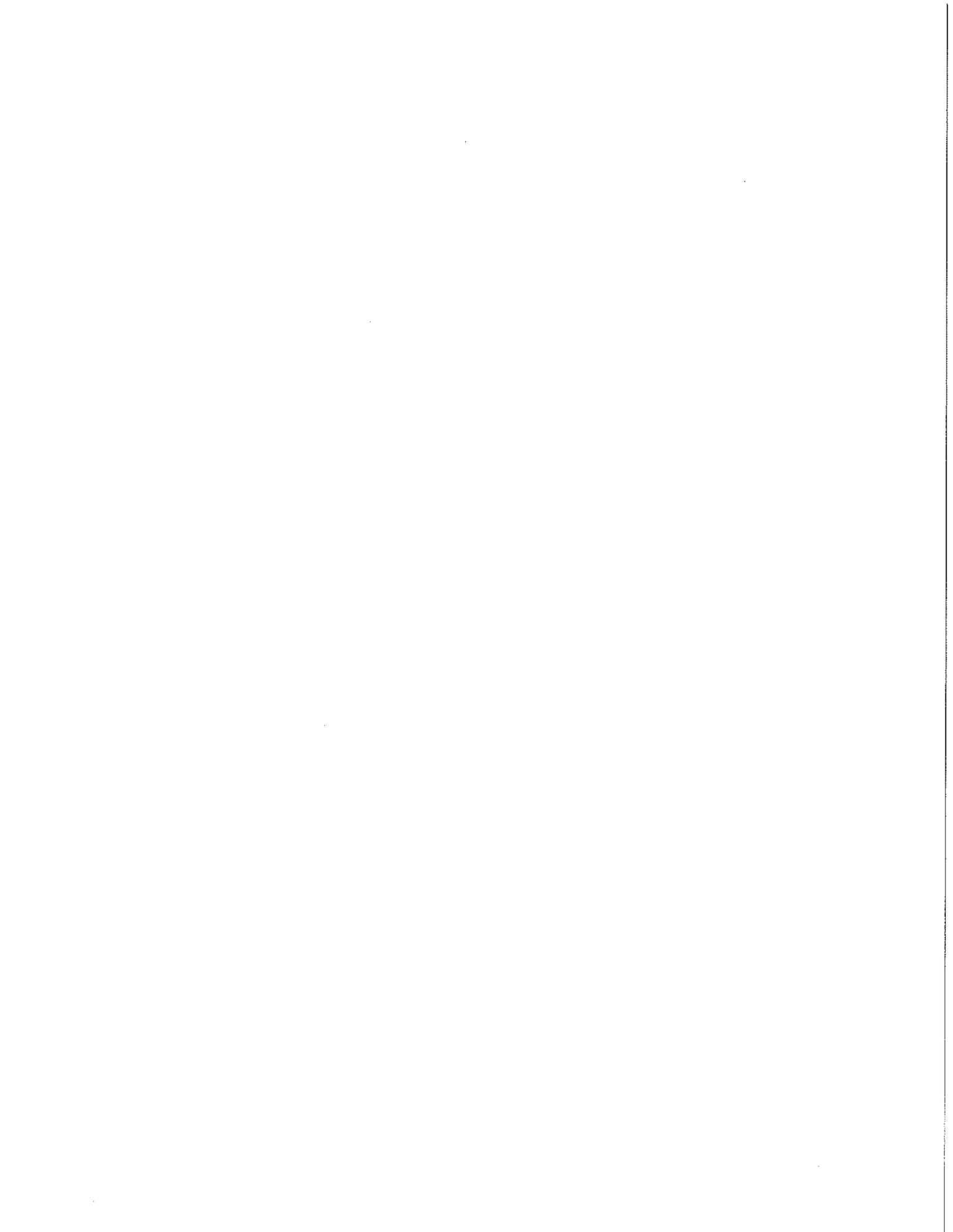
21. **RESOLUTION NO. 8796-15** – A RESOLUTION commending Scott Duennes on his retirement from Cornucopia/Nature’s Bin. (Pg. 90)
22. Communication from Councilmember Juris regarding St. Edward’s Football. (Pg. 91)
23. **RESOLUTION NO. 8797-15** - A RESOLUTION to honor the 2014 St. Edward High School Football Team for earning Ohio state championship. (Pg. 92)
24. Communication from Finance Director Pae regarding Amending Purchasing and Contracting Ordinance FY2015. (Pg. 93)
25. **ORDINANCE NO. 43-14A** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 43-14, adopted December 15, 2014, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2015 appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 94)
26. Communication from police Chief Malley regarding \$8,000 Grant Award from Edward Byrne Memorial Grant. (Pg. 100)
27. **RESOLUTION NO. 8798-15** – A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor (Director of Public Safety), to enter into an agreement to accept a grant from the Federal Bureau of Justice Services through the Ohio Criminal Justice Services Office in the amount of \$8,000 and requiring a match by the City of Lakewood in the amount of \$888.89. (Pg. 101)
28. Communication from Planning and Development Director Siley regarding 14823 Lake Avenue & 14818 Clifton Blvd. – Rezoning. (Pg. 103)
29. **ORDINANCE NO. 14-15** – AN ORDINANCE amending Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as a portion of 14823 lake Avenue from (PPN 312-15-022) R1H (Single Family, High Density) to R2 (Single and Two Family). (Pg. 104)
30. Communication from Planning & Development Director Siley regarding Zoning Code – Roof Height and Set Back Updates. (Pg. 105)



31. **ORDINANCE NO. 15-15** – AN ORDINANCE amending Section 1121.07, Minimum Yard Requirements for Principal Buildings, 1123.07, Minimum Yard Requirements for Principal Buildings, and 1127.07 Minimum yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood to adjust the necessary variance required for air conditioning units located in a side yard. (Pg. 106)
32. **ORDINANCE NO. 16-15** – AN ORDINANCE to amend Section 1103.02 Definitions, and 1133.07 measurement of Building Height, of the Codified Ordinances of the City of Lakewood to further define roof height within the code. (Pg. 109)
33. Communication from Planning & Development Director Siley regarding Zoning Code – Changes to Outdoor Dining Regulations. (Pg. 111)
34. **ORDINANCE NO. 17-15** – AN ORDINANCE amending Section 1161.03(t), Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood to allow outdoor dining year round where the patio is located fully on private property. (Pg. 112)
35. Communication from Law Director Butler regarding Resolutions permitting the formulation of a design-build project delivery system for two 2015 public works projects. (Pg.122)
36. **RESOLUTION NO. 8799-15** –A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for design and construction of digester upgrades and an electrical generation system at the wastewater treatment plant without the necessity of competitive bidding; and exempting the city from certain provisions with the Ohio Revised Code related to design-build contracting for the purpose of this project. (Pg. 123)
37. **RESOLUTION NO. 8800-15** A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for design and construction of corrections to the sewer system under the western Lakewood clean water pilot project without the necessity of competitive bidding; and exempting the city from certain provisions with the Ohio Revised Code related to design-build contracting for the purpose of this project. (Pg. 126)
38. Communication from Fire Chief Gilman regarding Severe Weather Awareness Week. (Pg. 129)



39. **RESOLUTION NO. 8801-15** – A RESOLUTION proclaiming March 29, through April 4th, 2015 “Severe Weather Awareness Week.” (Pg. 130)





12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.onelakewood.com
Lakewood City Council
MARY LOUISE MADIGAN, PRESIDENT
RYAN P. NOWLIN, VICE PRESIDENT

Council at Large
RYAN P. NOWLIN
THOMAS R. BULLOCK III
CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
SHAWN JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

March 16, 2016

Lakewood City Council
Lakewood, OH 44107

Re: Finance Committee March 9, 2015

Dear Members of Council:

The Finance Committee met on March 9, 2015 to discuss Proposed Ordinance 05-15, 06-15, 07-15, 08-15, 09-15, 10-15, and 11-15. All members of the Committee were present, as well as Finance Director Pae, Jeff Rink and Brian Sharnsky of KeyBanc, and Catherine Swartz of Bricker & Eckler. Proposed Ordinance 05-15 authorizes the transfer and advance of certain funds. It reflects twenty-five percent of the total anticipated transfers between funds that were included within the 2015 appropriations. It also includes \$273,000 that was advanced from the General Fund at the end of 2014 to four separate funds that needed the advance in order to keep those funds in the black. After discussion, the Committee unanimously recommended that Council adopt Proposed Ordinance 05-15 on its third reading on March 16, 2014.

The remaining proposed ordinances all relate to the issuance of bond anticipation notes:

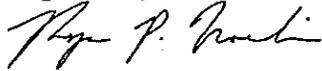
- Proposed Ordinance 06-15 deals with the renewal of General Obligation Bond Anticipation Notes ("GOBANS") from 2011, 2012, 2013, and 2014, all of which pertained to capital improvements made in those years.
- Proposed Ordinance 07-15 issues debt to pay for the West End Sewer Separation Project..
- Proposed Ordinance 08-15 issues debt to pay for the streets resurfacing program.
- Proposed Ordinance 09-15 issues debt to pay for various park improvements.
- Proposed Ordinance 10-15 issues debt to pay for the sidewalk program. The debt will be used to finance the city-managed repairs until it can collect the cost from residents.
- Proposed Ordinance 11-15 issues debt for roof improvements to various city facilities..

Mr. Rink walked the Committee through our bond issuing process, including a discussion of interest rates, some background on the structure of bond anticipation notes, and the schedule for the bond

Finance Cmte Report
March 16, 2015
PAGE TWO

issuance. After such discussion, the Committee unanimously recommended that Council adopt Proposed Ordinances 06-15, 07-15, 08-15, 09-15, 10-15, and 11-15 on their third reading on March 16, 2014.

Respectfully submitted,



Ryan Nowlin, Chair
Thomas R. Bullock, III; Shawn Juris; Members
FINANCE COMMITTEE

PLACED ON 1ST READING &
 READING & REFERRED TO THE FINANCE COMMITTEE
 2/17/15. SECOND READING 3/2/15.

ORDINANCE NO. 5-15

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, law authorizing the transfer and advance of certain funds.

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments to provide for the usual daily operation of the City in that the City must record all financial transactions within the appropriate fiscal period; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Director of Finance is hereby authorized to make the following transfers and advances:

		#	
		1st Quarter	
Fund		Transfers Out	Transfers In
101	General Fund	\$ 212,867	
Special Revenue Funds			
250	Office on Aging IIIB		\$ 170,000
Internal Service Funds			
600	Hospitalization		\$ 39,589
601	Workers' Compensation		\$ 3,279
Debt Service Payments			
101	General Fund (HB 300 Lease)	\$ 55,000	
211	SCMR (HB 300 Lease)	\$ 6,250	
260	Lakewood Hosptl (HB 300 Lease)	\$ 300	
501	Water (HB 300 Lease)	\$ 3,813	
510	WWC (HB 300 Lease)	\$ 800	
511	WWTP (HB 300 Lease)	\$ 18,750	
520	Parking (HB 300 Lease)	\$ 1,125	
530	Winterhurst (HB 300 Lease)	\$ 20,000	
301	Debt Service Fund	\$ -	\$ 106,038
512	WWTP Improvements	\$ 400,000	
301	Debt Service Fund		\$ 400,000
Fund		Advances Out	Advances In
240	Community Development Block Grant	\$ 215,000	
241	Emergency Shelter Grant	\$ 6,000	
281	Family to Family	\$ 2,000	
530	Winterhurst	\$ 50,000	
101	General Fund		\$ 273,000

Section 2. It is 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 such 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 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

ORDINANCE NO. 6-15

By: _____

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$12,027,000 in anticipation of the issuance of bonds to pay costs of (i) improving Madison Avenue by providing new traffic signalization; (ii) improving and renovating the refuse facility; (iii) replacing the roof on city hall; (iv) resurfacing Atkins Avenue, Arlington Road, Arthur Avenue, Blossom Park Avenue, Brockley Avenue, Clifton Boulevard, Cranford Street, Cove Avenue, Donald Street, Hird Avenue, Lakeland Road, Lakeland Avenue, Larchmont Avenue, Lauderdale Avenue, Lewis Drive, Madison Avenue, McKinley Avenue, Marlowe Avenue, Morrison Avenue, Nicholson Street, North Marginal Street, Northland Avenue, Olive Avenue, Overlook Road, South Marginal Street, St. Charles Avenue, Summit Avenue, Wascana Avenue, Waterbury Road, Woodward Avenue, Woodward Street, Wyandotte Avenue, and other streets located within the city; (v) improving Detroit Avenue, Franklin Street, Hilliard Street and Madison Avenue by providing new and upgraded traffic signalization and pedestrian signals; (vi) improving the municipal garage ventilation system; (vii) improving parks within the city, including Lakewood Park, Wagar Park and the Lakewood Park skate house, together with all necessary appurtenances thereto; (viii) reconstructing Madison Avenue; (ix) constructing a sheet pile bulkhead, docks and a parking area, together with all necessary appurtenances thereto; (x) improving sidewalks within the city, (xi) replacing a salt storage facility and (xii) improving the sewer system in the city by constructing the West End sewer separation project and a new sanitary sewer and improvements and renovations to the existing sanitary sewers and storm water sewers along Edgewater Drive, together with all necessary appurtenances thereto, and retiring notes previously issued for such purpose; and approving related matters.

WHEREAS, the City Council (the "Council") of the City of Lakewood, Ohio (the "City") has issued notes dated April 14, 2014, in the aggregate principal amount of \$12,027,000, which will mature April 10, 2015 (the "Outstanding Notes"), in anticipation of the issuance of bonds described herein; and

WHEREAS, it appears advisable in lieu of issuing bonds at this time to issue new notes in anticipation of the issuance of bonds, and to retire all, or a portion of, the Outstanding Notes; and

WHEREAS, the Director of Finance (the "Director of Finance") of the City has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 19 years and notes being 19 years; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood (the "Charter"), and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments and further to allow the City to issue the notes with other notes to be issued by the City into a consolidated issue and obtain savings in the issuance of the notes; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$12,027,000, for the purpose of paying the cost of the Project.

Section 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 19 annual installments.

Section 3. Issuance of Bond Anticipation Notes. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2015," or as otherwise determined by the Director of Finance.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$12,027,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such denominations as shall be determined by the Director of Finance, but not exceeding the principal amount of Notes maturing on any one date and shall be numbered as determined by the Director of Finance. The Notes shall be issued as fully registered notes in book-entry form in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

The Director of Finance is authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of Notes (the "Certificate of Fiscal Officer") setting forth the final terms of the Notes, consistent with the requirements of this ordinance, and to present the same to this Council after closing.

Section 6. General Obligation Pledge. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose. The Notes may be issued on one or more series.

Section 7. Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

The Debt Service Levy shall be and is hereby 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same falls due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. Sale of the Notes. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Director of Finance and certified to this Council, provided that such rate shall not exceed 5.00% per annum. The Notes shall be, and hereby are, awarded and sold at private sale to KeyBanc Capital Markets Inc., Cleveland, Ohio (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer.

The Director of Finance is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose.

Any accrued interest received from the sale of the Notes shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Notes, or other obligations of the City as permitted by law. Any premium received from the sale of the Notes may be used to pay the financing costs of the Notes within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund in the manner provided by law.

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2015," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar. The principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Director of Finance on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. Appointment of Note Registrar. The Director of Finance is authorized and directed to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Director of Finance and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as authenticating agent, note registrar, transfer agent, and paying agent (the "Note Registrar") for the Notes. Interest shall be payable at maturity by check or

draft mailed to the Registered Owner hereof, as shown on the registration books of the City maintained by the Note Registrar. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Director of Finance in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Director of Finance may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this ordinance, as the Notes surrendered upon that transfer or exchange.

Section 11. Book Entry System. For purposes of this ordinance, the following terms shall have the following meanings:

“Book entry form” or “book entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of notes and to effect transfers of notes, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) 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. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this ordinance.

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this ordinance.

If requested, the Mayor, Director of Finance, Clerk of Council, or any other officer of this Council, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the paying agent for the Notes and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Notes for use in a book entry system, the City and the Note Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver bond certificates in fully registered form to the

assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 12. Federal Tax Law Compliance. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Director of Finance, or any other officer of the City, including the Mayor, is hereby authorized and directed (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 permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, 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 an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

The Director of Finance shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Director of Finance of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

Appointment of Bond Counsel. The Director of Finance, on behalf of this Council, is hereby authorized to appoint the law firm of Bricker & Eckler LLP to serve as bond counsel for the Notes. The fees to be paid to such firm shall be subject to review and approval of the Director of Finance, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Notes.

Section 13. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified

copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Director of Finance is hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this ordinance, as they or their discretion shall deem necessary or appropriate.

Section 14. Satisfaction of Conditions for Note Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 15. Compliance with Open Meeting Requirements. It is hereby 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 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 including Section 121.22 of the Ohio Revised Code.

Section 16. Filing of Bond Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this ordinance to the County Fiscal Officer of Cuyahoga County, Ohio.

Section 17. Emergency Measure. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to timely retire the Outstanding Notes and thereby preserve its credit, and provided it receives the affirmative vote of at least five of this Council, this ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Adopted: _____, 2015

President of Council

Clerk of Council

Approved: _____, 2015

Mayor

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the
City of Lakewood, Ohio

The undersigned Director of Finance of the City of Lakewood, Ohio as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:

to pay costs of (i) improving Madison Avenue by providing new traffic signalization; (ii) improving and renovating the refuse facility; (iii) replacing the roof on City Hall; (iv) resurfacing Atkins Avenue, Arlington Road, Arthur Avenue, Blossom Park Avenue, Brockley Avenue, Clifton Boulevard, Cranford Street, Cove Avenue, Donald Street, Hird Avenue, Lakeland Road, Lakeland Avenue, Larchmont Avenue, Lauderdale Avenue, Lewis Drive, Madison Avenue, McKinley Avenue, Marlowe Avenue, Morrison Avenue, Nicholson Street, North Marginal Street, Northland Avenue, Olive Avenue, Overlook Road, South Marginal Street, St. Charles Avenue, Summit Avenue, Wascana Avenue, Waterbury Road, Woodward Avenue, Woodward Street, Wyandotte Avenue, and other streets located within the City; (v) improving Detroit Avenue, Franklin Street, Hilliard Street and Madison Avenue by providing new and upgraded traffic signalization and pedestrian signals; (vi) improving the municipal garage ventilation system; (vii) improving parks within the City, including Lakewood Park, Wagar Park and the Lakewood Park Skate House, together with all necessary appurtenances thereto; (viii) reconstructing Madison Avenue; (ix) constructing a sheet pile bulkhead, docks and a parking area, together with all necessary appurtenances thereto; (x) improving sidewalks within the City, (xi) replacing a salt storage facility and (xii) improving the sewer system in the City by constructing the West End Sewer Separation project and a new sanitary sewer and improvements and renovations to the existing sanitary sewers and storm water sewers along Edgewater Drive, together with all necessary appurtenances thereto.

