

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
MARCH 2, 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 January 20, 2015
Reading & disposal of the minutes of the Regular Meeting of Council held February 2, 2015
Reading & disposal of the minutes of the Regular Meeting of Council held February 17, 2015

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

****OLD BUSINESS****

1. Committee of the Whole Report regarding February 23, 2015 & March 2, 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. Committee Report regarding 8771-14 & March 2, 2015 meeting. (To be provided) Chair; Madigan
2. **RESOLUTION NO. 8771-14** 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, appointing _____ to the Planning Commission for the six-year term beginning January 1, 2015 and ending December 31, 2020. (Referred to the Committee of the Whole 11/3/14, Deferred 1/20/15, 2/2/15, 2/17/15) (Pg. 6)
3. Rules & Ordinances Committee Report regarding Ordinance No. 61-14. (To Be Provided) Chair; O'Leary.
4. **ORDINANCE NO. 61-14** – 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, to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matters. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 12/15/14, 2ND READING 1/5/15) (Pg.7)
5. **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) (Pg. 9)
6. **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) (Pg. 11)

7. **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) (Pg.20)
8. **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) (Pg. 28)
9. **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) (Pg. 36)
10. **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) (Pg. 44)
11. **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) (Pg. 52)

12. **ORDINANCE NO. 12-15** - AN ORDINANCE amending Chapter 145, Keep Lakewood Beautiful Board, of the Codified Ordinances of the City of Lakewood, in order to update the code regulating the composition and duties of this board. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 2/17/15)(Pg. 60)
13. **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) (Pg. 65)

****NEW BUSINESS****

14. Communication from Councilmember Juris regarding Appointment of Donald Heckelmoser to The Citizens Advisory Committee. (Pg.76)
15. Communication from Councilmember Marx regarding scheduling hearing for public input on health management in Lakewood. (Pg. 77)
16. Communication from Mayor Summers regarding Mayoral appointment to the Lakewood Citizens Advisory Committee. (Pg.79)
17. Communication from Mayor Summers regarding Mayoral appointment to the Lakewood Loan Approval Board. (Pg. 80)
18. Communication from Mayor Summers regarding MOU with Lakewood City School District over future project of mutual benefit. (Pg. 81)
19. **RESOLUTION NO. 8795-15** – A RESOLUTION authorizing the Mayor to enter into an agreement with the Superintendent of the Lakewood City School District committing the City of Lakewood to a memorandum of understanding regarding the City's exploration of a future project of mutual benefit to the City and the School District. (Pg. 82)

20. Communication from Law Director Butler regarding Updates to Chapter 143, City Records Commission. (Pg. 87)
21. **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. (Pg. 88)
22. Liquor Permit Application for a D2 TREX to Bevy in Birdtown 12112 Madison Ave from Cincinnati, Oh 45239. (Pg. 95)
23. Liquor Permit Application for D5, D6 to Citizens Eatery, 14600 Detroit Ave, from Pacers same address. (Pg. 96)
24. Liquor Permit Application for D2, D2X, D3, D3A, D6 stocks to Barrio, 15527-33 Madison Ave. (Pg.97)

REFERRED TO Committee of the Whole 11/3/14.
DEFERRED 1/20/15. DEFERRED 2/2/15.
DEFERRED 2/17/15.

RESOLUTION NO. 8771-14

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, appointing _____ to the Planning Commission for the six-year term beginning January 1, 2015 and ending December 31, 2020.

WHEREAS, the end of a term has caused a vacancy on the Planning Commission beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the commission; 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 position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Planning Commission for the six-year term beginning January 1, 2015 and ending December 31, 2020.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with 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 ordinance, and provided it receives the affirmative vote of at least five of 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

PLACED ON 1ST READING & REFERRED TO THE
RULES & ORDINANCES COMMITTEE 12/15/14.
PLACED ON 2ND READING 1/5/15.

ORDINANCE NO. 61-14

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, to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter.