2. The amounts proposed to be expended for various classes of improvements, and the maximum maturity of bonds issued for such purposes, calculated in accordance with Section 133.20, Ohio Revised Code, are as follows:

A. Improving Madison Avenue by providing new traffic signalization; 20 years

B. Improving and renovating the refuse facility; 20 years

C. Replacing the roof on City Hall; 20 years

D. Resurfacing Atkins Avenue, Arlington Road, Arthur Avenue, Blossom Park Avenue, Brockley Avenue, Clifton Boulevard, Cranford Street, Cove Avenue, Donald Street, Hird Avenue, Lakeland Road, Lakeland Avenue, Larchmont Avenue, Lauderdale Avenue, Lewis Drive, Madison Avenue, McKinley Avenue, Marlowe Avenue, Morrison Avenue, Nicholson Street, North Marginal Street, Northland Avenue, Olive

Avenue, Overlook Road, South Marginal Street, St. Charles Avenue, Summit Avenue, Wascana Avenue, Waterbury Road, Woodward Avenue, Woodward Street, Wyandotte Avenue, and other streets located within the City; 15 years

- E. Improving Detroit Avenue, Franklin Street, Hilliard Street and Madison Avenue by providing new and upgraded traffic signalization and pedestrian signals; 15 years
 - F. Improving the municipal garage ventilation system; 20 years
 - G. Improving parks within the City, including Lakewood Park, Wagar Park and the Lakewood Park Skate House, together with all necessary appurtenances thereto; 10 years
 - H. Reconstructing Madison Avenue; 20 years
 - I. Constructing a sheet pile bulkhead, docks and a parking area, together with all necessary appurtenances thereto; 16 years
 - J. Improving sidewalks within the City; 10 years
 - K. Replacing a salt storage facility; 20 years
 - L. Improving the sewer system in the City by constructing the West End Sewer Separation project and a new sanitary sewer and improvements and renovations to the existing sanitary sewers and storm water sewers along Edgewater Drive, together with all necessary appurtenances thereto; 40 years
3. The weighted average of said maturities is 19 years, therefore the maximum maturity of a single issue of bonds proposed to be issued to pay the cost of such permanent improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 19 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 19 years.

Dated: February 17, 2015

Director of Finance
City of Lakewood, Ohio

ORDINANCE NO. 7-15

By: _____

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$2,000,000 in anticipation of the issuance of bonds; to pay costs of West End sewer separation project, together with all necessary appurtenances thereto.

WHEREAS, the Director of Finance (the "Director of Finance") of the City of Lakewood, Ohio (the "City") has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 40 years and notes being 20 years; and

WHEREAS, this Council by a vote of at least five of its members determines that this Ordinance is an emergency measure, and that this Ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood (the "Charter"), and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments and further to allow the City to issue the notes with other notes to be issued by the City into a consolidated issue and obtain savings in the issuance of the notes; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$2,000,000, for the purpose of paying the cost of the Project.

Section 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 10 annual installments.

Section 3. Issuance of Bond Anticipation Notes. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2015," or as otherwise determined by the Director of Finance.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$2,000,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such

denominations as shall be determined by the Director of Finance, but not exceeding the principal amount of Notes maturing on any one date and shall be numbered as determined by the Director of Finance. The Notes shall be issued as fully registered notes in book-entry form in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

The Director of Finance is authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of Notes (the "Certificate of Fiscal Officer") setting forth the final terms of the Notes, consistent with the requirements of this ordinance, and to present the same to this Council after closing.

Section 6. General Obligation Pledge. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose. The Notes may be issued in one or more series.

Section 7. Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

The Debt Service Levy shall be and is hereby 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same falls due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. Sale of the Notes. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Director of Finance and certified to this Council, provided that such rate shall not exceed 5.00% per annum. The Notes shall be, and hereby are, awarded and sold at private sale to KeyBanc Capital Markets Inc., Cleveland, Ohio (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer.

The Director of Finance is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose.

Any accrued interest received from the sale of the Notes shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Notes, or other

obligations of the City as permitted by law. Any premium received from the sale of the Notes may be used to pay the financing costs of the Notes within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund in the manner provided by law.

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2015," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar. The principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Director of Finance on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. Appointment of Note Registrar. The Director of Finance is authorized and directed to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Director of Finance and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as authenticating agent, note registrar, transfer agent, and paying agent (the "Note Registrar") for the Notes. Interest shall be payable at maturity by check or draft mailed to the Registered Owner hereof, as shown on the registration books of the City maintained by the Note Registrar. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Director of Finance in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Director of Finance may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured

principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this ordinance, as the Notes surrendered upon that transfer or exchange.

Section 11. Book Entry System. For purposes of this ordinance, the following terms shall have the following meanings:

“Book entry form” or “book entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of notes and to effect transfers of notes, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) 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. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the

Depository or its authorized representative upon presentation and surrender of Notes as provided in this ordinance.

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this ordinance.

If requested, the Mayor, Director of Finance, Clerk of Council, or any other officer of this Council, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the paying agent for the Notes and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Notes for use in a book entry system, the City and the Note Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 12. Federal Tax Law Compliance. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Director of Finance, or any other officer of the City, including the Mayor, is hereby authorized and directed (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 permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of

Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, 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 an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

The Director of Finance shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Director of Finance of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

Section 13. Appointment of Bond Counsel. The Director of Finance, on behalf of this Council, is hereby authorized to appoint the law firm of Bricker & Eckler LLP to serve as bond counsel for the Notes. The fees to be paid to such firm shall be subject to review and approval of the Director of Finance, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Notes.

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a non-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Director of Finance is hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this ordinance, as they in their discretion shall deem necessary or appropriate.

Section 15. Satisfaction of Conditions for Note Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 16. Compliance with Open Meeting Requirements. It is hereby 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 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 including Section 121.22 of the Ohio Revised Code.

Section 17. Filing of Bond Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this ordinance to the County Fiscal Officer of Cuyahoga County, Ohio.

Section 18. Emergency Measure. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to combine the Notes with other notes to be issued by the City into a consolidated note issue and obtain savings in the issuance of the Notes; and provided it receives the affirmative vote of at least five of this Council, this ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Adopted: _____, 2015

President of Council

Clerk of Council

Approved: _____, 2015

Mayor

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the
City of Lakewood, Ohio

The undersigned Director of Finance of the City of Lakewood, Ohio as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:

To pay costs of West End Sewer Separation project, together with all necessary appurtenances thereto

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 40 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 20 years.

Dated: February 17, 2015

Director of Finance
City of Lakewood, Ohio

ORDINANCE NO. 8-15

By: _____

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$1,500,000 in anticipation of the issuance of bonds; to pay the costs of resurfacing Arthur Avenue, Carabel Avenue, Cliffdale Avenue, Cook Avenue, Cranford Avenue, Edgewater Drive, Edwards Avenue, Garfield Avenue, Kenneth Avenue, Lake Point Drive, Maile Avenue, Nicolson Avenue, Ogontz Avenue, Owego Avenue, Rockway Avenue, Sloane Subway, South Marginal Drive, St. Charles Avenue, and other streets located within the city.

WHEREAS, the Director of Finance (the "Director of Finance") of the City of Lakewood, Ohio (the "City") has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 10 years and notes being 15 years; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood (the "Charter"), and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments and further to allow the City to issue the notes with other notes to be issued by the City into a consolidated issue and obtain savings in the issuance of the notes; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$1,500,000, for the purpose of paying the cost of the Project.

Section 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 10 annual installments.

Section 3. Issuance of Bond Anticipation Notes. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2015," or as otherwise determined by the Director of Finance.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$1,500,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance

and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such denominations as shall be determined by the Director of Finance, but not exceeding the principal amount of Notes maturing on any one date and shall be numbered as determined by the Director of Finance. The Notes shall be issued as fully registered notes in book-entry form in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

The Director of Finance is authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of Notes (the "Certificate of Fiscal Officer") setting forth the final terms of the Notes, consistent with the requirements of this ordinance, and to present the same to this Council after closing.

Section 6. General Obligation Pledge. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose. The Notes may be issued in one or more series.

Section 7. Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

The Debt Service Levy shall be and is hereby 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same falls due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. Sale of the Notes. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Director of Finance and certified to this Council, provided that such rate shall not exceed 5.00% per annum. The Notes shall be, and hereby are, awarded and sold at private sale to KeyBanc Capital Markets Inc., Cleveland, Ohio (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer.

The Director of Finance is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose.

— Any accrued interest received from the sale of the Notes shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Notes, or other obligations of the City as permitted by law. Any premium received from the sale of the Notes may be used to pay the financing costs of the Notes within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund in the manner provided by law.

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2015," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar. The principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Director of Finance on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. Appointment of Note Registrar. The Director of Finance is authorized and directed to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Director of Finance and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as authenticating agent, note registrar, transfer agent, and paying agent (the "Note Registrar") for the Notes. Interest shall be payable at maturity by check or draft mailed to the Registered Owner hereof, as shown on the registration books of the City maintained by the Note Registrar. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Director of Finance in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Director of Finance may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a

power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this ordinance, as the Notes surrendered upon that transfer or exchange.

Section 11. Book Entry System. For purposes of this ordinance, the following terms shall have the following meanings:

“Book entry form” or “book entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of notes and to effect transfers of notes, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) 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. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this ordinance.

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this ordinance.

If requested, the Mayor, Director of Finance, Clerk of Council, or any other officer of this Council, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the paying agent for the Notes and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Notes for use in a book entry system, the City and the Note Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 12. Federal Tax Law Compliance. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Director of Finance, or any other officer of the City, including the Mayor, is hereby authorized and directed (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 permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or

making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, 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 an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

The Director of Finance shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Director of Finance of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

Section 13. Appointment of Bond Counsel. The Director of Finance, on behalf of this Council, is hereby authorized to appoint the law firm of Bricker & Eckler LLP to serve as bond counsel for the Notes. The fees to be paid to such firm shall be subject to review and approval of the Director of Finance, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Notes.

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a non-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Director of Finance is hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this ordinance, as they in their discretion shall deem necessary or appropriate.

Section 15. Satisfaction of Conditions for Note Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 16. Compliance with Open Meeting Requirements. It is hereby 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 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 including Section 121.22 of the Ohio Revised Code.

Section 17. Filing of Bond Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this ordinance to the County Fiscal Officer of Cuyahoga County, Ohio.

Section 18. Emergency Measure. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to combine the Notes with other notes to be issued by the City into a consolidated note issue and obtain savings in the issuance of the Notes; and provided it receives the affirmative vote of at least five of this Council, this ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Adopted: _____, 2015

President of Council

Clerk of Council

Approved: _____, 2015

Mayor

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the
City of Lakewood, Ohio

The undersigned Director of Finance of the City of Lakewood, Ohio as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:

To pay the costs of resurfacing Arthur Avenue, Carabel Avenue, Cliffdale Avenue, Cook Avenue, Cranford Avenue, Edgewater Drive, Edwards Avenue, Garfield Avenue, Kenneth Avenue, Lake Point Drive, Maile Avenue, Nicolson Avenue, Ogontz Avenue, Owego Avenue, Rockway Avenue, Sloan Subway, South Marginal Drive, St. Charles Avenue, and other streets located within the City

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 15 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 20 years.

Dated: February 17, 2015

Director of Finance
City of Lakewood, Ohio

ORDINANCE NO. 9-15

By: _____

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$950,000 in anticipation of the issuance of bonds; to pay the costs of improving parks within the city, including Lakewood Park, together with all necessary appurtenances thereto.

WHEREAS, the Director of Finance (the "Director of Finance") of the City of Lakewood, Ohio (the "City") has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 10 years and notes being 15 years; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood (the "Charter"), and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments and further to allow the City to issue the notes with other notes to be issued by the City into a consolidated issue and obtain savings in the issuance of the notes; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$950,000, for the purpose of paying the cost of the Project.

Section 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 10 annual installments.

Section 3. Issuance of Bond Anticipation Notes. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2015," or as otherwise determined by the Director of Finance.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$950,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such

denominations as shall be determined by the Director of Finance, but not exceeding the principal amount of Notes maturing on any one date and shall be numbered as determined by the Director of Finance. The Notes shall be issued as fully registered notes in book-entry form in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

The Director of Finance is authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of Notes (the "Certificate of Fiscal Officer") setting forth the final terms of the Notes, consistent with the requirements of this ordinance, and to present the same to this Council after closing.

Section 6. General Obligation Pledge. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose. The Notes may be issued in one or more series.

Section 7. Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

The Debt Service Levy shall be and is hereby 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same falls due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. Sale of the Notes. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Director of Finance and certified to this Council, provided that such rate shall not exceed 5.00% per annum. The Notes shall be, and hereby are, awarded and sold at private sale to KeyBanc Capital Markets Inc., Cleveland, Ohio (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer.

The Director of Finance is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose.

Any accrued interest received from the sale of the Notes shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Notes, or other

obligations of the City as permitted by law. Any premium received from the sale of the Notes may be used to pay the financing costs of the Notes within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund in the manner provided by law.

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2015," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar. The principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Director of Finance on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. Appointment of Note Registrar. The Director of Finance is authorized and directed to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Director of Finance and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as authenticating agent, note registrar, transfer agent, and paying agent (the "Note Registrar") for the Notes. Interest shall be payable at maturity by check or draft mailed to the Registered Owner hereof, as shown on the registration books of the City maintained by the Note Registrar. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Director of Finance in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Director of Finance may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured

principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this ordinance, as the Notes surrendered upon that transfer or exchange.

Section 11. Book Entry System. For purposes of this ordinance, the following terms shall have the following meanings:

“Book entry form” or “book entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of notes and to effect transfers of notes, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) 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. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the

Depository or its authorized representative upon presentation and surrender of Notes as provided in this ordinance.

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this ordinance.

If requested, the Mayor, Director of Finance, Clerk of Council, or any other officer of this Council, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the paying agent for the Notes and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Notes for use in a book entry system, the City and the Note Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 12. Federal Tax Law Compliance. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Director of Finance, or any other officer of the City, including the Mayor, is hereby authorized and directed (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 permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of

Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, 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 an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

The Director of Finance shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Director of Finance of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

Section 13. Appointment of Bond Counsel. The Director of Finance, on behalf of this Council, is hereby authorized to appoint the law firm of Bricker & Eckler LLP to serve as bond counsel for the Notes. The fees to be paid to such firm shall be subject to review and approval of the Director of Finance, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Notes.

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a non-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Director of Finance is hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this ordinance, as they in their discretion shall deem necessary or appropriate.

Section 15. Satisfaction of Conditions for Note Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 16. Compliance with Open Meeting Requirements. It is hereby 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 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 including Section 121.22 of the Ohio Revised Code.

Section 17. Filing of Bond Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this ordinance to the County Fiscal Officer of Cuyahoga County, Ohio.

Section 18. Emergency Measure. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to combine the Notes with other notes to be issued by the City into a consolidated note issue and obtain savings in the issuance of the Notes; and provided it receives the affirmative vote of at least five of this Council, this ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Adopted: _____, 2015

President of Council

Clerk of Council

Approved: _____, 2015

Mayor

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the
City of Lakewood, Ohio

The undersigned Director of Finance of the City of Lakewood, Ohio as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:

To pay the costs of improving parks within the City, including Lakewood Park, together with all necessary appurtenances thereto

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 10 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 15 years.

Dated: February 17, 2015

Director of Finance
City of Lakewood, Ohio

ORDINANCE NO. 10-15

By: _____

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$650,000 in anticipation of the issuance of bonds; to pay costs of improving sidewalks within the city.

WHEREAS, the Director of Finance (the "Director of Finance") of the City of Lakewood, Ohio (the "City") has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 10 years and notes being 15 years; and

WHEREAS, this Council by a vote of at least five of its members determines that this Ordinance is an emergency measure, and that this Ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood (the "Charter"), and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments and further to allow the City to issue the notes with other notes to be issued by the City into a consolidated issue and obtain savings in the issuance of the notes; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$650,000, for the purpose of paying the cost of the Project.

Section 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 10 annual installments.

Section 3. Issuance of Bond Anticipation Notes. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2015," or as otherwise determined by the Director of Finance.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$650,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such denominations as shall be determined by the Director of Finance, but not exceeding the principal amount

of Notes maturing on any one date and shall be numbered as determined by the Director of Finance. The Notes shall be issued as fully registered notes in book-entry form in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

The Director of Finance is authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of Notes (the "Certificate of Fiscal Officer") setting forth the final terms of the Notes, consistent with the requirements of this ordinance, and to present the same to this Council after closing.

Section 6. General Obligation Pledge. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose. The Notes may be issued in one or more series.

Section 7. Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

The Debt Service Levy shall be and is hereby 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same falls due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. Sale of the Notes. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Director of Finance and certified to this Council, provided that such rate shall not exceed 5.00% per annum. The Notes shall be, and hereby are, awarded and sold at private sale to KeyBanc Capital Markets Inc., Cleveland, Ohio (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer.

The Director of Finance is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose.

Any accrued interest received from the sale of the Notes shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Notes, or other obligations of the City as permitted by law. Any premium received from the sale of the Notes may be

used to pay the financing costs of the Notes within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund in the manner provided by law.

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2015," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar. The principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Director of Finance on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. Appointment of Note Registrar. The Director of Finance is authorized and directed to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Director of Finance and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as authenticating agent, note registrar, transfer agent, and paying agent (the "Note Registrar") for the Notes. Interest shall be payable at maturity by check or draft mailed to the Registered Owner hereof, as shown on the registration books of the City maintained by the Note Registrar. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Director of Finance in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Director of Finance may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured

principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this ordinance, as the Notes surrendered upon that transfer or exchange.

Section 11. Book Entry System. For purposes of this ordinance, the following terms shall have the following meanings:

“Book entry form” or “book entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of notes and to effect transfers of notes, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) 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. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the

Depository or its authorized representative upon presentation and surrender of Notes as provided in this ordinance.

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this ordinance.