WHEREAS, the Walter H. Drane Company has completed a quarterly revision and updating of the Codified Ordinances of the City; and

WHEREAS, various ordinances and resolutions of a general and permanent nature that have been passed by Council but not yet included in the Codified Ordinances of the City have now been made a part thereof; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance 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 publication and distribution of the 2014 Replacement Pages for the Codified Ordinances of the City of Lakewood should be conducted at the earliest date possible; now, therefore,

BE IT ORDAINED BY CITY OF LAKEWOOD, OHIO:

Section 1. The editing, arrangement and numbering and renumbering of the following ordinances and resolutions and parts of ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
24-14	10-6-14	129.60
30-14	9-2-14	129.33, 506.04, 901.18, 1160.14, 1306.44, 1306.72, 1321.02, 1321.03, 1323.04, 13023.05
33-14	10-6-14	111.15
34.14	11-3-14	737.01 to 737.11, 737.99

Section 2. The Second Amended Charter published in the Codified Ordinances is the official charter of the City of Lakewood.

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 its 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, or otherwise shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

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

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:

Fund	Description	1st Quarter		#
		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		
511	WWTP (HB 300 Lease)	\$ 1,125		
520	Parking (HB 300 Lease)	\$ 20,000		
530	Winterhurst (HB 300 Lease)	\$ -	\$ 106,038	
301	Debt Service Fund			
512	WWTP Improvements	\$ 400,000	\$ 400,000	
301	Debt Service Fund			
Advances				
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

By: _____

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.

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

By: _____

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.

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

PLACED ON 1ST READING & REFERRED TO THE
PUBLIC WORKS COMMITTEE 2/17/15.

ORDINANCE NO. 12-15

BY:

AN ORDINANCE amending Chapter 145, Keep Lakewood Beautiful Board, of the Codified Ordinances of the City of Lakewood, in order to update the code regulating the composition and duties of this board.

WHEREAS, the Keep Lakewood Beautiful Board was initially created in September 1982 to promote civic involvement through public interest in the general improvement of the environment of Lakewood; and maintains an affiliation with Keep America Beautiful; and

WHEREAS, Chapter 145 of the Code stands to be updated to modernize the composition and duties of the Keep Lakewood Beautiful Board; 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 145, Keep Lakewood Beautiful Board, of the Lakewood Codified Ordinances, currently reading as follows:

**CHAPTER 145
KEEP LAKEWOOD BEAUTIFUL BOARD**

145.01 CREATION.

The Keep Lakewood Beautiful Board is hereby created for the purpose of assisting Council and the Mayor in establishing a City-wide policy for decreasing the amount of loose refuse in the City.

145.02 DUTIES.

The duties of the Keep Lakewood Beautiful Board shall be:

- (a) To promote public interest in the general improvement of the environment of the City;
- (b) To initiate, plan, direct and coordinate programs for litter control for the community on a sustainable basis;

- (c) To implement and maintain the Clean Community System;
- (d) To study, investigate and develop plans for improving the health, sanitation, safety and cleanliness of the City by beautifying public and private areas in the City;
- (e) To aid in the prevention of fires, diseases and other casualties by the removal and elimination of trash and other debris from public and private areas;
- (f) To encourage the placing, planting and/or preservation of trees, flowers, plants, shrubbery, and other objects of ornamentation in the City;
- (g) To protect wildlife;
- (h) To advise and recommend plans to other agencies of the City for the beautification of the City; and
- (i) Otherwise to promote public interest in the general improvement of the environment of the City.
- (j) To submit an annual report of activities to Council within a manner to be determined by the Board.

Nothing contained herein, however, shall be construed to abridge or change the powers and duties of other commissions, departments, boards and like agencies of the City; and provided further that any project or undertaking begun by the Board shall be terminated at any time upon the decision of either the Mayor or Council that the continuance thereof is not in the public interest.

145.03 AUTHORITY.

In order to perform the foregoing duties, the Keep Lakewood Beautiful Board shall have the following authority:

- (a) To adopt by-laws to facilitate the attainment of its purpose and function;
- (b) To initiate, plan, direct and coordinate communitywide efforts to achieve its goals;
- (c) To solicit and accept donations and appropriations of money, services, products, property and facilities for expenditure and use by the Board for the accomplishment of its objects; and
- (d) To make recommendations to Council and the Mayor as well as to the private sector regarding measures which it deems necessary to accomplish its objects.

145.04 MEMBERSHIP.

- (a) The Keep Lakewood Beautiful Board provided for herein shall be composed of fifteen residents of the City of Lakewood. Members

shall be nominated by the Board and approved by Council and the Mayor. In addition, all members of Council and the Mayor shall be nonvoting ex-officio members of the Board. The Mayor shall appoint one member of the administrative staff of the City of Lakewood who shall serve as Secretary to the Board. The Mayoral appointment is not required to be a resident of the City of Lakewood and shall serve until his or her replacement is appointed.