If requested, the Mayor, Director of Finance, Clerk of Council, or any other officer of this Council, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the paying agent for the Notes and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Notes for use in a book entry system, the City and the Note Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 12. Federal Tax Law Compliance. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Director of Finance, or any other officer of the City, including the Mayor, is hereby authorized and directed (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 permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of

Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, 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 an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

The Director of Finance shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Director of Finance of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

Section 13. Appointment of Bond Counsel. The Director of Finance, on behalf of this Council, is hereby authorized to appoint the law firm of Bricker & Eckler LLP to serve as bond counsel for the Notes. The fees to be paid to such firm shall be subject to review and approval of the Director of Finance, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Notes.

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a non-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Director of Finance is hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this ordinance, as they in their discretion shall deem necessary or appropriate.

Section 15. Satisfaction of Conditions for Note Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 16. Compliance with Open Meeting Requirements. It is hereby 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 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 including Section 121.22 of the Ohio Revised Code.

Section 17. Filing of Bond Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this ordinance to the County Fiscal Officer of Cuyahoga County, Ohio.

Section 18. Emergency Measure. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to combine the Notes with other notes to be issued by the City into a consolidated note issue and obtain savings in the issuance of the Notes; and provided it receives the affirmative vote of at least five of this Council, this ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Adopted: _____, 2015

President of Council

Clerk of Council

Approved: _____, 2015

Mayor

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the
City of Lakewood, Ohio

The undersigned Director of Finance of the City of Lakewood, Ohio as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:

To pay costs of improving sidewalks within the City

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 10 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 15 years.

Dated: February 17, 2015

Director of Finance
City of Lakewood, Ohio

ORDINANCE NO. 11-15

By: _____

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the issuance of notes in the amount of not to exceed \$250,000 in anticipation of the issuance of bonds; and to pay the costs of replacing or improving the roofs of city hall, city hall annex, Winterhurst ice rink and the city's service garage.

WHEREAS, the Director of Finance (the "Director of Finance") of the City of Lakewood, Ohio (the "City") has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 11 years and notes being 16 years; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood (the "Charter"), and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments and further to allow the City to issue the notes with other notes to be issued by the City into a consolidated issue and obtain savings in the issuance of the notes; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$250,000, for the purpose of paying the cost of the Project.

Section 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 10 annual installments.

Section 3. Issuance of Bond Anticipation Notes. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2015," or as otherwise determined by the Director of Finance.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$250,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such

denominations as shall be determined by the Director of Finance, but not exceeding the principal amount of Notes maturing on any one date and shall be numbered as determined by the Director of Finance. The Notes shall be issued as fully registered notes in book-entry form in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

The Director of Finance is authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of Notes (the "Certificate of Fiscal Officer") setting forth the final terms of the Notes, consistent with the requirements of this ordinance, and to present the same to this Council after closing.

Section 6. General Obligation Pledge. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose. The Notes may be issued in one or more series.

Section 7. Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

The Debt Service Levy shall be and is hereby 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same falls due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. Sale of the Notes. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Director of Finance and certified to this Council, provided that such rate shall not exceed 5.00% per annum. The Notes shall be, and hereby are, awarded and sold at private sale to KeyBanc Capital Markets Inc., Cleveland, Ohio (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer.

The Director of Finance is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose.

Any accrued interest received from the sale of the Notes shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Notes, or other

obligations of the City as permitted by law. Any premium received from the sale of the Notes may be used to pay the financing costs of the Notes within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund in the manner provided by law.

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2015," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar. The principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Director of Finance on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. Appointment of Note Registrar. The Director of Finance is authorized and directed to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Director of Finance and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as authenticating agent, note registrar, transfer agent, and paying agent (the "Note Registrar") for the Notes. Interest shall be payable at maturity by check or draft mailed to the Registered Owner hereof, as shown on the registration books of the City maintained by the Note Registrar. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Director of Finance in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Director of Finance may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured

principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this ordinance, as the Notes surrendered upon that transfer or exchange.

Section 11. Book Entry System. For purposes of this ordinance, the following terms shall have the following meanings:

“Book entry form” or “book entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of notes and to effect transfers of notes, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) 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. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the

Depository or its authorized representative upon presentation and surrender of Notes as provided in this ordinance.

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this ordinance.

If requested, the Mayor, Director of Finance, Clerk of Council, or any other officer of this Council, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the paying agent for the Notes and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Notes for use in a book entry system, the City and the Note Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 12. Federal Tax Law Compliance. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Director of Finance, or any other officer of the City, including the Mayor, is hereby authorized and directed (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 permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of

Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, 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 an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

The Director of Finance shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Director of Finance of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

Section 13. Appointment of Bond Counsel. The Director of Finance, on behalf of this Council, is hereby authorized to appoint the law firm of Bricker & Eckler LLP to serve as bond counsel for the Notes. The fees to be paid to such firm shall be subject to review and approval of the Director of Finance, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Notes.

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a non-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Director of Finance is hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this ordinance, as they in their discretion shall deem necessary or appropriate.

Section 15. Satisfaction of Conditions for Note Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 16. Compliance with Open Meeting Requirements. It is hereby 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 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 including Section 121.22 of the Ohio Revised Code.

Section 17. Filing of Bond Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this ordinance to the County Fiscal Officer of Cuyahoga County, Ohio.

Section 18. Emergency Measure. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to combine the Notes with other notes to be issued by the City into a consolidated note issue and obtain savings in the issuance of the Notes; and provided it receives the affirmative vote of at least five of this Council, this ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Adopted: _____, 2015

President of Council

Clerk of Council

Approved: _____, 2015

Mayor

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the
City of Lakewood, Ohio

The undersigned Director of Finance of the City of Lakewood, Ohio as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:

To pay the costs of replacing or improving the roofs of City Hall, City Hall Annex, Winterhurst Ice Rink and the City's service garage

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 11 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 16 years.

Dated: February 17, 2015

Director of Finance
City of Lakewood, Ohio



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650

www.onelakewood.com

Lakewood City Council

MARY LOUISE MADIGAN, PRESIDENT

RYAN P. NOWLIN, VICE PRESIDENT

Council at Large
RYAN P. NOWLIN
THOMAS R. BULLOCK III
CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
SHAWN JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

March 16, 2016

Re: Public Works Committee Report 2/2/15

Dear Member of Council,

The Public Works Committee met on Monday February 2, 2015 at 6:00 PM. Present were Committee members O'Leary and myself, Council President Madigan, Councilmembers Marx and Anderson, Director Butler, and Chief Malley. The committee discussed one item the proposed ordinance 58-14 which would amend 331.08 Driving in marked Lanes.

The discussion began with a historic review of this issue by Law Director Butler which began in January of 2008. The conditions as they exist today on Clifton are a result of an agreement between the City of Lakewood and the GCRTA. This agreement involved council's adoption of a 2014 appropriations ordinance in the amount of \$50,000 under the line item "Clifton Ave. Bus Shelter Improvements. The project manual provided to the City of Lakewood by RTA in September of 2013 included plans for "new street signage and pavement signage". While the signage as it exists today is considered enforceable by Law Director Butler and Chief Malley, this proposed amendment would clarify the exceptions.

Due to lack of support from the committee for differing reasons, this item was unanimously voted to be deferred. Councilmember O'Leary expressed that he would like to first see the amount of signage was addressed. My concern was whether a bus lane was warranted. Until some justification can be provided that benefits truly outweigh the costs, then I am not willing to support legislative change to this section of our code.

Respectfully submitted:

Shawn Juris, Chair
Thomas R. Bullock, III, Sam O'Leary; Members
PUBLIC WORKS COMMITTEE



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SAM O'LEARY, WARD 2
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MARY LOUISE MADIGAN, WARD 4

March 16, 2015

Lakewood City Council
Lakewood, OH 44107

Re: Public Works Committee Report 3/5/15.

Dear Members of Council,

The Public Works Committee met on March 5th at 6:30. Present were committee members Bullock, O'Leary and myself, councilmember Marx, Directors Beno and Pae and Lou McMahan. The committee discussed 4 items. Lou McMahan and Director Beno led the committee through a discussion on proposed Resolution No. 8794-15. The Pilot study would evaluate the impact of source control and is tied to our EPA permit. Mr. McMahan and Director Beno answered questions of the committee to understand the details involved in the assessment and correction of the sanitary and storm lines for these 100 homes. The committee unanimously approved recommendation of adoption by the full council.

The committee then discussed proposed ordinance 4-15 which would amend the ordinance for sidewalk repairs. The impact of this change would be to remove a requirement to provide a sketch of the area of the sidewalk that has been identified as non-compliant with the code. After some discussion on the process and timelines involved in these corrections, the committee voted unanimously to recommend adoption by full council.

The proposed amendment to Ordinance 12-15 regarding Keep Lakewood Beautiful was deferred to allow input from the law department and members of the committee.

Finally, the committee had a lengthy discussion on the Pavement Condition Report. This involved a review of the map which illustrates the current condition of our streets, a progress report of the rate at which improvements are being made, and financial factors to be considered with a few of the choices that have been historically made and possible expenditures moving forward. This map and the full database has been shared with council.

Respectfully submitted:

Shawn Juris, Chair
Thomas R. Bullock, III, Sam O'Leary; Members
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 8794-15

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, establishing a pilot program in western Lakewood to remove clean water sources from the City's sanitary sewer system in the furtherance of the City's permitting under the Ohio Environmental Protection Agency; authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance and/or the Purchasing Manager to enter into contracts for professional services for the pilot program, and to advertise for bids and enter into contracts for the purchase of repair, maintenance and operating supplies, services and equipment for the pilot program as authorized by the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law in an amount not to exceed \$900,000.00; declaring a nuisance; and identifying resident payment options under the pilot program.

WHEREAS, the City of Lakewood was issued a renewal of the Ohio Environmental Protection Agency (Ohio EPA) NPDES Permit dated September 1, 2014 that requires the development of a plan to reduce and eliminate sewage discharges to the environment; and

WHEREAS, to timely meet its legal requirements, the City is undertaking a pilot study to remove clean water sources from the City's sanitary sewer system as one of the measures critical to the evaluation and development of an integrated plan; and

WHEREAS, the City strategically chose specific properties within the area bordered by Hilliard Road, Atkins Avenue, Eldred Avenue and Delaware Avenue in western Lakewood to undertake the pilot study; and

WHEREAS, the City of Lakewood, in order to properly evaluate the effectiveness of removing clean water sources on private property within the compliance schedule contained in the Ohio EPA NPDES Permit conditions, has determined the use of public funds, partially to be reimbursed to the City by the pilot project participants, to be in the best interests of the public; and

WHEREAS, Chapter 913 of the Codified Ordinances prohibits persons from discharging sewage, industrial waste or other waste into the City's wastewater disposal system contrary to the provisions of that chapter, federal or state pretreatment requirements, or any order of Council; and

WHEREAS, Chapter 913 of the Code prohibits persons from discharging or causing to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, un-contaminated cooling water or unpolluted industrial process waters to any sanitary sewer, and contemplates that doing so constitutes a public nuisance; and

WHEREAS, this Council desires to provide the authorization to the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services for the pilot program, and to advertise for bids and enter into contracts for the purchase of repair, maintenance and operating supplies, services and equipment for the pilot program as authorized by the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law in an amount not to exceed \$900,000.00; and

WHEREAS, the City of Lakewood makes this determination solely and expressly for the aforementioned purpose and only for this specific pilot study area; and

WHEREAS, the City of Lakewood has determined it is in the best interest of the public; to protect the public health and welfare, that it is necessary to fund the correction and rehabilitation necessary on private property in the pilot study area as a critical and key element to the proper development of a comprehensive plan to reduce and eliminate sewage discharges to the environment; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government, and the power to enact laws that are for the health, safety, welfare; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the City must proceed to investigate and correct improper inflow and infiltration of stormwater into the sanitary system under the Ohio EPA NPDES permit immediately; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The City hereby establishes a pilot project in western Lakewood, within the area bounded by Hilliard Road to the north, Atkins Avenue to the west, Eldred Avenue to the east and Delaware Avenue to the south, to remove clean water sources from the City's sanitary sewer system in the furtherance of the City's permitting under the Ohio EPA, substantially under the conditions and specifications identified in the pilot project program guide attached hereto as **Exhibit A**.

Section 2. The Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager be and are hereby authorized and directed to enter into contracts for professional services for the pilot program, and to advertise for bids and enter into contracts for the purchase of repair, maintenance and operating supplies, services and equipment for the pilot program as authorized by the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law in an amount not to exceed \$900,000.00.

Section 3. Within the pilot program area, any discharge of sewage, industrial waste or other waste into the City's wastewater disposal system contrary to the provisions Chapter 913, federal or state pretreatment requirements, or any order of Council; and any discharge or the causing of any discharge of any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer constitute and are hereby declared to be public nuisances.

Section 4. Owners of property included within the pilot program are required to participate in the program in accordance with the authority granted to the City, and under penalty imposed by, Chapters 901, 913 and 917 of the Codified Ordinances and all applicable code. Owners shall have the option to test and correct their sewer connections at their own expense using their own contractors, subject to the City's approval and inspection, and in accordance with the terms of the program, but in any event not later than December 1, 2015. For those corrections undertaken on private property by the City, the City is expected initially to bear the full cost of the corrections, and participants must repay the City 10 percent of such costs. The Director of Finance is authorized and directed to establish payment options available to those property owners who participate in order to lessen the financial impact of the corrections upon owners.

Section 5. The pilot program established in this resolution shall not cease except upon further action by Council.

Section 6. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all such 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 7. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least five members of Council this resolution shall take effect and be in force immediately, or otherwise shall take effect and be in force after the earliest period allowed by law.

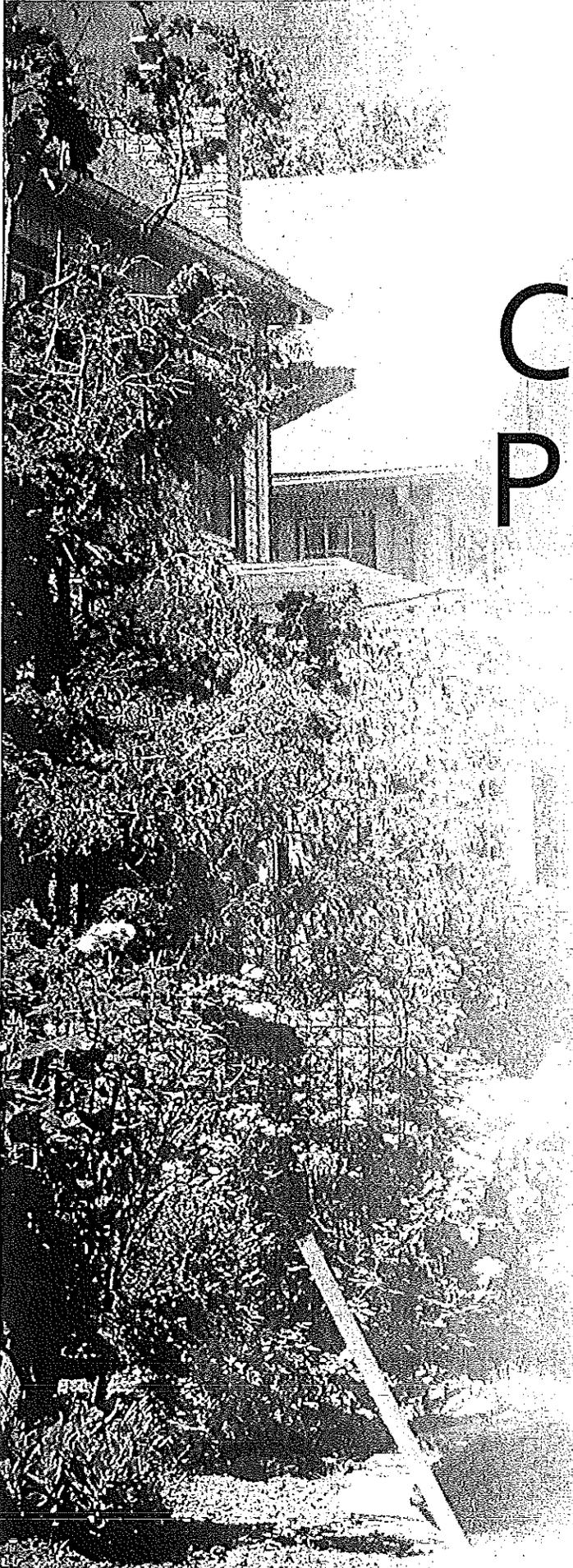
Adopted: _____

President

Clerk

Approved: _____

Mayor



Clean Water Pilot Project

Program Guide

City of Lakewood
www.onelakewood.com





City of Lakewood Clean Water Pilot Project

Program Guide

A. **Pilot Project Area.** The pilot project area will be bordered by Hilliard Road to the north, Atkins Avenue to the west, Eldred Avenue to the east and Delaware Avenue to the south, and will include the following residential properties:

Parcel No.	Address	Street
313-11-018	2122	Atkins Ave.
313-12-044	2123	Atkins Ave.
313-11-019	2124	Atkins Ave.
313-12-043	2127	Atkins Ave.
313-11-020	2128	Atkins Ave.
313-12-042	2131	Atkins Ave.
313-11-021	2132	Atkins Ave.
313-11-022	2134	Atkins Ave.
313-12-041	2135	Atkins Ave.
313-13-001	2139	Atkins Ave.
313-11-023	2140-42	Atkins Ave.
313-13-002	2143-45	Atkins Ave.
313-11-024	2144	Atkins Ave.
313-13-003	2147-49	Atkins Ave.
313-11-025	2148	Atkins Ave.
313-13-004	2151-53	Atkins Ave.
313-11-026	2152	Atkins Ave.
313-13-005	2155-57	Atkins Ave.
313-11-027	2156	Atkins Ave.
313-11-029	2160	Atkins Ave.
313-13-006	2159-61	Atkins Ave.
313-11-030	2162	Atkins Ave.
313-13-007	2163-65	Atkins Ave.
313-11-031	2166	Atkins Ave.
313-13-008	2167	Atkins Ave.
313-11-032	2170	Atkins Ave.
313-13-009	2171-73	Atkins Ave.
313-13-010	2175	Atkins Ave.

Parcel No.	Address	Street
313-11-033	2176	Atkins Ave.
313-11-034	2178	Atkins Ave.
313-13-011	2179-81	Atkins Ave.
313-11-035	2180	Atkins Ave.
313-13-012	2183	Atkins Ave.
313-11-036	2184-86	Atkins Ave.
313-13-013	2185-87	Atkins Ave.
313-11-037	2188-90	Atkins Ave.
313-13-014	2191	Atkins Ave.
313-11-038	2192	Atkins Ave.
313-13-015	2193	Atkins Ave.
313-11-039	2196-98	Atkins Ave.
313-13-016	2197-99	Atkins Ave.
313-11-040	2200	Atkins Ave.
313-13-017	2203	Atkins Ave.
313-11-041	2204	Atkins Ave.
313-13-018	2205-07	Atkins Ave.
313-11-042	2208-10	Atkins Ave.
313-13-019	2209-11	Atkins Ave.
313-11-043	2212	Atkins Ave.
313-11-044	2214-16	Atkins Ave.
313-13-020	2215	Atkins Ave.
313-13-021	2217-19	Atkins Ave.
313-11-045	2218-20	Atkins Ave.
313-13-022	2221	Atkins Ave.
313-13-074	16611-13	Delaware Ave.
313-13-075	16615-17	Delaware Ave.
313-13-076	16619-21	Delaware Ave.

Parcel No.	Address	Street
313-13-077	16701-03	Delaware Ave.
313-13-025	16706	Delaware Ave.
313-13-078	16707	Delaware Ave.
313-13-024	16708	Delaware Ave.
313-13-079	16711	Delaware Ave.
313-13-023	16712-14	Delaware Ave.
313-11-046	16800	Delaware Ave.
313-11-047	16802-04	Delaware Ave.
313-11-048	16806-08	Delaware Ave.
313-11-049	16810-12	Delaware Ave.
313-11-050	16900-02	Delaware Ave.
313-11-051	16906-08	Delaware Ave.
313-11-052	16914	Delaware Ave.
313-11-053	17002	Delaware Ave.
313-13-042	2178	Eldred Ave.
313-13-055	2183	Eldred Ave.
313-13-041	2184-86	Eldred Ave.
313-13-056	2187	Eldred Ave.
313-13-040	2188-90	Eldred Ave.
313-13-057	2191	Eldred Ave.
313-13-058	2193-95	Eldred Ave.
313-13-039	2194-96	Eldred Ave.
313-13-038	2198-2200	Eldred Ave.

Parcel No.	Address	Street
313-13-059	2199-2201	Eldred Ave.
313-13-037	2202-04	Eldred Ave.
313-13-060	2203-05	Eldred Ave.
313-13-036	2206-08	Eldred Ave.
313-13-061	2207-09	Eldred Ave.
313-13-035	2210	Eldred Ave.
313-13-062	2211	Eldred Ave.
313-13-063	2215	Eldred Ave.
313-13-034	2216	Eldred Ave.
313-13-033	2220-22	Eldred Ave.
313-13-064	2221	Eldred Ave.
313-13-065	2223	Eldred Ave.
313-13-032	2224-26	Eldred Ave.
313-13-031	2230	Eldred Ave.
313-13-066	2231	Eldred Ave.
313-13-030	2233-35	Eldred Ave.
313-13-029	2234	Eldred Ave.
313-13-068	2238	Eldred Ave.
313-13-028	2239	Eldred Ave.
313-13-069	2242-44	Eldred Ave.
313-13-070	2245	Eldred Ave.
313-13-026	2249	Eldred Ave.
313-13-067	2250	Eldred Ave.

If your property is not listed above, you are not a part of the pilot project, although work may be occurring near your property and at your neighbors' property.

This area was chosen because it features a unique situation where all houses flow into a single point (the sewer interceptor by Harding Middle School); the homes were built in the same time period and are of similar design; we have very good data of the current state of sewer flows during dry and wet weather; and we can measure before and after flow volumes in a variety of dry weather and wet (storm) weather conditions.

B. Rationale. The rationale for the pilot project is as follows:

- The city's sewer system is plagued with significant inflow and infiltration, complicated by a complex network of separate and combined sewers. This results in sewage overflows to the Rocky River and Lake Erie.
- Lakewood recently entered into an administrative consent order with the U.S. EPA that stipulates the city eliminate all sanitary sewer overflows and basement backups.
- Lakewood recently was issued a renewal of its Ohio EPA NPDES permit dated September 1, 2014 that requires the development of a plan to reduce and eliminate sewage discharges to the environment.
- The majority of rainfall that enters the sanitary sewer system comes from sources on private property. These sources must be systematically removed. Each source is a small portion

of the enormous volume of water that enters the system, so it will take time before the removal of each source will produce a noticeable effect.

- Rain water enters the public sanitary sewer due to the age of the overall system and development in the city. The city needs to find and eliminate as many sources of rain water in its sanitary sewer system as possible.

- The city's sanitary sewers are properly sized for conveying sewage during dry weather. It is only during significant rainfall events that the sanitary and/or combined sewers become overloaded.

- Financing for rehabilitation and corrections on private property is worth analyzing. Costs often exceed normal expectations of what homeowners can absorb.

C. Goals of the Program. The goals of the pilot project are as follows:

- to improve water quality and achieve compliance with the federal Clean Water Act and Ohio law;

- to reduce the volume of surface and subsurface water entering the city's sanitary sewer system;

- to reduce overflows into the Rocky River and Lake Erie;

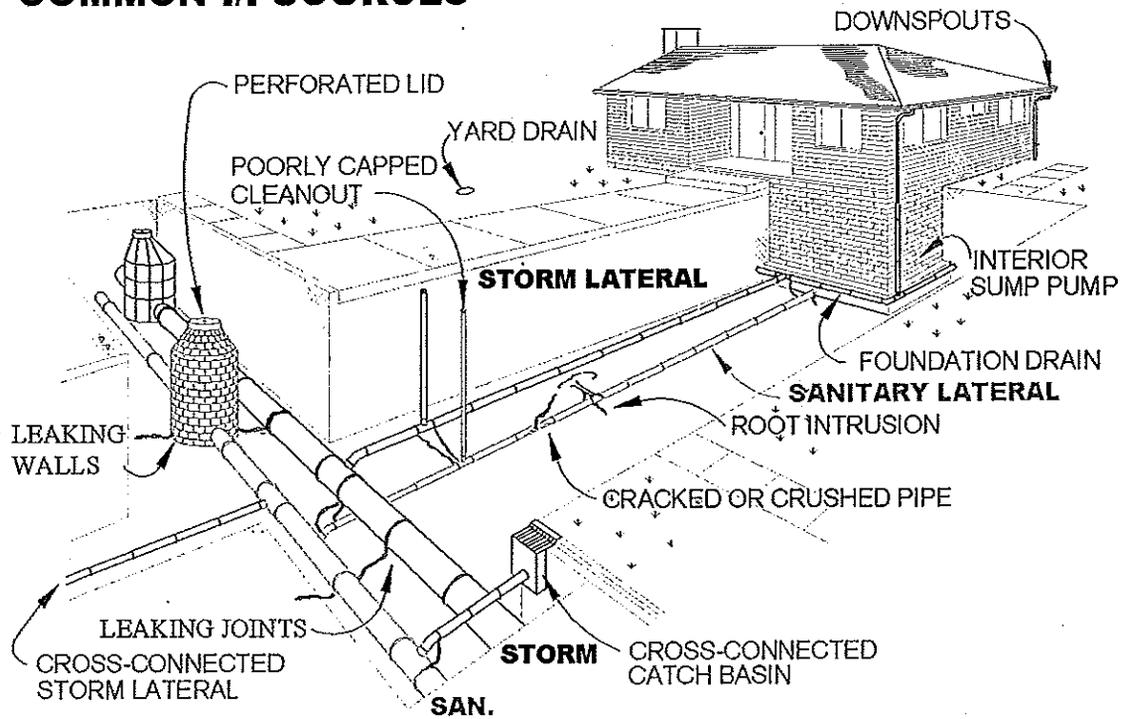
- to reduce the occurrence of basement flooding; and

- to develop a source-control program that considers the financial impact on the residents and technical effectiveness as the city looks toward future citywide programs, corrections and compliance initiatives.

D. Authority for the Program. The city is operating under the resolution establishing the pilot program in 2015. Under Chapters 901, 913 and 917 of the Codified Ordinances, the city may inspect, sample, test and order correction of all instances of improper sewer connections from private property to the city's sewer system, and the infiltration of storm water into the sanitary sewers on private property. The city may also require that all storm water goes from homes to the storm system, and all sanitary water goes from homes to the sanitary system. The pilot program will permit the city and homeowners to make necessary corrections on private property without having to impose some of the more difficult penalty provisions, such as injunctive relief, prosecution and the like, upon affected homeowners.

E. Scope of the Program. The city has engaged its own employees and contractors to conduct physical inspection and testing of sewer connections on properties included in the pilot program. They will access each basement and yard after arranging a time with you. They will attempt to video existing conditions in the pipes leading to and from your home. They will inventory all sewer connections, identify design options for the correction of any violations, and arrange for and conduct corrections of those violations. Some common inflow and infiltration sources to be addressed in the pilot program are illustrated in the following diagram:

COMMON I/I SOURCES



The correction work includes activities that are directly attributable to the removal of clean water sources to the sanitary sewers and may include removal of dirty water to storm sewers. *Examples of correction work* may include installation of:

- a sump pump receptacle (sometimes referred to as a crock) to act as a storage well for water from the foundation (footer) drain;
- a sump pump or ejector pump in sumps or crocks located in the basement or exterior of the house;
- a water-pressure-driven backup sump pump or battery powered backup sump pump;
- downspout diverters or splash pads;
- sanitary and storm lateral pipes to replace existing pipes or to reconnect clean water sources to the storm sewer;
- liners in existing pipes to stop leaking into the pipe;
- upgrades to the house electrical system to support installation of pumps including wiring of a receptacle for the sump pump;
- revisions to the house plumbing system to support installation of a sump pump including installation of new sump-pump discharge piping;

- hangers, braces, supports, staples and other systems for routing and securing plumbing and electrical systems;
- redirecting floor drains to sanitary connection; and/or
- other corrections required to properly complete the project performed at the discretion of the city.

Corrections may require:

- open trenching or where feasible, trenchless construction methods;
- exterior excavation around selected portions of the house foundation;
- cutting and removal of concrete basement slabs and any associated floor covering;
- cutting and removal of sidewalks, driveways, patios, and other exterior hard surfaces;
- removal of plant materials and salvaging (where feasible) or replacing same with like plant materials;
- temporary alterations to irrigation systems;
- drilling, cutting or otherwise creating openings for electrical and plumbing work;
- cutting and repair of exterior foundation walls to allow redirection of foundation (footer) drains to the sump pump receptacle, and redirection of lateral sewer lines;
- localized water proofing of new exterior foundation walls;
- surveying, isolating and removing asbestos containing floor covering or insulation if there is the potential for creating air born asbestos fibers;
- air quality testing; and/or
- other appropriate industry standard methods of construction required to properly complete the project performed at the discretion of the city.

Corrections will not include improving any system, surface, structure, object, or facility not necessary to remove sources of clean water from the sanitary sewer system including:

- waterproofing old construction;
- replacing floor coverings other than those directly disturbed by construction;
- wall coatings and/or paint other than required to attempt to match new work with old construction;
- upgrading facilities not associated with the intent of the program;
- replacing dead, diseased or dangerously rotted plant material; or
- any activity considered purely decorative.

If your property is within the original pilot-study area and you have already made, at your expense, corrections to your sewer system after notice of the pilot study was provided in February 2014, the city may consider, on a case-by-case basis depending on a number of factors, awarding a credit against your water and sewer charges. This would be determined after the city has had an opportunity to determine a scope of work at your property.

F. Ownership of Corrections. When work is completed, you will own all property, devices and materials used to correct problems. Any general or specific warranties or other benefits owned by the city will be transferred, to the extent possible, to you. You will be responsible for future operation and maintenance including but not limited to all necessary electrical and power supply costs. The city will not be responsible for the corrections or any property, devices and materials used for the corrections. The payment of financial assistance by the city under this program shall not be deemed to give rise to any liability on the part of the city for work performed by a contractor or any other person.

G. Payment for Corrections; Financing. Once the evaluations are complete, and scope of work per property is determined, the following is the city's financial participation in the corrections to be made on your property:

- The city will provide you, as the homeowner, notice of the cost of correction with an itemized list of the corrections to be made. The notice will be made either by certified mail or residence service at the affected property. You can opt in and use the city's contractor for the corrections to be made after the notice is made. You will have 30 days to opt in, on a form approved by the city, after receipt of the notice.

- *If you opt in*, the city will pay for 100 percent for initial property correction at your home. It is estimated the total cost of correction at most parcels will not exceed \$7,500. Work at some homes may cost much less; work at others may cost much more.

- If you opt in, you will be responsible to repay the city just 10 percent of the cost of any correction per parcel. You will have the opportunity to set up a payment plan for no more than 10 years at 0 percent interest. Amounts due under the payment plan will be added to your water and sewer bill. Your failure to make a scheduled payment will result in the balance being assessed to your property tax bill. The city may consider, on a case-by-case basis depending on a number of factors, awarding a full or partial credit for any repayment obligation or against your water and sewer charges based upon sewer corrections you may have already made, at your expense, after notice of this pilot study was provided in February 2014.

- If you contest the necessity of the corrections contemplated by the city, you will have 30 days from the date you receive notice within which to appeal to the city's Board of Building Standards and Building Appeals. Applications for appeals to the board cost \$25 and must be submitted with the city's Division of Housing and Building and the board will hear your appeal in accordance with Article XIV of the city's charter and any applicable rules and regulations.

- *If you fail to opt in* within 30 days of receiving notice of the corrections, you must begin to correct the identified sewer connection issues within 90 days, failing which the city may enforce the penalty provisions of Chapters 901, 913 and 917 of the Codified Ordinances or take

other actions allowable by any applicable code. All necessary permits must be pulled for such work and you must bear the full expense of the corrections. If you fail to opt in, you must complete the work undertaken be completed by December 1, 2015, failing which the city may enforce the penalty provisions of Chapters 901, 913 and 917 of the Codified Ordinances or take other actions allowable by any applicable code, including abating the nuisance conditions on your property and assessing the cost to the property.

H. Conditions of Financial Assistance. Any sanitary sewer customer participating in this program must be the owner of the property, and as a condition to receiving the assistance, you must agree on the opt-in form to the following:

- **Inspection.** The city, on reasonable notice, may inspect the corrections at any time.
- **Maintenance and Repair.** You will operate and maintain the corrections and timely complete any repairs or replacement of the corrections.
- **Discharge Modifications Prohibited.** You will not modify the sump pump discharge (if applicable) in any manner that would directly or indirectly contribute foundation drain flow and clear water flow to the sanitary sewer system.
- **Agreement Runs with the Land.** You will agree that these conditions run with the property and may be recorded by the city; and that the city may maintain a record or database of properties governed by the agreement.

I. After the Project is Completed. Without written permission of the city, you will not be permitted to alter the plumbing or connection to the sanitary sewer system after the corrections are made, subject to the penalty provisions found within Chapters 901, 913 and 917 of the Codified Ordinances or other applicable law. If the city determines after the project is completed there is a modification of the system that permits clean water to enter the sanitary sewer, or a failure to maintain or replace a failed sump pump or other equipment that would allow an indirect or direct connection to the sanitary sewer system, or such other cause may allow a direct or indirect connection, the city may require further corrections by the property owner.

J. Contact Information. For more information, please contact the city's Division of Engineering at (216) 529-6692 or engineering@lakewoodoh.net.

ORDINANCE NO. 4-15

BY:

AN ORDINANCE to amend Section 903.10, Duty to Repair and Maintain Sidewalks, of the Codified Ordinances of the City of Lakewood to remove the requirement that a sidewalk survey be included with the notice to repair.

WHEREAS, traditionally, a sidewalk survey or form with a drawing indicating that blocks of concrete which need to be replaced or repaired has been included with a notice to repair a sidewalk, tree lawn or driveway apron and is currently required by ordinance; and

WHEREAS, sidewalk inspections are no longer done with a paper diagram which becomes the sidewalk survey, instead pavement markings are used to indicate which areas require repair or replacement; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 903.10, Duty to Repair and Maintain Sidewalks, currently reading as follows:

903.10 DUTY TO REPAIR AND MAINTAIN SIDEWALKS, TREE LAWNS AND DRIVEWAY APRONS.

(a) For the purpose of this section, "sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians, including the area commonly referred to as the "tree lawn."

(b) As used in this section, "driveway apron" means that area of the driveway from the curb to the sidewalk.

(c) The property owner whose property abuts any sidewalk shall be primarily responsible for the repair and maintenance of such sidewalk, driveway apron and tree lawn area.

(1) Any hole or defect that is a tripping hazard or that is capable of causing injury, inconvenience, annoyance or damage to sidewalk users shall be repaired by the abutting property owner within a reasonable period of time from the time at which the property owner should have known of the necessity of such repair through the exercise of due diligence, or within such time as may be determined as reasonable by the Director of Public Works at the time the repair work is determined to be necessary.

(2) The failure of a property owner to reasonably repair such defect in accordance with the applicable time frame shall be considered a negligent act as

a matter of law, and the property owner shall be liable for any injury resulting from such defect.

(d) The Director of Public Works, upon determining that the condition of any sidewalk, driveway apron or tree lawn constitutes a public hazard, may order the abutting property owner to repair any sidewalk, driveway apron, or tree lawn which the City finds to be a nuisance or in an unsafe condition.

(1) The Director of Public Works shall serve a written notice of his or her determination in the manner provided by law for service in a civil action, setting forth a duplicate of the sidewalk survey indicating which sidewalks, driveway aprons, or tree lawns are to be repaired, the cost per square foot of those repairs and a time frame in which such work is to be completed.

(2) If a property owner fails to repair a sidewalk or tree lawn as required by such order, the Director of Public Works may perform the work determined necessary and assess the cost of such work to the abutting land owner.

(3) The Director of Public Works shall have the authority to inspect any sidewalk or tree lawn and issue a citation and order to repair to any property owner whose property abuts a sidewalk or tree lawn that is in an unreasonable state of disrepair or is determined to be a public hazard. The order to repair and citation shall be in writing upon a form approved by the Director of Public Works setting forth the specific conditions determined to be a public hazard or unreasonable state of disrepair and shall contain a date for compliance not less than thirty days from the date of the issuance of the order and citation, unless a longer period is determined to be appropriate by the Director of Public Works.

shall be and is hereby amended to read as follows:

903.10 DUTY TO REPAIR AND MAINTAIN SIDEWALKS, TREE LAWNS AND DRIVEWAY APRONS.

(a) For the purpose of this section, "sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians, including the area commonly referred to as the "tree lawn."

(b) As used in this section, "driveway apron" means that area of the driveway from the curb to the sidewalk.

(c) The property owner whose property abuts any sidewalk shall be primarily responsible for the repair and maintenance of such sidewalk, driveway apron and tree lawn area.