- (b) With the exception of the Municipal representatives, members of the Board will be appointed to a four year term with no limit on the number of terms that a member may serve.

145.05 PROCEDURE.

- (a) Fifty percent (50%) plus one of the current Keep Lakewood Beautiful Board members shall constitute a quorum for the conduct of business. The members of the Board shall regularly attend meetings and public hearings of the Board and shall serve without compensation.
- (b) The Board shall hold an organization meeting in December of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. The Board shall meet regularly and shall designate the time and place of its meetings.
- (c) The Board shall adopt its own rules of procedure and keep a record of its proceedings. Newly appointed members shall be installed at the first regular meeting after their appointment.
- (d) In order to accomplish its responsibilities, the Board shall establish sub-committees including, but not limited to, the areas of business and industry, communications, neighborhood associations, community organizations, municipal operations, and schools. Each sub-committee shall be chaired by a Board member with an unspecified number of community volunteers chosen by the Board as working sub-committee staff.

shall be and hereby is repealed, and new Chapter 145, Keep Lakewood Beautiful Board, of the Lakewood Codified Ordinances is enacted to read as follows:

CHAPTER 145 KEEP LAKEWOOD BEAUTIFUL BOARD

145.01 CREATION

The Keep Lakewood Beautiful Board is hereby created for the purpose of initiating, planning and coordinating programs for litter prevention, solid waste reduction, recycling and green space beautification. The board shall engage in new programing and welcome new volunteers.

145.02 DUTIES.

The duties of the Keep Lakewood Beautiful Board shall be:

- (a) To promote civic involvement in the general improvement of the environment of the City;
- (b) To enhance the beauty of Lakewood through green space activity;
- (c) To promote litter awareness and prevention;
- (d) To promote recycling;
- (e) To encourage individual education and investment in the overall environment of the City;
- (f) To advise and recommend plans to other agencies of the City for the beautification of the City; and
- (g) To submit an annual report of activities to Council within a manner to be determined by the board.

Nothing contained herein, however, shall be construed to abridge or change the powers and duties of other commissions, departments, boards and like agencies of the City; and provided further that any project or undertaking begun by the board shall be terminated at any time upon the decision of either the Mayor or Council that the continuance thereof is not in the public interest.

145.03 AUTHORITY.

In order to perform the foregoing duties, the Keep Lakewood Beautiful Board shall have the following authority:

- (a) To adopt bylaws to facilitate the attainment of its purpose and function;
- (b) To initiate, plan, direct and coordinate communitywide efforts to achieve its goals;
- (c) To solicit and accept donations and appropriations of money, services, products, property and facilities for expenditure and use by the board for the accomplishment of its objects; and
- (d) To make recommendations to Council, the Mayor and the private sector regarding measures which it deems necessary to accomplish its objectives.

145.04 MEMBERSHIP.

- (a) The Keep Lakewood Beautiful Board provided for herein shall be composed of a minimum of 10 members. Members shall be nominated by the board and approved by Council and the Mayor. In addition, all members of Council and the Mayor shall be nonvoting ex-officio members of the board. The Mayor shall appoint one member of the administrative staff of the City who shall serve as the secretary to the board. The mayoral appointee shall serve until his or her replacement is appointed.

- (b) With the exception of the municipal representatives, members of the Board will be appointed to a four-year term with no limit on the number of terms that a member may serve.

145.05 PROCEDURE

- (a) Fifty percent plus one of the current Keep Lakewood Beautiful Board members shall constitute a quorum for the conduct of business. The members of the board shall regularly attend meetings and public hearings of the board and serve without compensation.
- (b) The board shall elect a chairperson and vice-chairperson from among its members before proceeding to any other matters of business during the January meeting. The board shall meet regularly and shall designate the time and place of its meetings.
- (c) The board shall adopt its own rules of procedure and keep a record of its proceedings. Newly appointed members shall be installed at the first regular meeting after their appointment.
- (d) In order to accomplish its responsibilities, the board may establish subcommittees made up of an unspecified number of community volunteers. A board member must chair each subcommittee.

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

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.