(1) Any hole or defect that is a tripping hazard or that is capable of causing injury, inconvenience, annoyance or damage to sidewalk users shall be repaired by the abutting property owner within a reasonable period of time from the time at which the property owner should have known of the necessity of such repair through the exercise of due diligence, or within such time as may be determined as reasonable by the Director of Public Works at the time the repair work is determined to be necessary.

(2) The failure of a property owner to reasonably repair such defect in accordance with the applicable time frame shall be considered a negligent act as

a matter of law, and the property owner shall be liable for any injury resulting from such defect.

(d) The Director of Public Works, upon determining that the condition of any sidewalk, driveway apron or tree lawn constitutes a public hazard, may order the abutting property owner to repair any sidewalk, driveway apron, or tree lawn which the City finds to be a nuisance or in an unsafe condition.

(1) The Director of Public Works shall serve a written notice of his or her determination in the manner provided by law for service in a civil action, setting forth ~~a duplicate of the sidewalk survey~~ sufficient information indicating which sidewalks, driveway aprons, or tree lawns are to be repaired, the estimated cost per square foot of those repairs and a time frame in which such work is to be completed, which shall be not less than 30 days from the date of the issuance of the order and citation, unless a longer period is determined to be appropriate by the Director of Public Works.

(2) If a property owner fails to repair a sidewalk or tree lawn as required by such order, the Director of Public Works may perform the work determined necessary and assess the cost of such work to the abutting land owner.

~~(3) The Director of Public Works shall have the authority to inspect any sidewalk or tree lawn and issue a citation and order to repair to any property owner whose property abuts a sidewalk or tree lawn that is in an unreasonable state of disrepair or is determined to be a public hazard. The order to repair and citation shall be in writing upon a form approved by the Director of Public Works setting forth the specific conditions determined to be a public hazard or unreasonable state of disrepair and shall contain a date for compliance not less than thirty days from the date of the issuance of the order and citation, unless a longer period is determined to be appropriate by the Director of Public Works.~~

Section 2. It is 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 such 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.

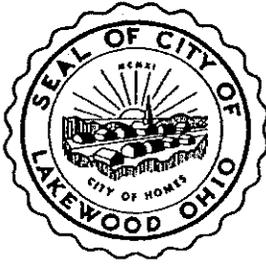
Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR



DEPARTMENT OF PLANNING & DEVELOPMENT
DRU SILEY, DIRECTOR

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5936
www.onelakewood.com/development

March 9, 2015

Lakewood City Council
Lakewood, OH 44107

RE: Construction of High School and Lincoln Elementary - Rezoning

Dear Members of Council:

Following this letter is an ordinance, that if adopted, will rezone four properties owned by Lakewood City School District to allow for the upcoming improvements to the high school and Lincoln Elementary school.

The rezoning of the first two parcels at 1600 and 1604 Robinwood Avenue (PPNs 314-12-040, and 314-12-039) is necessary for the construction of the new west wing of the high school. The rezoning of the remaining parcels located at 1207 Summit Avenue (PPN 311-31-094) and 1206 Lakeland Avenue (PPN 311-31-095) is necessary for the construction of Lincoln Elementary. All of the parcels will be rezoned from R1H (Single Family, High Density) to C4 (Commercial, Public School).

As you are aware, the schools have spent the last two years working through the planning, public outreach and design phases for the construction of three new elementary schools and major renovations to the high school. The design plans for both Lincoln Elementary and the high school propose to expand each school site in order to improve overall site planning for each project, more effectively manage traffic circulation, and expand buildable area for newly programmed classrooms.

City Council referred the ordinance to the Planning Commission on January 5th. Planning Commission reviewed the items at its meetings on February 5th and March 5th, and has recommended the rezoning of all four properties.

Sincerely,

Dru Siley
Director

PLACED ON 1ST READING & REFERRED TO THE
PLANNING COMMISSION 1/5/15.
SECOND READING 1/20/15.

ORDINANCE NO. 1-15 BY:

AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 1207 Summit Avenue (PPN 311-31-094), 1206 Lakeland Avenue (PPN 311-31-095), 1600 Robinwood Avenue (PPN 314-12-040) and 1604 Robinwood Avenue (PPN 314-12-039) from R1H (Single Family, High Density) to C4 (Commercial, Public School).

WHEREAS, it is necessary and desirable to rezone certain parcels of land in the City for the completion of school construction projects; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood be and the same is hereby amended by changing and revising the Zoning Map of the City from R1H (Single Family, High Density) to C4 (Commercial, Public School) for the following properties:

1) **1207 Summit Avenue, Lakewood, Ohio**

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio: and known as being Sublot No. 167 in C.L. & L.R. Newell's Subdivision of Original Rockport Township Section No. 22, as shown by the recorded Plat in Volume 22, Page 5 of Cuyahoga County Records, and being 40 feet front on the Easterly side of Summit Avenue and extending back, of equal width, 126 feet, as appears by said plat.

Permanent Parcel Number 311-31-094

2) **1206 Lakeland Avenue, Lakewood, Ohio**

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio: and known as Sublot No. 86 in the C.L. & L.R. Newell Subdivision of part of Original Rockport Township Section No. 22, as shown by the recorded plat in Volume 22 of Maps, Page 5 of Cuyahoga County Records, as appears by said plat.

Permanent Parcel Number: 311-31-095

3) **1600 Robinwood Avenue, Lakewood, Ohio**

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio: and known as Sublot No. 129 in the Walton Brothers Lakewood Allotment of part of Original Rockport Township Section No. 22, as shown by the recorded plat in Volume 25 of Maps, Page 14 of Cuyahoga County Records.

Permanent Parcel Number: 314-12-040

4) **1604 Robinwood Avenue, Lakewood, Ohio**

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio: and known as being Sublot No. 128 in Walton Brothers Lakewood Heights Allotment of part of Original Rockport Township Section No. 22, as shown by the recorded plat in Volume 25 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Westerly side of Robinwood Avenue and extending back 150.63 feet on the Northerly line, 150.61 feet on the Southerly line and is 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel Number 314-12-039

Section 2. The Director of Planning and Development is hereby authorized and directed to make the reclassification change on the zoning map of the City of Lakewood, Ohio, in order to reflect the amendment designated in Section 1 of this ordinance.

Section 3. It is 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 such 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.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR

ORDINANCE NO. 13-15

BY:

AN ORDINANCE amending Chapter 143, City Records Commission, of the Codified Ordinances of the City of Lakewood, in order to update the code regulating the composition and duties of this commission.

WHEREAS, the City Records Commission was created to promote open records and fulfill the City's obligations under state public records law; and

WHEREAS, Chapter 143 of the Code stands to be updated to bring the composition and duties of the City Records Commission in line with state law, which has been updated throughout the years and most recently in 2011; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Chapter 143, City Records Commission, of the Lakewood Codified Ordinances, currently reading as follows:

**CHAPTER 143
CITY RECORDS COMMISSION**

143.01 ESTABLISHMENT AND MEMBERSHIP.

There is hereby established a City Records Commission to be composed of the Mayor, one member of Council appointed by the President, the senior Judge of the Municipal Court, the Director of Law and the Finance Director.

143.02 FUNCTIONS OF COMMISSION.

The functions of the City Records Commission shall be to review all applications for records disposal or transfer and all schedules of record retention and destruction and all records disposal lists submitted by any office, court, commission, board, department or agency of the City. Such records may be disposed of by order of the Commission pursuant to the procedure hereinafter outlined.

143.03 DESTRUCTION OF RECORDS REQUIRED TO BE RECORDED.

The City Records Commission may order the destruction or other disposition of any City record, document, plat, court file, paper or instrument in writing, specifically required by law to be kept or recorded, provided that such City record, document, plat, court file, paper or instrument in writing, is first copied or reproduced in the manner and according to the procedure prescribed in Ohio R.C. 9.01.

143.04 DESTRUCTION OF RECORDS NOT REQUIRED TO BE RECORDED.

The City Records Commission may order the destruction or other disposition of any City record, document, plat, court file, paper or instrument in writing not specifically required by law to be kept without being copied or reproduced as prescribed in Ohio R.C. 9.01, and which does not involve any title to or right in property or constitute a regular record of any court, if such record, document, plat, court file, paper or instrument is not less than one year old, does not pertain to any pending case, claim or action and no longer has any value, historical or otherwise.

143.05 RESOLUTION TO DESTROY RECORDS AND PROCEDURE.

When City records have been approved by disposal by resolution of the City Records Commission, a list of such records shall be sent the Bureau of Inspection and Supervision of Public Offices of the Auditor of State. If the Bureau disapproves the actions of the Commission in whole or in part, it shall so inform the Commission within a period of sixty days. Before records are otherwise disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of sixty days to select for its custody or disposal such records as it may deem to be of continual historical value.

143.06 AUTHORITY OF COMMISSION.

The City Records Commission may revise, alter, approve or reject any schedule and application or portion thereof and may designate transfer and disposal dates and methods of disposal of records when such are not specifically provided for by law.

No order of the Commission to destroy or otherwise dispose of any records is valid unless it is agreed to by each such member of the Commission eligible to act under this section, reduced to written form and signed by each member.

143.07 COMPLIANCE REQUIRED.

No person having the custody of any records shall transfer, destroy or otherwise dispose of them, or procure or permit the transfer, destruction or other disposition of them without complying with this chapter.

143.08 PUBLIC RECORDS; FEES FOR DUPLICATION.

- (a) All City officials are hereby authorized to charge up to twenty-five cents (25¢) per letter-size (eight and one-half inch by eleven inch) or legal-size (eight and one-half inch by fourteen inch) page for photocopies, or copies made from microfilm or microfiche, of records provided to the public in response to public records requests.
- (1) A deposit of the total charges due for copying public records may be required prior to copying.
- (2) No deposit shall be required prior to copying public records where the total charges are less than ten dollars (\$10.00) unless the requestor has failed to pay for copies previously ordered.
- (b) The charge for duplication of larger or oddly shaped documents or for duplication processes for which the City does not own the necessary equipment, shall be the actual costs to the City, excluding the labor costs of City employees, as determined by the Finance Director on the advice of the custodian of the records to be duplicated. A deposit of the total charges due for copying such public records shall be required prior to copying.
- (c) City officials are hereby authorized to provide, at the election of the requestor, photocopies or microfilm or microfiche copies of large quantities of documents, or copies of unusually large or oddly shaped documents, through a vendor selected by the City, under the following conditions:
 - (1) Charges, billing arrangements and security for payment shall be the responsibility of and determined by the vendor and the requestor; the City's only responsibility relative to costs of such copying shall be to authorize a vendor to duplicate documents upon delivery of a written receipt from the vendor acknowledging payment or security for such costs.
 - (2) The documents to be copied shall be picked up at, and originals returned to, City offices by the vendor.
 - (3) The vendor shall implement security measures satisfactory to the City to maintain the integrity of City records and record systems.
 - (4) The Procurement Officer has identified the vendor as being able to comply with the requirements of this subsection (c).
- (d) Nothing in this section shall require a City official or employee to search for or create records containing selected information.
- (e) Nothing in this section shall require the duplication of records or other documents which are not available to the public or the release of which is prohibited under the laws of the State of Ohio or the United States.
- (f) Nothing in this section shall require City officials to charge or collect a fee for providing written information to any person, or shall be construed to limit the discretion of any director or supervisor to waive fees customarily charged for copies of documents.

143.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree.

shall be and hereby is repealed, and new Chapter 143, City Records Commission, of the Lakewood Codified Ordinances is enacted to read as follows:

CHAPTER 143 CITY RECORDS COMMISSION

143.01 ESTABLISHMENT AND MEMBERSHIP.

There is hereby established a City Records Commission to be composed of the Mayor or his or her appointed representative, as chairperson, the Director of Finance, the Director of Law and a citizen appointed by the Mayor, one member of Council appointed by the President, the senior Judge of the Municipal Court, the Director of Law and the Finance Director. The commission shall appoint a secretary, who may or may not be a member of the commission and who shall serve at the pleasure of the commission.

143.02 FUNCTIONS OF COMMISSION.

The functions of the City Records Commission shall be to provide rules for retention and disposal of records of the City; to review, revise and approve schedules of records retention; to review all applications for records disposal and schedules of records disposition submitted by the City; and to ensure compliance with general law related to records retention, disposal and other disposition, or transfer and all schedules of record retention and destruction and all records disposal lists submitted by any office, court, commission, board, department or agency of the City. Such records may be disposed of by order of the Commission pursuant to the procedure hereinafter outlined. The commission shall meet at least once every six months and upon the call of the chairperson.

~~143.03 DESTRUCTION OF RECORDS REQUIRED TO BE RECORDED.~~

~~The City Records Commission may order the destruction or other disposition of any City record, document, plat, court file, paper or instrument in writing, specifically required by law to be kept or recorded, provided that such City record, document, plat, court file, paper or instrument in writing, is first copied or reproduced in the manner and according to the procedure prescribed in Ohio R.C. 9.01.~~

~~143.04 DESTRUCTION OF RECORDS NOT REQUIRED TO BE RECORDED.~~

~~The City Records Commission may order the destruction or other disposition of any City record, document, plat, court file, paper or instru-~~

~~ment in writing not specifically required by law to be kept without being copied or reproduced as prescribed in Ohio R.C. 9.01, and which does not involve any title to or right in property or constitute a regular record of any court, if such record, document, plat, court file, paper or instrument is not less than one year old, does not pertain to any pending case, claim or action and no longer has any value, historical or otherwise.~~

~~143.05 RESOLUTION TO DESTROY RECORDS AND PROCEDURE.~~

~~When City records have been approved by disposal by resolution of the City Records Commission, a list of such records shall be sent the Bureau of Inspection and Supervision of Public Offices of the Auditor of State. If the Bureau disapproves the actions of the Commission in whole or in part, it shall so inform the Commission within a period of sixty days. Before records are otherwise disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of sixty days to select for its custody or disposal such records as it may deem to be of continual historical value.~~

~~143.06 AUTHORITY OF COMMISSION.~~

~~The City Records Commission may revise, alter, approve or reject any schedule and application or portion thereof and may designate transfer and disposal dates and methods of disposal of records when such are not specifically provided for by law.~~

~~No order of the Commission to destroy or otherwise dispose of any records is valid unless it is agreed to by each such member of the Commission eligible to act under this section, reduced to written form and signed by each member.~~

~~143.07-03 COMPLIANCE REQUIRED.~~

~~No person having the custody of any records shall transfer, destroy or otherwise dispose of them, or procure or permit the transfer, destruction or other disposition of them without complying with the regulations and procedures adopted by the City Records Commission in accordance with this chapter.~~

~~143.08-04 PUBLIC RECORDS; FEES COSTS FOR DUPLICATION.~~

~~Except as otherwise noted in this code or by general law, the City may charge actual costs for copies, delivery and transmission of public records and may require payment of costs in advance. The cost of employee time may not be included in the cost of copies or of delivery unless otherwise permitted under general law. The City may choose to employ the services, and charge the requester the costs of, a private contractor to copy public records so long as the decision to do so is reasonable.~~

~~(a) All City officials are hereby authorized to charge up to twenty five cents (25¢) per letter size (eight and one half inch by eleven inch) or legal size (eight and one half inch by fourteen inch) page for~~

~~photocopies, or copies made from microfilm or microfiche, of records provided to the public in response to public records requests.~~

- ~~(1) A deposit of the total charges due for copying public records may be required prior to copying.~~
- ~~(2) No deposit shall be required prior to copying public records where the total charges are less than ten dollars (\$10.00) unless the requestor has failed to pay for copies previously ordered.~~
- ~~(b) The charge for duplication of larger or oddly shaped documents or for duplication processes for which the City does not own the necessary equipment, shall be the actual costs to the City, excluding the labor costs of City employees, as determined by the Finance Director on the advice of the custodian of the records to be duplicated. A deposit of the total charges due for copying such public records shall be required prior to copying.~~
- ~~(c) City officials are hereby authorized to provide, at the election of the requestor, photocopies or microfilm or microfiche copies of large quantities of documents, or copies of unusually large or oddly shaped documents, through a vendor selected by the City, under the following conditions:
 - ~~(1) Charges, billing arrangements and security for payment shall be the responsibility of and determined by the vendor and the requestor; the City's only responsibility relative to costs of such copying shall be to authorize a vendor to duplicate documents upon delivery of a written receipt from the vendor acknowledging payment or security for such costs.~~
 - ~~(2) The documents to be copied shall be picked up at, and originals returned to, City offices by the vendor.~~
 - ~~(3) The vendor shall implement security measures satisfactory to the City to maintain the integrity of City records and record systems.~~
 - ~~(4) The Procurement Officer has identified the vendor as being able to comply with the requirements of this subsection (c).~~~~
- ~~(d) Nothing in this section shall require a City official or employee to search for or create records containing selected information.~~
- ~~(e) Nothing in this section shall require the duplication of records or other documents which are not available to the public or the release of which is prohibited under the laws of the State of Ohio or the United States.~~
- ~~(f) Nothing in this section shall require City officials to charge or collect a fee for providing written information to any person, or shall be construed to limit the discretion of any director or supervisor to waive fees customarily charged for copies of documents.~~

143.99 PENALTY.

Whoever knowingly violates any ~~provision of this chapter~~Section 143.03 is guilty of a misdemeanor of the fourth degree.

Section 2. It is 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 such 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

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

0681788		TREX	BEVY IN BIRDTOWN LTD 12112 MADISON AV LAKEWOOD OHIO 44107
PERMIT NUMBER		TYPE	
06	01	2014	
ISSUE DATE			
01	29	2015	
FILING DATE			
D2			
PERMIT CLASSES			
18	286	C F13485	
TAX DISTRICT		RECEIPT NO.	

FROM 02/02/2015 SAFEKEEPING

2755940			FITFOOD LLC DBA DENAS DINER 8375 COLERAIN AVE COLERAIN TWP CINCINNATI OH 45239
PERMIT NUMBER		TYPE	
06	01	2014	
ISSUE DATE			
01	29	2015	
FILING DATE			
D2			
PERMIT CLASSES			
31	908		
TAX DISTRICT		RECEIPT NO.	



MAILED 02/02/2015

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/05/2015

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES C TREX 0681788

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

1465646		TRFO	CITIZENS EATERY LLC	
PERMIT NUMBER		TYPE	1ST FL & PATIO	
10	01	14600 DETROIT AV SUITE 110		
ISSUE DATE		LAKEWOOD OHIO 44107		
02	02			
FILING DATE				
D5	D6			
PERMIT CLASSES				
18	286	C	F13500	
TAX DISTRICT		RECEIPT NO.		

FROM 02/04/2015

3792562			HERMES INC	
PERMIT NUMBER		TYPE	DBA PACERS	
10	01	1ST FL & PATIO		
ISSUE DATE		14600 DETROIT AV SUITE 110		
02	02	LAKEWOOD OHIO 44107		
FILING DATE				
D5	D6			
PERMIT CLASSES				
18	286			
TAX DISTRICT		RECEIPT NO.		



MAILED 02/04/2015

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/09/2015

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C TRFO 1465646

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.onelakewood.com
Lakewood City Council
MARY LOUISE MADIGAN, PRESIDENT
RYAN P. NOWLIN, VICE PRESIDENT

Council at Large
RYAN P. NOWLIN
THOMAS R. BULLOCK III
CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
SHAWN JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

March 16, 2015

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: Commending Scott Duennes and Cornucopia/Nature's Bin for three decades of service

Dear Members of Council:

For decades, Nature's Bin has been an anchor institution in Lakewood, serving our community in at least two ways: by providing vocational training and work experience to people with disabilities, who provide staffing at the store; and by providing healthy, organic, high quality food as an option for all, right in our backyard.

For 30 years, this wonderful grocery store and training center has been led by Scott Duennes, who worked diligently to grow the store into the success we see today.

Founded in 1975, Cornucopia provides community-based employment training for people with disabilities through the Cornucopia Vocational Training Center and its own natural foods market, Nature's Bin both in Lakewood, Ohio, and at five other community-based training sites in Cuyahoga County. Cornucopia offers unique, real work, real-world training programs for people with disabilities. Its mission is to help people with disabilities develop skills and confidence leading to sustainable employment.

We also recognize tonight Ms. Nancy Pepler, the next Executive Director for Cornucopia and Nature's Bin.

Please join us tonight honoring Mr. Duennes for his profound contribution to our community. Mr. Duennes has developed Nature's Bin into a thriving hometown treasure, while creating a compassionate workplace that provides both opportunity and practical skills to thousands of our neighbors with disabilities. What a worthwhile legacy to look upon after thirty years, and what an example he provides to all of us..

Sincerely,

David Anderson
Councilmember, Ward 1

Thomas R. Bullock, III
Council-at Large

Attachment

RESOLUTION NO.

BY:

A RESOLUTION commending Scott Duennes on his retirement from Cornucopia/Nature's Bin.

WHEREAS, in March 2015, Scott Duennes will be retiring from Cornucopia/Natures Bin; and

WHEREAS, for 30 years Scott Duennes, as Executive Director of Cornucopia/Nature's Bin, worked diligently to provide thousands of people with disabilities workplace opportunities and training in vocation skills; and

WHEREAS, Scott's helping hand in that role provided training for people with visual, speech and hearing impairment, and disabilities that included developmental disabilities, autism, mental illness, and injuries sustained from accidents or illness; and

WHEREAS, during his directorship, the Nature's Bin has become a very popular Lakewood shopping experience and a showcase of successful management; and

WHEREAS, he has shown that non-profit enterprises can foster many ancillary benefits such as creating a successful and attractive business while educating consumers in buying healthier and more nutritional foods, and

WHEREAS, he can make a rightful claim that he helped make "Vegan" and "Organic" and "Tofurkey" household words in Lakewood; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That this Council and Mayor commend Scott Duennes for three decades of service as a guiding light in his organizations' commitment to others and wish him health, happiness and prosperity in his retirement.

Section 2. That the Clerk of Council be and is hereby authorized and directed to forward a copy this Resolution to Mr. Scott Duennes.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such 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.

Adopted: _____

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

Approved: _____

MAYOR



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650

www.ohlaketwood.com

Lakewood City Council

MARY LOUISE MADIGAN, PRESIDENT

RYAN P. NOWLIN, VICE PRESIDENT

Council at Large
RYAN P. NOWLIN
THOMAS R. BULLOCK III
CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
SHAWN JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

March 16, 2016

Lakewood City Council
Lakewood, OH 44107

Re: St. Edward's Football

Dear Members of Council,

Tonight I again have the opportunity and pleasure to recognize a group of our student athletes from St. Edwards. On December 6th, the Eagles defeated Huber Heights Wayne to earn the distinction of State Champions. While their first football state championship was won in 2010, to add a second in just 4 years is truly impressive. Congratulations to the gentlemen of this squad and the coaching staff on your successful season. Job well done and good luck to the graduating seniors as they move on to college.

Please join me in recognizing this significant achievement.

Sincerely,

Shawn Juris
Councilmember, Ward 3

Attachment

RESOLUTION NO.

BY:

A RESOLUTION to honor the 2014 St. Edward High School Football Team for earning Ohio state championship.

WHEREAS, it has become common to refer to Lakewood's St. Edward High School as the "Home of Champions" and

WHEREAS, by dint of bone-crushing blocks, pin-point passing and a ground game that was speedy and sure, these lads ramped up their game against the most worthy and outstanding teams across Ohio, and

WHEREAS, the contributions of team members Kyle Fallon, Frank Geib, Parker Knapp, Alex Stump, Andrew Dowell, Grant Williams, Brett Kean, David Dowell, Troy Henderson, Teddy Gordon, Drake Morris, Nick Parrilla, Matt Carandang, Troy Dipre, Shaun Crawford, Jimmy Keefe, Matthew Gonzalez, Cole Gest, Joe Weisenseel, Tony Butler, Shea Solmos, Nik Pelligrino, Jonathan Parrilla, Kyle Hegedus, Edward Redden, Liam Coyne, Danny O'Malley, Jakob Walz, Matt Midgette, Nick Mastrobuono, Adam Thomson, Scott Koney, Ethan Stencil, Jacob Budyka, John Patrick Walton III, Patrick Walton, Cal Reynolds, Curtis Szelesta, Dan Petticord, Eric Shaver, David Pillets, Noah Waddell, Andrew Turner, Ben Gauthier, John Hupka, Lorenzo Ritson, Eric Holtzhauser, Max Williams, Kevin Ward, Hunter Workman, Kyle Tomshack, Matt Doretzeno, Deshaun Jones, Maxwell Potokar, Carl Jones, Roberto Roena, Sean Powers, Chris Minotti, Joelle Keeley, Dan Abusada, Mark Gusley, Cameron Wright, Delmar Hall, Ethan Williams, Mohamad Abusharekh, Steve Savanick with the dedicated coaches - head coach Rick Finotti and assistant coaches Assistant Coaches, Jonathan Hunek, Mike Andrejack, Tom Kenny, Matt Minnillo, Dave Browne, Bill Rockwell, Pete Pappas, Dave Jacobs, Brad Staples, Bryan Massinen, Andrew Bauer, Dave Keehan led to this outstanding victory, and

WHEREAS, Lakewood's St. Edward High School has brought distinction and honor to this community for its achievements in athletics, for outstanding academic; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. On behalf of the residents of Lakewood, the Mayor and this Council we extend to the Lakewood's St. Edward High School Football Team congratulations for its outstanding achievements during the 2014 high school football season.

Section 2. That the Clerk of Council be, and is hereby authorized to forward a certified copy of this Resolution to Lakewood's St. Edward High School Eagles Football Team c/o Coach Rick Finotti; St. Edward High School, and that a copy of this resolution be spread upon the minutes of this meeting.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR



12650 DETROIT AVENUE • 44107 • 216/529-6092 • FAX 216/529-6806

Jennifer R. Pae
Director of Finance

March 16, 2015

Lakewood City Council

Re: Amended Purchasing and Contracting Ordinance FY2015

Dear Members of Council:

Attached is an amended ordinance reflecting increased contracting authority in the amount of \$176,500.

Increasing Professional Services Contracting Authority for:

- \$25,000 Housing & Building Plans Examination

Increasing/Decreasing Service Contracts Contracting Authority for:

- (\$20,000) Workers' Comp Stop Loss Insurance
- \$ 25,000 Communications Services
- \$ 6,500 Advertising

Increasing Materials, Supplies & Equipment Contracting Authority for:

- \$150,000 Road Salt (Sodium Chloride)

The items included are part of the 2015 Appropriation Ordinance.

Please refer to the Finance Committee for further discussion.

Respectfully,

Jennifer R. Pae
Director of Finance

ORDINANCE NO.

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 43-14, adopted December 15, 2014, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2015 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law.

WHEREAS, this Council desires to provide the authorization to the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2015 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law, and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments in that delay could impair the City's ability to provide necessary services in a timely manner, now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1 of Ordinance 43-14, adopted December 15, 2014 currently reading as follows:

Section 1. That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager be and are hereby authorized and directed to enter into a contract or contracts for supplies, services and equipment with the lowest and best bidder or bidders or as otherwise provided by law, as follows:

Professional services contracts included in the 2015 Budget are as follows:

1) Legal Services.....	300,000
2) Recodification of Ordinances	12,500
3) Financial Audit	75,000
4) Hospitalization and Health Care Benefit Consulting Services.....	45,000
5) Consultant for Workers Compensation.....	40,000
6) Risk Management Consulting Services.....	13,000
7) Healthcare, Physicals, Drug & Alcohol Testing	20,000
8) Employee Assistance Program	10,000
9) Supervisor / Manager / Employee Training	125,000
10) Exams for Classified Positions	75,000
11) Housing and Building Plans Examinations.....	10,000
12) Lakewood Jail Medical Services	75,000
13) Band Concerts.....	15,000
14) Municipal Engineering Consultant.....	60,000
15) Debt Issuance Costs	75,000
16) Forensic Services	10,000
17) Long Term Control Plan and Storm Water Professional Services	300,000
18) Administrative Professional Services.....	125,000
Sub-Total	\$1,385,500

Services contracts included in the 2015 Budget are as follows:

1) Government Agreements (WEB).....	100,000
2) Government Agreements (Bd of Ed/Pools)	210,000
3) Financial Institution Service Charges	50,000
4) Electronic Payment Services	150,000
5) Property & Liability Insurance Contracts	450,000
6) Workers' Comp Stop Loss Insurance	105,000
7) Life Insurance	25,000
8) Hospitalization and Health Care Benefit Services	5,500,000
9) Medical Claims Billing Service	100,000
10) Sentenced Prisoners Full Jail Service	300,000
11) Home Delivered Meals	45,000
12) Distribution System Leak Survey	30,000
13) Disposal of Screenings and Grit (WWTP)	13,000
14) Excavation Spoils Removal.....	100,000
15) Roll of Box for Street Sweeping.....	50,000
16) Solid Waste Disposal Site.....	900,000
17) Waste Collections – Condominiums	90,000
18) Biosolids Disposal.....	90,000
19) Roll-Off Box for Construction Debris	60,000
20) Equipment Lease - Leaf Collection Project.....	15,000
21) Lab Analysis Service	25,000
22) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts	350,000
23) Communications Services.....	75,000
24) Water Meter Program Maintenance.....	25,000
25) Telephone Service	150,000
26) Cellular Phone Service	85,000
27) Janitorial Services.....	15,000
28) Laundry Service-Police Department	12,000
29) HVAC Maintenance	65,000
30) Elevator Maintenance	25,000
31) Fire Alarm Maintenance	50,000
32) Copier Maintenance Service.....	25,000

33) Postage, Mailing Services, Equipment Lease/Maintenance	250,000
34) Rental and Laundry of Uniforms	12,000
35) Advertising	25,500
36) Printing Services	115,000
37) CRIS/LEADS Fees	35,000
38) Parking Citation Billing Service	50,000
39) Fireworks Display	35,000
40) Transportation Services	35,000
Sub-Total	\$9,845,500

Materials, supplies, and equipment authorized for purchase under the 2015 Budget are as follows:

1) Sand and Aggregate	30,000
2) Concrete Supplies	50,000
3) Asphalt Materials	50,000
4) Asphalt Cold Patch	25,000
5) Crack Sealant	40,000
6) Road Salt (Sodium Chloride)	200,000
7) Fire Hydrants, Sewer and Water Appurtenances	100,000
8) Water Meter Supplies & Materials	75,000
9) Sign Shop-Supplies, Blanks & Reflective Material	100,000
10) Polymer Flocculants	18,000
11) Wastewater Treatment Chemicals	120,000
12) Tires and Road Service	80,000
13) Automotive Repairs, Parts and Supplies	500,000
14) Oil and Lubricants	40,000
15) Fuel (Gasoline and Diesel)	750,000
16) Purchase of Uniforms and Gear	40,000
17) Electrical Supplies	30,000
18) Hardware Supplies	35,000
19) Janitorial Supplies	45,000
20) Landscape Materials	25,000
21) Lumber Supplies	90,000
22) Plumbing Supplies	40,000
23) Pool Supplies – Chemicals	45,000
24) Small Tools and Equipment	110,000
25) Prisoner Food Supplies	40,000
26) Purchase Uniforms & Gear – Safety Forces	60,000
27) Ammunition	25,000
28) Office Supplies	35,000
29) Computer Supplies	10,000
30) Computer Software	10,000
31) Communications Equipment	75,000
32) Paper Supplies	20,000
33) Lease Copier Equipment	35,000
34) Subscriptions/Publications	35,000
35) Reforestation	115,000
36) Police Operating Equipment	60,000
37) Fire/EMS Operating Equipment	200,000
38) Waste Water Treatment Plant Operating Equipment	150,000
Sub-Total	\$3,508,000
Total	\$14,739,000

is hereby amended to read:

Section 1. That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager be and are hereby authorized and directed to enter into a contract or contracts for supplies, services and equipment with the lowest and best bidder or bidders or as otherwise provided by law, as follows:

Professional services contracts included in the 2015 Budget are as follows:

1) Legal Services	300,000
2) Recodification of Ordinances	12,500
3) Financial Audit	75,000
4) Hospitalization and Health Care Benefit Consulting Services	45,000
5) Consultant for Workers Compensation	40,000
6) Risk Management Consulting Services	13,000
7) Healthcare, Physicals, Drug & Alcohol Testing	20,000
8) Employee Assistance Program	10,000
9) Supervisor / Manager / Employee Training	125,000
10) Exams for Classified Positions	75,000
11) Housing and Building Plans Examinations	25,000
12) Lakewood Jail Medical Services	75,000
13) Band Concerts	15,000
14) Municipal Engineering Consultant	60,000
15) Debt Issuance Costs	75,000
16) Forensic Services	10,000
17) Long Term Control Plan and Storm Water Professional Services	300,000
18) Administrative Professional Services	125,000

Sub-Total\$1,400,500

Services contracts included in the 2015 Budget are as follows:

1) Government Agreements (WEB).....	100,000
2) Government Agreements (Bd of Ed/ Pools)	210,000
3) Financial Institution Service Charges	50,000
4) Electronic Payment Services	150,000
5) Property & Liability Insurance Contracts	450,000
6) Workers' Comp Stop Loss Insurance	85,000
7) Life Insurance	25,000
8) Hospitalization and Health Care Benefit Services	5,500,000
9) Medical Claims Billing Service	100,000
10) Sentenced Prisoners Full Jail Service	300,000
11) Home Delivered Meals	45,000
12) Distribution System Leak Survey	30,000
13) Disposal of Screenings and Grit (WWTP)	13,000
14) Excavation Spoils Removal.....	100,000
15) Roll of Box for Street Sweeping.....	50,000
16) Solid Waste Disposal Site.....	900,000
17) Waste Collections – Condominiums.....	90,000
18) Biosolids Disposal.....	90,000
19) Roll-Off Box for Construction Debris	60,000
20) Equipment Lease - Leaf Collection Project	15,000
21) Lab Analysis Service	25,000

22) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts	350,000
23) Communications Services	100,000
24) Water Meter Program Maintenance	25,000
25) Telephone Service	150,000
26) Cellular Phone Service	85,000
27) Janitorial Services.....	15,000
28) Laundry Service-Police Department.....	12,000
29) HVAC Maintenance	65,000
30) Elevator Maintenance	25,000
31) Fire Alarm Maintenance	50,000
32) Copier Maintenance Service	25,000
33) Postage, Mailing Services, Equipment Lease/Maintenance.....	250,000
34) Rental and Laundry of Uniforms	12,000
35) Advertising	35,000
36) Printing Services.....	115,000
37) CRIS/LEADS Fees	35,000
38) Parking Citation Billing Service	50,000
39) Fireworks Display.....	35,000
40) Transportation Services	35,000
Sub-Total	\$9,857,000

Materials, supplies, and equipment authorized for purchase under the 2015 Budget are as follows:

1) Sand and Aggregate.....	30,000
2) Concrete Supplies	50,000
3) Asphalt Materials.....	50,000
4) Asphalt Cold Patch	25,000
5) Crack Sealant.....	40,000
6) Road Salt (Sodium Chloride).....	350,000
7) Fire Hydrants, Sewer and Water Appurtenances	100,000
8) Water Meter Supplies & Materials	75,000
9) Sign Shop-Supplies, Blanks & Reflective Material	100,000
10) Polymer Flocculants	18,000
11) Wastewater Treatment Chemicals	120,000
12) Tires and Road Service.....	80,000
13) Automotive Repairs, Parts and Supplies.....	500,000
14) Oil and Lubricants	40,000
15) Fuel (Gasoline and Diesel)	750,000
16) Purchase of Uniforms and Gear.....	40,000
17) Electrical Supplies	30,000
18) Hardware Supplies.....	35,000
19) Janitorial Supplies	45,000
20) Landscape Materials	25,000
21) Lumber Supplies.....	90,000
22) Plumbing Supplies	40,000
23) Pool Supplies – Chemicals	45,000
24) Small Tools and Equipment.....	110,000
25) Prisoner Food Supplies.....	40,000
26) Purchase Uniforms & Gear – Safety Forces	60,000
27) Ammunition.....	25,000
28) Office Supplies	35,000
29) Computer Supplies	10,000
30) Computer Software	10,000
31) Communications Equipment.....	75,000

32) Paper Supplies	20,000
33) Lease Copier Equipment.....	35,000
34) Subscriptions/Publications.....	35,000
35) Reforestation.....	115,000
36) Police Operating Equipment.....	60,000
37) Fire/EMS Operating Equipment	200,000
38) Waste Water Treatment Plant Operating Equipment	150,000
Sub-Total	\$3,658,000
Total	\$14,915,500

Section 2. Contracts for supplies, services and equipment in excess of \$7,500 and for professional services in excess of \$5,000 shall not be awarded except as approved herein or further approved by Resolution of Council.