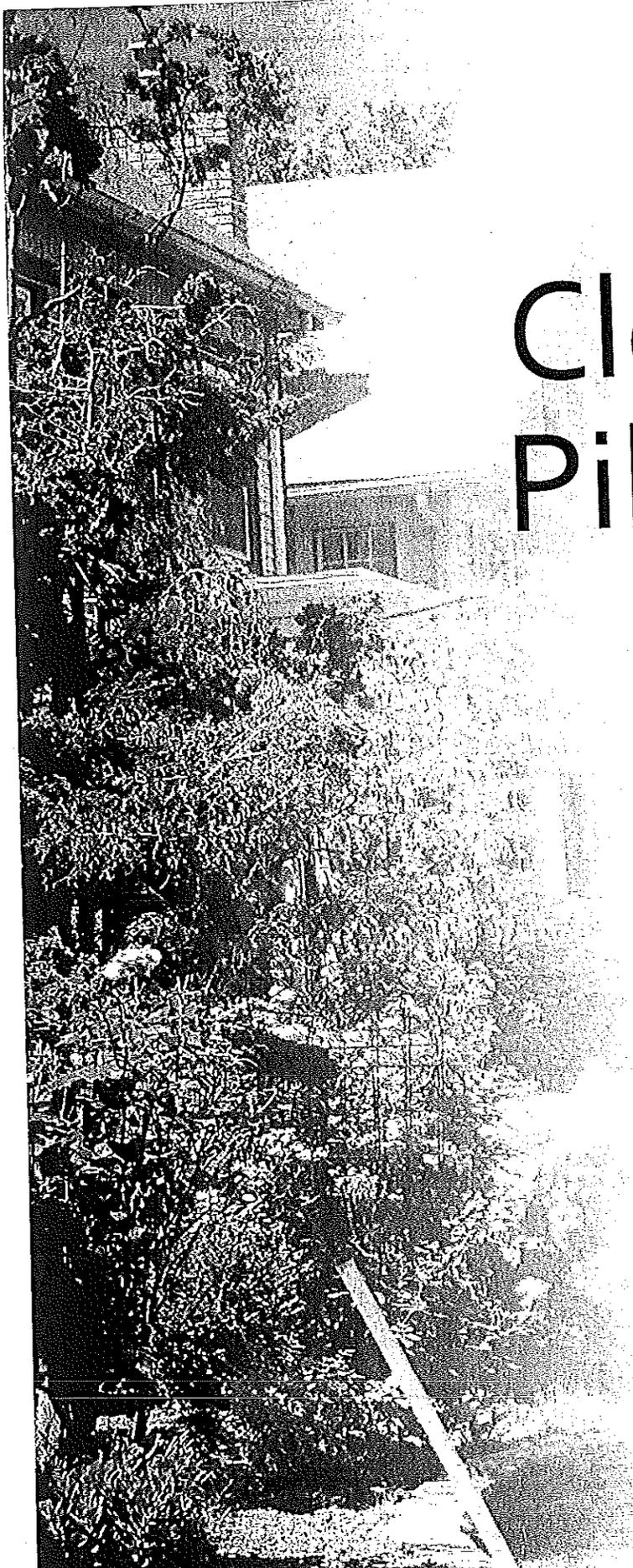
Adopted: _____

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;