Section 3. It is 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 such 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 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor



12650 Detroit Avenue • 44107
Timothy J. Malley Chief of Police

Division of Police
216-529-6750
FAX 216-521-7727
www.onelakewood.com

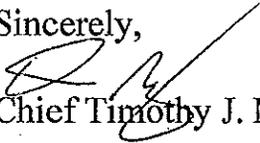
March 16, 2015

Lakewood City Council
12650 Detroit Ave.
Lakewood Ohio 44107

Dear Members of Council;

Pursuant to LCO 111.14 I am notifying you of our acceptance of funds. The Lakewood Police Department has been awarded a grant for \$8,000 from the Edward Byrne Memorial Grant through the Federal Bureau of Justice Assistance and the Ohio Justice Services Office. This grant is for the use of overtime hours to continue to operate the Special Assignment Car during our summer months. The Special Assignment Car runs from April to September by assigning off duty officer to patrol our city parks on a nightly basis. We are required to post a matching amount of \$888.89. I would request passage of this resolution tonight as there is a short turnaround time on the application paperwork.

Sincerely,


Chief Timothy J. Malley

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor (Director of Public Safety), to enter into an agreement to accept a grant from the Federal Bureau of Justice Services through the Ohio Criminal Justice Services Office in the amount of \$8,000 and requiring a match by the City of Lakewood in the amount of \$888.89.

WHEREAS, the U.S. Department of Justice has identified Lakewood Police Department as a jurisdiction eligible for funding under this grant; and

WHEREAS, the funding specifies that monies be used for law enforcement programs and may be used for the purchase of equipment used directly by law enforcement to reduce crime; and

WHEREAS, these funds will be used to staff special assignment cars and patrolling Lakewood's parks from April through September; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that this agreement is necessary to purchase vital equipment necessary for public safety services in the City of Lakewood; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor (Director of Public Safety), is hereby authorized to enter into an agreement to accept a grant from the Federal Bureau of Justice Services through the Ohio Criminal Justice Services Office in the amount of \$8,000 and requiring a match by the City of Lakewood in the amount of \$888.89.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such deliberation of the Council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council.

cil, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



DEPARTMENT OF PLANNING & DEVELOPMENT
DRU SILEY, DIRECTOR

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5936
www.onelakewood.com/development

March 16, 2015

Lakewood City Council
Lakewood, OH 44107

RE: 14823 Lake Ave. & 14818 Clifton Blvd. – Rezoning

Dear Members of Council:

Following this letter is an ordinance rezoning a 25 ft. x 60 ft. portion of the parcel at 14823 Lake Avenue (PPN 312-15-022) from R1H (Single Family High Density) to R2 (Single and Two Family). The rezoning will take place after the said portion of parcel is split from 14823 Lake Avenue in order to consolidate with 14818 Clifton Blvd (PPN 312-15-023). The rezoning is necessary to match the zoning of 14818 Clifton Blvd.

As you will see from the attached map, the 25 ft. x 60 ft. piece of 14823 Lake Avenue property is where the driveway and garage are located for the single family home. A new garage and driveway will be constructed on the resulting parcel to serve 14823 Lake Avenue. The new land consolidated with 14818 Clifton Blvd will be utilized to provide 6 additional parking spaces for the apartment building. The apartment building is currently underserved by parking, these additional spaces will not completely satisfy this need, but it will alleviate some of the burden for on-street parking in the area.

Please refer the ordinance to the Planning Commission for a review and recommendation.

Sincerely,

Dru Siley, Director

ORDINANCE NO.

BY:

AN ORDINANCE amending Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as a portion of 14823 Lake Avenue from (PPN 312-15-022) R1H (Single Family, High Density) to R2 (Single and Two Family).

WHEREAS, it is necessary and desirable to rezone certain parcels of land in the City for the consolidation with the property at 14818 Clifton Boulevard (PPN312-15-023) as detailed on Exhibit A, attached hereto; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood be and the same is hereby amended by changing and revising the Zoning Map of the City from R1H (Single Family, High Density) to R2 (Single and Two Family) for the following property:

14823 Lake Road, Lakewood, Ohio
(Legal description to be provided)
Permanent Parcel Number 312-15-022

Section 2. The Director of Planning and Development is hereby authorized and directed to make the reclassification change on the zoning map of the City of Lakewood, Ohio, in order to reflect the amendment designated in Section 1 of this ordinance.

Section 3. It is 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 such 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.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR



DEPARTMENT OF PLANNING & DEVELOPMENT
DRU SILEY, DIRECTOR

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5936
www.onelakewood.com/development

March 16, 2015

Lakewood City Council
Lakewood, OH 44107

RE: Zoning Code – Roof Height and Set Back Updates

Dear Members of Council:

Attached is a resolution to amend two parts of the Zoning Code. The first is an amendment to the side yard setback requirements for air conditioning units, and the second is an amendment to the determination of building height.

In 2012 Kyle Krewson, Vice Chair of the Planning Commission, conducted an analysis of the Zoning Ordinances in Lakewood as part of a thesis paper at the Levin College of Urban Affairs at Cleveland State University. The purpose of the report is to provide a look into a handful of Lakewood zoning codes that warrant an in depth analysis on their present-day relevancy based on the frequency at which variances are requested by land owners. Using a statistical based approach, Kyle determined the top two requests, 31% over 2 years, were for garage height and air conditioners placed within the side yard setback.

This discussion will help us to evaluate Lakewood's Zoning Code and propose modifications to improve efficiency of government, in addition to making a positive impact on our residents.

Please refer the ordinance to the Planning Commission for a review and recommendation.

Sincerely,

Dru Siley
Director

ORDINANCE NO.

BY:

AN ORDINANCE amending Sections 1121.07, Minimum Yard Requirements for Principal Buildings, 1123.07, Minimum Yard Requirements for Principal Buildings, and 1127.07 Minimum Yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood to adjust the necessary variance required for air conditioning units located in a side yard.

WHEREAS, traditionally there are a large number of variance requests related to the placement of air conditioning compressors in the side yard; and

WHEREAS, while air conditioning compressors meet the definition of a "structure" within the zoning code and are therefore subject to the set off requirements, it is not likely that compressors were contemplated when the code was drafted; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1121.07, Minimum Yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood currently reading as follows:

1121.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R1L, R1M, and R1H Single-Family Districts each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1121.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1121.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

shall be and is hereby amended as follows:

1121.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R1L, R1M, and R1H Single-Family Districts each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1121.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. An air conditioning unit with a ANSI/AHRI sound rating of less than 70 db shall be excluded from the side yard

setback, provided that the unit is placed no more than 24 inches from the property line or 48 inches from an adjoining property's driveway, the unit is entirely serviceable without needing to enter onto the adjoining property, and year-round vegetative screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1121.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

Section 2. Section 1123.07, Minimum Yard Requirements for Principal Building of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1123.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R2 District each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1123.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1123.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

shall be and is hereby amended to read as follows:

1123.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R2 District each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1123.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. An air conditioning unit with a ANSI/AHRI sound rating of less than 70 db shall be excluded from the side yard setback, provided that the unit is placed no more than 24 inches from the property line or 48 inches from an adjoining property's driveway, the unit is entirely serviceable without needing to enter onto the adjoining property, and year-round vegetative screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1123.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

Section 3. Section 1127.07 Minimum Yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1127.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the ML and MH Multiple-Family Residential Districts each lot shall maintain the minimum front, side, and rear yard specified in Schedule 1127.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1127.07, an addition may be constructed

provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

shall be and is hereby amended to read as follows:

1127.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the ML and MH Multiple-Family Residential Districts each lot shall maintain the minimum front, side, and rear yard specified in Schedule 1127.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. An air conditioning unit with a ANSI/AHRI sound rating of less than 70 db shall be excluded from the side yard setback, provided that the unit is placed no more than 24 inches from the property line or 48 inches from an adjoining property's driveway, the unit is entirely serviceable without needing to enter onto the adjoining property, and year-round vegetative screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1127.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

Section 4. It is 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 such 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.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR

ORDINANCE NO.

BY:

AN ORDINANCE to amend Sections 1103.02 Definitions, and 1133.07 Measurement of Building Height, of the Codified Ordinances of the City of Lakewood to further define roof height within the code.

WHEREAS, a large number of variances are requested each year for the roof height when new garages are being constructed; and

WHEREAS, a full review of the zoning code revealed that there is room for interpretation of the roof height and how it can be applied; and

WHEREAS, further defining roof height and how it is measured will eliminate the possibility for interpretation and allow the standard to be applied clearly and consistently; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1103.02 Definitions, of the Codified Ordinances of the City of Lakewood currently reading as follows:

1103.02 DEFINITIONS.

...

- (q) BUILDING HEIGHT means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

...

shall be and is hereby amended to read as follows:

1103.02 DEFINITIONS.

...

- (q) BUILDING HEIGHT means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between the bottom of the eaves and the top of the ridge for gable, hip and gambrel roofs.

Section 2. Section 1133.07 Measurement of Building Height, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1133.07 MEASUREMENT OF BUILDING HEIGHT.

- (a) The height of any structure shall be measured from the mean curb level, as determined by the Commissioner; the height of any building shall be measured from the as-determined mean curb level to the highest point of the roof or, where structures extend in whole or in part above the roof, to the highest point of such structure, exclusive of television antennas, chimneys, and/or air conditioning equipment.
- (b) Where unique site conditions exist, the Commissioner may measure the height of any structure from a point on the lot not less than three (3) feet from the foundation wall of a building, or footer or base of a structure.

shall be and is hereby amended to read as follows:

1133.07 MEASUREMENT OF BUILDING HEIGHT.

- (a) The height of any structure shall be measured from the mean curb level, as determined by the Commissioner; the height of any building shall be measured from the as-determined mean curb level to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between the bottom of the eaves and the top of the ridge for gable, hip and gambrel roofs; or, where structures extend in whole or in part above the roof, to the highest point of such structure, exclusive of television antennas, chimneys, and/or air conditioning equipment.
- (b) Where unique site conditions exist, the Commissioner may measure the height of any structure from a point on the lot not less than three (3) feet from the foundation wall of a building, or footer or base of a structure.

Section 3. It is 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 such 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.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR



DEPARTMENT OF PLANNING & DEVELOPMENT
DRU SILEY, DIRECTOR

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www.onelakewood.com/development

March 16, 2015

Lakewood City Council
Lakewood, OH 44107

RE: Zoning Code – Changes to Outdoor Dining Regulations

Dear Members of Council:

Attached is a resolution to amend a section in Chapter 1161, Conditional Uses, of the Zoning Code related to outdoor dining, as recommended by Planning Commission.

The first change is a modification to the language that currently requires a restaurant to carry a valid food vendor's license. 16 Bit Bar is a primary example of a successful retail business operation in Lakewood that does not meet this requirement, but relies on outdoor dining space to appeal to its customer base. The Commission modified the language to remain flexible but still dining as a primary component of any outdoor dining application.

The second change will allow for businesses with outdoor dining entirely on private property to operate year round, at the discretion of the Planning Commission.

Planning Commission reviewed and recommended both changes at its meeting on March 5th.

Sincerely,

Dru Siley
Director

ORDINANCE NO.

BY:

AN ORDINANCE amending Section 1161.03(t), Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood to allow outdoor dining year round where the patio is located fully on private property.

WHEREAS, the Planning Commission, in reviewing approval of any outdoor dining application under Chapter 1161, must consider impacts of any outdoor dining facility and balance those in relation to neighboring properties and land uses; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1161.03(t), Supplemental Regulations for Specific Users, of the Codified Ordinances of the City of Lakewood currently reading as follows:

1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES

...

- (t) Outdoor/Seasonal Dining Facility. Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, ML and MH Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any successors or assigns, an "Applicant") may be permitted to operate an Outdoor/Seasonal Dining Facility as a conditionally permitted accessory use subject to the following:
 - (1) Upon the Applicant's application, filed with the Director of Planning (as used in this section, the "Director"), the Outdoor/Seasonal Dining Facility design shall be reviewed and approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code. The Outdoor/Seasonal Dining Facility should be attractive and in accordance with the Architectural Board of Review's Outdoor Dining Design Guidelines and should promote pedestrian safety and a retail friendly atmosphere. The Applicant must comply with all applicable city, state and federal laws and regulations at all times. Applications for the Outdoor/Seasonal Dining Facility conditional use permit shall include the following items:
 - A. A completed and signed Outdoor/Seasonal Dining Facility conditional use permit application form;
 - B. A written description of the proposal and photographs of the area to be occupied by the proposed outdoor dining area;

- C. A detailed, labeled and scaled site plan and elevations of the location of the outdoor dining area, number and arrangement of tables and chairs, barriers, means of ingress and egress, sidewalk, above-ground utilities and any other sidewalk obstruction, parking and planter areas;
- D. Manufacturer's information and cut sheets on all proposed tables, chairs, barriers, lighting and accessory furniture;
- E. A signed statement by the owner of the building confirming the ownership of the building and, if the owner is not the Applicant, granting permission to the Applicant to pursue the conditional use permit;
- F. A detailed description of the type of food and beverage served at the establishment;
- G. When applicable, a copy of the Applicant's liquor permit and any other documentation giving the Applicant permission to serve alcohol;
- H. Copies of all required Cuyahoga County Board of Health documentation necessary to operate the facility; and
- I. Any additional documents reasonably deemed necessary by the Director.

Incomplete applications or applications deemed insufficient by the Director will not be accepted for review.

- (2) The Outdoor/Seasonal Dining Facility shall be located directly adjacent to the lawfully operating Restaurant Use with a valid food vendor's license and be directly under Applicant's control. The Outdoor/Seasonal Dining Facility may be located immediately adjacent to the front of the Restaurant Use, on the side or rear of the Restaurant Use or as approved by the Planning Commission.
- (3) The floor space of the Outdoor/Seasonal Dining Facility and any walkway connecting such facility with the Restaurant Use and the parking lot or any public or private sidewalk shall be constructed of an approved hard surface material.
- (4) The Applicant must keep the Outdoor/Seasonal Dining Facility sanitary, neat and clean at all times, free from accumulation of food, litter, snow, ice and other potentially dangerous or unsanitary matter.
- (5) The Outdoor/Seasonal Dining Facility must be in compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (as used in this section, the "ADA"), and at a minimum allow for 5 feet of continuous pedestrian access along the public sidewalk free from all obstruction, and must not create any pedestrian hazards.
- (6) An Applicant whose Restaurant Use is at an intersection of public streets shall not locate the Outdoor/Seasonal Dining Facility in a manner that will impede vehicular sight distance at that intersection. Setbacks from the intersection for the outdoor dining area will be

determined by the Planning Commission on an individual basis specific to individual site conditions after review and recommendation by the Director, Building Commissioner, Police Chief and Fire Chief.

- (7) The total number of seats for the Outdoor/Seasonal Dining Facility shall not exceed 25% of the maximum number of previously approved indoor seats for the Restaurant Use. The final number of seats for the Outdoor/Seasonal Dining Facility will be determined by the Planning Commission upon review of the amount of space available, the ADA and the Building Code.
- (8) Applicants who serve alcoholic beverages as part of their Restaurant Use must meet all requirements of the Ohio Department of Commerce, Division of Liquor Control, and the following standards:
 - A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.
 - B. The Outdoor/Seasonal Dining Facility must be enclosed with a sturdy barrier in compliance with the Building Code, the ADA, the Outdoor Dining Design Guidelines and any additional directives of the Chief of Police. Said barrier shall not be less than 36 inches in height and shall clearly designate the area where food and/or beverages shall be permitted to be served and consumed.
 - C. The entrance to the Outdoor/Seasonal Dining Facility must be easily recognizable and adjacent to or as close to a publicly used door of the Restaurant Use as is commercially practicable in the Planning Commission's determination.
 - D. Food Service, as defined in Section 1103.02 of this Code, shall be offered at all times when alcoholic beverages are served in the Outdoor/Seasonal Dining Facility.
 - E. Applicants shall not permit customers to carry alcoholic beverages from the Outdoor/Seasonal Dining Facility to any place outside the Outdoor/Seasonal Dining Facility except the adjacent Restaurant Use, and the facility shall be designed in a way so as to maintain compliance with this provision.
- (9) Applicants who do not serve alcoholic beverages as part of their Restaurant Use must meet the following standards:
 - A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement

approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.

B. A barrier on some or all sides of the Outdoor/Seasonal Dining Facility may be required. The Planning Commission will make a determination as to the extent and location of a barrier necessary for the Outdoor/Seasonal Dining Facility. Any such barrier shall be in accordance with the Outdoor Dining Design Guidelines.

- (10) The Outdoor/Seasonal Dining Facility must have adequate illumination during evening hours in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties.
- (11) Buffering with landscaping or fencing of the Outdoor/Seasonal Dining Facility, if the facility is adjacent to residential or sensitive uses, may be required. Buffering requirements will be determined by the Planning Commission and shall be in accordance with the Outdoor Dining Design Guidelines.
- (12) An Outdoor/Seasonal Dining Facility need not require additional off-street parking unless the Planning Commission determines otherwise, or unless the Outdoor/Seasonal Dining Facility creates an overflow parking problem on adjacent public streets. Should a parking problem arise due to the Outdoor/Seasonal Dining Facility, the Director shall require the Applicant to make provisions for sufficient off-street parking on nearby non-residential properties.
- (13) Furniture and enclosures located within the Outdoor/Seasonal Dining Facility may not be stored on the public right-of-way and must be removed entirely from the right-of-way between October 31 and March 31. All furniture and fixtures used in an Outdoor/Seasonal Dining Facility in the public right-of-way must be readily removable without damage to the surface of the right-of-way and may only remain in the public right-of-way outside hours of operation with prior approval of the Planning Commission.
- (14) An Outdoor/Seasonal Dining Facility shall operate only between the hours of 11:00 a.m. and 10:00 p.m. Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday, only between the months of April through and inclusive of October. The limitations set forth herein, and any additional limitations placed on hours of operation as may be determined by the Planning Commission, are designed to assure adequate peace, quiet and serenity in the evening and morning hours during which residents of the City are entitled to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas.