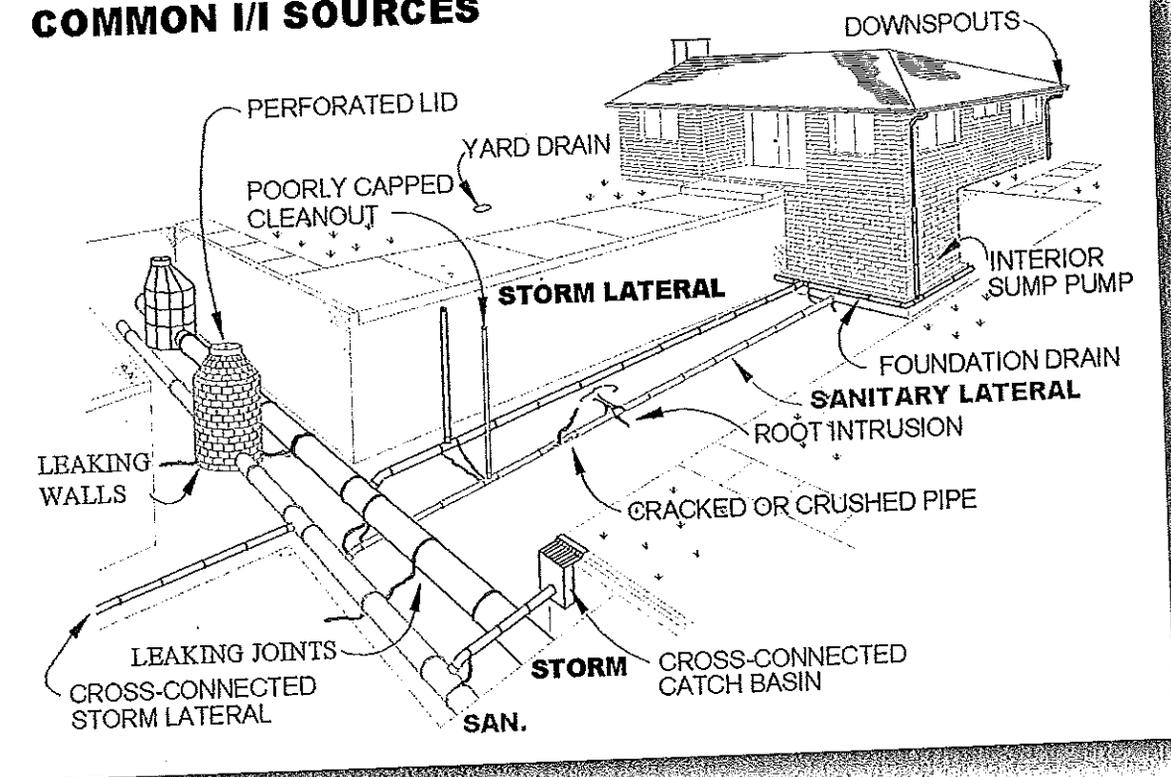
- to reduce the occurrence of basement flooding; and

- 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.



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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 2, 2015

Lakewood City Council
Lakewood, Ohio 44107

**Re: Appointment of Donald Heckelmoser to
The Citizens Advisory Committee**

Dear Members of Council:

This letter is to announce my appointment of Donald Heckelmoser to the Citizens Advisory Committee for fiscal year 2015.

Mr. Heckelmoser's professional experience with the City of Cleveland and his previous term on this committee make him a clear candidate for the position and I expect that he will continue to be a significant contributor to these deliberations. The city of Lakewood is fortunate to have citizens like Mr. Heckelmoser, who are willing to become engaged in these critical tasks.

Sincerely,

Shawn Juris
Councilmember, Ward 3



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www.ohiolakewood.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 P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

February 25, 2015

Drear Colleagues,

As Chair of City Council's Health and Human Services Committee, I would like to schedule a public hearing to allow our residents to share their thoughts on creating a culture within Lakewood that thrives on healthy living, where health care is efficient and choices can be made to lead the healthiest of lives. This testimony from Lakewood citizens, many of whom are themselves health professionals, could help the City, Lakewood Hospital, and any prospective new community health foundation achieve the stated desire to implement cutting edge population health management initiatives that would make Lakewood rank among the healthiest communities in the nation..

As we carefully deliberate the important decisions before us regarding Lakewood Hospital, I would like to invite residents in our city to share their ideas to help us craft this new culture of health within our community.

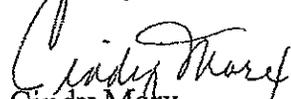
We certainly know that many residents of Lakewood take pride in our City and have a wealth of knowledge and expertise in many areas around healthy living and alternative health care delivery. Many have already helped to make Lakewood one of the best places to live and raise a family.

I believe that the decisions we make today will serve us long into the future. Lakewood certainly can become a model city that demonstrates how a city can be revitalized during the dramatically changing times of health care delivery in our country.

We want to make sure that all of our citizens have equal access to health care delivery however, more importantly, because our community rests within a confined environment where our City borders also define our school district, we can empower our residents to live healthier lifestyles through outreach, education and opportunity. To achieve this goal we must allow our residents input to help guide us in making the health of Lakewood a priority, where families can blossom in safe neighborhoods and good health flourishes within the community.

Thank you.