- (15) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device, shall only be permitted in an Outdoor/Seasonal Dining Facility pursuant to Chapter 515 of the Ordinances of the City. The Planning Commission may prohibit or provide for other restrictions and conditions related to such entertainment as it deems necessary to protect the surrounding neighborhood.
- (16) The Outdoor/Seasonal Dining Facility shall comply with the requirements of the state smoking and tobacco use laws.
- (17) The Director may require adjustments, after approval of the Planning Commission, to the layout, dimensions, or distance from the property line of any Outdoor/Seasonal Dining Facility in order to ensure pedestrian safety and a retail-friendly atmosphere.
- (18) Notwithstanding anything in this Chapter or Section to the contrary, any Outdoor/Seasonal Dining Facility conditional use permit application shall be heard by the Planning Commission and, if approved, shall expire 12 months from the date of issuance. Subsequent renewal of the conditional use permit may be made administratively by the Director if no significant modifications to the conditions of the permit have been proposed and no violations of the Code have been determined. Determination of renewal status is at the discretion of the Director. Renewal applications must be submitted in writing at least 30 days prior to expiration of permit. The conditional use permit for an Outdoor/Seasonal Dining Facility is non-transferable.
- (19) Notwithstanding anything in this Chapter or Section to the contrary, any conditional use permit granted for the Outdoor/Seasonal Dining Facility may be revoked by the Planning Commission after referral to the Planning Commission by the Director and a public hearing. Notice of such hearing shall be sent to the Applicant and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested. The Director shall have the authority to cancel a Use of Public Property Agreement upon 30 days' written notice. Once a notice of cancellation of the Use of Public Property Agreement has been issued, the owner of the restaurant has 5 business days to remove any portion of the Outdoor/Seasonal Dining Facility that is in the public right-of-way and restore the public right-of-way to the condition in which it existed prior to the creation of the Outdoor/Seasonal Dining Facility.

...

shall be and is hereby amended to read as follows:

1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES

...

- (t) Outdoor/Seasonal Dining Facility. Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, ML and MH

Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any successors or assigns, an "Applicant") may be permitted to operate an Outdoor/Seasonal Dining Facility as a conditionally permitted accessory use subject to the following:

- (1) Upon the Applicant's application, filed with the Director of Planning (as used in this section, the "Director"), the Outdoor/Seasonal Dining Facility design shall be reviewed and approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code. The Outdoor/Seasonal Dining Facility should be attractive and in accordance with the Architectural Board of Review's Outdoor Dining Design Guidelines and should promote pedestrian safety and a retail friendly atmosphere. The Applicant must comply with all applicable city, state and federal laws and regulations at all times. Applications for the Outdoor/Seasonal Dining Facility conditional use permit shall include the following items:
 - A. A completed and signed Outdoor/Seasonal Dining Facility conditional use permit application form;
 - B. A written description of the proposal and photographs of the area to be occupied by the proposed outdoor dining area;
 - C. A detailed, labeled and scaled site plan and elevations of the location of the outdoor dining area, number and arrangement of tables and chairs, barriers, means of ingress and egress, sidewalk, above-ground utilities and any other sidewalk obstruction, parking and planter areas;
 - D. Manufacturer's information and cut sheets on all proposed tables, chairs, barriers, lighting and accessory furniture;
 - E. A signed statement by the owner of the building confirming the ownership of the building and, if the owner is not the Applicant, granting permission to the Applicant to pursue the conditional use permit;
 - F. A detailed description of the type of food and beverage served at the establishment;
 - G. When applicable, a copy of the Applicant's liquor permit and any other documentation giving the Applicant permission to serve alcohol;
 - H. Copies of all required Cuyahoga County Board of Health documentation necessary to operate the facility; and
 - I. Any additional documents reasonably deemed necessary by the Director.

Incomplete applications or applications deemed insufficient by the Director will not be accepted for review.

- (2) The Outdoor/Seasonal Dining Facility shall be located directly adjacent to the lawfully operating Restaurant Use and primarily used for dining with a valid food vendor's license and be directly under

~~Applicant's control.~~ The Outdoor/Seasonal Dining Facility may be located immediately adjacent to the front of the Restaurant Use, on the side or rear of the Restaurant Use or as approved by the Planning Commission.

- (3) The floor space of the Outdoor/Seasonal Dining Facility and any walkway connecting such facility with the Restaurant Use and the parking lot or any public or private sidewalk shall be constructed of an approved hard surface material.
- (4) The Applicant must keep the Outdoor/Seasonal Dining Facility sanitary, neat and clean at all times, free from accumulation of food, litter, snow, ice and other potentially dangerous or unsanitary matter.
- (5) The Outdoor/Seasonal Dining Facility must be in compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (as used in this section, the "ADA"), and at a minimum allow for 5 feet of continuous pedestrian access along the public sidewalk free from all obstruction, and must not create any pedestrian hazards.
- (6) An Applicant whose Restaurant Use is at an intersection of public streets shall not locate the Outdoor/Seasonal Dining Facility in a manner that will impede vehicular sight distance at that intersection. Setbacks from the intersection for the outdoor dining area will be determined by the Planning Commission on an individual basis specific to individual site conditions after review and recommendation by the Director, Building Commissioner, Police Chief and Fire Chief.
- (7) The total number of seats for the Outdoor/Seasonal Dining Facility shall not exceed 25% of the maximum number of previously approved indoor seats for the Restaurant Use. The final number of seats for the Outdoor/Seasonal Dining Facility will be determined by the Planning Commission upon review of the amount of space available, the ADA and the Building Code.
- (8) Applicants who serve alcoholic beverages as part of their Restaurant Use must meet all requirements of the Ohio Department of Commerce, Division of Liquor Control, and the following standards:
 - A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.
 - B. The Outdoor/Seasonal Dining Facility must be enclosed with a sturdy barrier in compliance with the Building Code, the ADA, the Outdoor Dining Design Guidelines and any additional directives of the Chief of Police. Said barrier shall not be less than 36 inches in

height and shall clearly designate the area where food and/or beverages shall be permitted to be served and consumed.

- C. The entrance to the Outdoor/Seasonal Dining Facility must be easily recognizable and adjacent to or as close to a publicly used door of the Restaurant Use as is commercially practicable in the Planning Commission's determination.
 - D. Food Service, as defined in Section 1103.02 of this Code, shall be offered at all times when alcoholic beverages are served in the Outdoor/Seasonal Dining Facility.
 - E. Applicants shall not permit customers to carry alcoholic beverages from the Outdoor/Seasonal Dining Facility to any place outside the Outdoor/Seasonal Dining Facility except the adjacent Restaurant Use, and the facility shall be designed in a way so as to maintain compliance with this provision.
- (9) Applicants who do not serve alcoholic beverages as part of their Restaurant Use must meet the following standards:
- A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.
 - B. A barrier on some or all sides of the Outdoor/Seasonal Dining Facility may be required. The Planning Commission will make a determination as to the extent and location of a barrier necessary for the Outdoor/Seasonal Dining Facility. Any such barrier shall be in accordance with the Outdoor Dining Design Guidelines.
- (10) The Outdoor/Seasonal Dining Facility must have adequate illumination during evening hours in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties.
- (11) Buffering with landscaping or fencing of the Outdoor/Seasonal Dining Facility, if the facility is adjacent to residential or sensitive uses, may be required. Buffering requirements will be determined by the Planning Commission and shall be in accordance with the Outdoor Dining Design Guidelines.
- (12) An Outdoor/Seasonal Dining Facility need not require additional off-street parking unless the Planning Commission determines otherwise, or unless the Outdoor/Seasonal Dining Facility creates an overflow parking problem on adjacent public streets. Should a parking problem

arise due to the Outdoor/Seasonal Dining Facility, the Director shall require the Applicant to make provisions for sufficient off-street parking on nearby non-residential properties.

- (13) Furniture and enclosures located within the Outdoor/Seasonal Dining Facility may not be stored on the public right-of-way and must be removed entirely from the right-of-way between October 31 and March 31. All furniture and fixtures used in an Outdoor/Seasonal Dining Facility in the public right-of-way must be readily removable without damage to the surface of the right-of-way and may only remain in the public right-of-way outside hours of operation with prior approval of the Planning Commission.
- (14) An Outdoor/Seasonal Dining Facility shall operate only between the hours of 11:00 a.m. and 10:00 p.m. Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday, only between the months of April through and inclusive of October. Where the Outdoor/Seasonal Dining Facility is located entirely on private property, it may be permitted to operate year-round upon approval of the Planning Commission. The limitations set forth herein, and any additional limitations placed on hours of operation as may be determined by the Planning Commission, are designed to assure adequate peace, quiet and serenity in the evening and morning hours during which residents of the City are entitled to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas. The Planning Commission may temporarily extend the hours and dates of operation of any Outdoor/Seasonal Dining Facility where the Outdoor/Seasonal Dining Facility is located within the footprint of a special event that is either sponsored by the City or permitted under the Codified Ordinances.
- (15) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device, shall only be permitted in an Outdoor/Seasonal Dining Facility pursuant to Chapter 515 of the Ordinances of the City. The Planning Commission may prohibit or provide for other restrictions and conditions related to such entertainment as it deems necessary to protect the surrounding neighborhood.
- (16) The Outdoor/Seasonal Dining Facility shall comply with the requirements of the state smoking and tobacco use laws.
- (17) The Director may require adjustments, after approval of the Planning Commission, to the layout, dimensions, or distance from the property line of any Outdoor/Seasonal Dining Facility in order to ensure pedestrian safety and a retail-friendly atmosphere.
- (18) Notwithstanding anything in this Chapter or Section to the contrary, any Outdoor/Seasonal Dining Facility conditional use permit application shall be heard by the Planning Commission and, if approved, shall expire 12 months from the date of issuance. Subsequent renewal of the conditional use permit may be made administratively by the Director if no significant modifications to the conditions of the permit have been proposed and no violations of the Code have been determined. Determination of renewal status is at the discretion of the

Director. Renewal applications must be submitted in writing at least 30 days prior to expiration of permit. The conditional use permit for an Outdoor/Seasonal Dining Facility is non-transferable.

(19) Notwithstanding anything in this Chapter or Section to the contrary, any conditional use permit granted for the Outdoor/Seasonal Dining Facility may be revoked by the Planning Commission after referral to the Planning Commission by the Director and a public hearing. Notice of such hearing shall be sent to the Applicant and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested. The Director shall have the authority to cancel a Use of Public Property Agreement upon 30 days' written notice. Once a notice of cancellation of the Use of Public Property Agreement has been issued, the owner of the restaurant has 5 business days to remove any portion of the Outdoor/Seasonal Dining Facility that is in the public right-of-way and restore the public right-of-way to the condition in which it existed prior to the creation of the Outdoor/Seasonal Dining Facility.

...

Section 2. The Director of Planning and Development is hereby authorized and directed to make the reclassification change on the zoning map of the City of Lakewood, Ohio, in order to reflect the amendment designated in Section 1 of this ordinance.

Section 3. It is 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 such 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.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR



**LAW DEPARTMENT
OFFICE OF PROSECUTION**

12650 Detroit Avenue, Lakewood, Ohio 44107
(216) 529-6030 | Fax (216) 228-2514
www.onelakewood.com
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KEVIN M. BUTLER
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LAW DIRECTOR

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ASSISTANT PROSECUTOR/
ASSISTANT LAW DIRECTOR

March 16, 2015

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

**Re: Resolutions permitting the formulation of a design-build project
delivery system for two 2015 public works projects**

Dear Members of Council:

In 2011 and 2012 state code changed in a way that opened the door for municipalities to employ new project delivery systems for public works projects. Traditionally, Lakewood has used the "design-bid-build" system, which requires the city first to hire a professional to design a project, and next to award the construction work for the designed project under our system of competitive bidding. That process can be cumbersome, costly and too-time-consuming when complex projects involve expected design changes while construction is underway.

Lakewood must perform two public works projects in 2015 that demand more fluidity in their design and construction. The first involves expensive digester upgrades and electrical power generation at the wastewater plant, and the second involves corrections to affected residents' sewer systems as part of the western Lakewood clean-water pilot project already underway. With these improvements comes the opportunity to employ a more nimble, less costly and quicker project delivery method known as "design-build," under which the city receives both design and construction services under one contract.

The resolutions that follow this letter permit the city, on a limited basis only for these projects, to create a public request-for-proposal process at the conclusion of which you would be asked to approve the final design-build contracts for each project. I would ask that the legislation be referred to an appropriate committee for further evaluation and discussion.

Very truly yours,

Kevin M. Butler

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and /or the Purchasing Manager to establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for design and construction of digester upgrades and an electrical generation system at the wastewater treatment plant without the necessity of competitive bidding; and exempting the City from certain provisions within the Ohio Revised Code related to design-build contracting for the purposes of this project.

WHEREAS, Lakewood has traditionally contracted for public works improvements using the design-bid-build project delivery system, with construction contracts let under the City's competitive-bidding regulations; and

WHEREAS, Ohio law changed substantially in 2011 and 2012, and many new project delivery systems, such as design-build, are now available to cities; and

WHEREAS, newer project delivery models may result in efficiencies in the contracting process and substantial cost savings, but cannot be used by following traditional competitive-bidding regulations; and

WHEREAS, Section 111.04 of the Codified Ordinances permits exceptions to competitive bidding under certain circumstances, including for contracts involving professional or technical services; contracts with construction managers; contracts which may be awarded without competitive bidding under state statutes; and contracts where Council determines that it is either impractical to award the contract under competitive bidding procedures, or cost-effective and in the best interests of the City to award the contract without competitive bidding; and

WHEREAS, it is in the City's best financial interest to employ the design-build project delivery system for a planned improvement to the wastewater treatment plant, and to exempt the City from state design-build statutes and rules using its home-rule authority; and

WHEREAS, all contracts not specifically excepted by ordinance must be approved by Council pursuant to Section 111.02 of the Codified Ordinances; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that the City wishes to create the design-build delivery model for this project so it may occur in 2015; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and /or the Purchasing Manager may establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for the design and construction of digester upgrades and an electrical generation system at the wastewater treatment plant under the design-build project delivery system without the necessity of competitive bidding.

Section 2. Council shall approve the final award of contract(s) related to this project and the final form of the contract(s).

Section 3. As a home-rule charter City, the City shall not be obligated to follow Ohio statutory procedures regarding contracting for this project including, but not limited to, R.C. §§ 7.12, 9.31, 9.311, 9.312, 9.313, 9.315, 9.32, 9.33 through 9.335, 153.12-.14, 153.50-.52, 153.54, 153.56, 153.57, 153.571, 153.63, 153.67-.71, 153.80, 735.05-.09, 735.074, and other applicable sections within the Revised Code and its Chapter 153.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 5. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and /or the Purchasing Manager to establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for design and construction of corrections to the sewer system under the western Lakewood clean water pilot project without the necessity of competitive bidding; and exempting the City from certain provisions within the Ohio Revised Code related to design-build contracting for the purposes of this project.

WHEREAS, Lakewood has traditionally contracted for public works improvements using the design-bid-build project delivery system, with construction contracts let under the City's competitive-bidding regulations; and

WHEREAS, Ohio law changed substantially in 2011 and 2012, and many new project delivery systems, such as design-build, are now available to cities; and

WHEREAS, newer project delivery models may result in efficiencies in the contracting process and substantial cost savings, but cannot be used by following traditional competitive-bidding regulations; and

WHEREAS, Section 111.04 of the Codified Ordinances permits exceptions to competitive bidding under certain circumstances, including for contracts involving professional or technical services; contracts with construction managers; contracts which may be awarded without competitive bidding under state statutes; and contracts where Council determines that it is either impractical to award the contract under competitive bidding procedures, or cost-effective and in the best interests of the City to award the contract without competitive bidding; and

WHEREAS, it is in the City's best financial interest to employ the design-build project delivery system for corrections to the sewer system under the western Lakewood clean water pilot project (which project is further described in Resolution 8794-15), and to exempt the City from state design-build statutes and rules using its home-rule authority; and

WHEREAS, all contracts not specifically excepted by ordinance must be approved by Council pursuant to Section 111.02 of the Codified Ordinances; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that the City wishes to create the design-build delivery model for this project so it may occur in 2015; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and /or the Purchasing Manager may establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for the design and construction of corrections to the sewer system under the western Lakewood clean water pilot project (which project is further described in Resolution 8794-15) under the design-build project delivery system without the necessity of competitive bidding.

Section 2. Council shall approve the final award of contract(s) related to this project and the final form of the contract(s).

Section 3. As a home-rule charter City, the City shall not be obligated to follow Ohio statutory procedures regarding contracting for this project including, but not limited to, R.C. §§ 7.12, 9.31, 9.311, 9.312, 9.313, 9.315, 9.32, 9.33 through 9.335, 153.12-.14, 153.50-.52, 153.54, 153.56, 153.57, 153.571, 153.63, 153.67-.71, 153.80, 735.05-.09, 735.074, and other applicable sections within the Revised Code and its Chapter 153.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 5. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor



SCOTT K. GILMAN
FIRE CHIEF

Lakewood Fire Department • 14601 Madison Avenue • Lakewood, Ohio 44107
Fire Chief 216-529-6658 • Fire Marshal 216-529-6660 • Fire Inspector 216-529-6665 • Administrative Office 216-529-6656
Fax 216-226-9963 • www.onelakewood.com

March 16, 2015

Lakewood City Council
Lakewood, Ohio

RE: Severe Weather Awareness Week

Dear Members of Council:

Attached, please find a resolution for your consideration, proclaiming March 29th through April 4th, 2014 as "Severe Weather Awareness Week".

This is Lakewood's opportunity to join in the statewide tornado drill and effort to test the Emergency Alert System and other components of emergency management. In addition, community awareness and planning for such threats, as tornadoes can result in the saving of lives and the prevention of injury.

The Lakewood Fire Department has agreed to work with the Lakewood City Schools and postpone this year's drill until March 31st, 2015. The School System will be conducting very important standardized testing and requested a postponement.

Thank you for your consideration.

Sincerely,

Scott K. Gilman
Fire Chief

RESOLUTION NO.

BY:

A RESOLUTION proclaiming proclaims March 29th through April 4th 2015 "Severe Weather Awareness Week."

WHEREAS, every state in the United States has experienced tornadoes and severe weather; and

WHEREAS, last year was the most active year for disasters in recent history, with more than 1,000 weather related fatalities and 8,000 injuries; and

WHEREAS, everyone is at risk and should take steps to prepare for when severe weather strikes in our community; and

WHEREAS, planning for such threats as tornadoes and/or flooding can result in the saving of lives and prevention of injury, particularly in populations at schools, day cares, nursing homes and health care facilities. Now Therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That the City of Lakewood proclaims March 29th through April 4th, 2015 as "Severe Weather Awareness Week".

Section 2. That Lakewood's Outdoor Early Warning Siren will sound at 9:50 a.m., on Tuesday, March 31, 2015, and that this exercise is specifically designed for local, municipal participation and for testing of the Emergency Alert System and other appropriate components of emergency management.

Section 3. That the Lakewood Division of Fire will observe tornado drills on March 31, 2015 in as many schools as possible.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Adopted: _____

President

Clerk

Approved: _____

Mayor