Sincerely,



Cindy Marx

Council at Large

Chair Health and Human Service Committee



12650 DETROIT AVENUE • 44107 • 216/521-7580 • fax 216/521-1379
Website: www.onelakewood.com

MICHAEL SUMMERS
MAYOR

March 2, 2015

Lakewood City Council
Lakewood, Ohio 44107

Re: Mayoral appointment to the Lakewood Citizens Advisory Committee

Dear Members of Council:

It is with great pleasure that I announce my appointment of Corey Clay to the City of Lakewood Citizens Advisory Committee. His term will begin January 1, 2015 and expire on December 31, 2016.

I am grateful that this fine Lakewood citizen is willing to volunteer his time, energy and knowledge to improve the quality of our community. I am confident that he will bring commitment, prudence and enthusiasm to this important responsibility.

Sincerely,

Michael P. Summers



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Website: www.onelakewood.com

MICHAEL SUMMERS
MAYOR

March 2, 2013

Lakewood City Council
Lakewood, Ohio 44107

Re: Mayoral appointment to the Lakewood Loan Approval Board

Dear Members of Council:

It is with great pleasure that I announce my appointment of Carolyn Spath to the City of Lakewood Loan Approval Board. Her term will begin January 1, 2015 and expire on December 31, 2019

I am grateful that this fine Lakewood citizen is willing to volunteer her time, energy and knowledge to improve the quality of our community. I am confident that she will bring commitment, prudence and enthusiasm to this important responsibility.

Sincerely,


Michael P. Summers



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Website: www.onelakewood.com

MICHAEL SUMMERS
MAYOR

March 2, 2015

Lakewood City Council
Lakewood, Ohio 44107

Re: MOU with Lakewood City School District over future project of mutual benefit

Dear Members of Council:

As the Lakewood City School District continues with the final phase of its exciting 50-year construction and reconstruction plan, Superintendent Patterson and I have explored ways for the city to assist the district in containing costs and promoting our shared constituents' greater interests. Following this letter is a resolution and draft memorandum of understanding that serve those mutual goals.

We recognize that the district will be paying into the city a sizable sum (perhaps upwards of \$800,000) for permit fees related to the schools' reconstruction in 2015 and 2016, based on the size and scope of the projects. Our aim in city hall is to maximize our efficiencies internally and analyze the fees collected against our actual accounted-for costs, such as personnel costs and expenses related to plan review and the like. To the extent the permit fees collected from the schools exceed the city's accounted-for costs, the MOU would commit the city to contributing the difference to some future project of mutual benefit to our citizens, all subject to Council's future appropriations and contracting authority and the Board of Education's approval as well. At this point any such future project is undefined and would only come into clarity after thoughtful deliberations between city hall and the schools' administration and board.

While the school board considers this same MOU, I would ask that the resolution and its attachment be referred to a committee of your choosing for further discussion and deliberation.

Sincerely,

Michael P. Summers

RESOLUTION NO.

BY:

A RESOLUTION authorizing the Mayor to enter into an agreement with the Superintendent of the Lakewood City School District committing the City of Lakewood to a memorandum of understanding regarding the City's exploration of a future project of mutual benefit to the City and the School District.

WHEREAS, before the Mayor is a proposed memorandum of understanding, attached in its current form to this resolution but not yet finalized, outlining the terms of the City's commitment to exploring a future project of mutual benefit to the City and the School District; and

WHEREAS, the intent of the memorandum of understanding is to commit the parties to explore a project of benefit to the City's and School District's constituents once the School District's final school construction phase has been fully permitted by the City; and

WHEREAS, in the spirit of continuing a historically harmonious relationship with the Schools and promoting fiscal responsibility, this Council and Mayor wish to enter into such an agreement when finalized; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Superintendent of the Lakewood City School District committing the City of Lakewood to a memorandum of understanding, substantially in the form of the document attached to this resolution as Exhibit A, regarding the City's exploration of a future project of mutual benefit to the City and the School District.

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 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

MEMORANDUM OF UNDERSTANDING

between

CITY OF LAKEWOOD, OHIO

and

LAKEWOOD CITY SCHOOL DISTRICT

regarding

FUTURE PROJECT OF MUTUAL BENEFIT

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into at Lakewood, Ohio, on this ____ day of _____, 2015 by and between the City of LAKEWOOD, 12650 Detroit Avenue, Lakewood, Ohio 44107 [hereinafter referred to as "CITY"], and the LAKEWOOD CITY SCHOOL DISTRICT, 1470 Warren Road, Lakewood, Ohio 44107 [hereinafter referred to as "SCHOOL DISTRICT"]; and

WHEREAS, the CITY will provide SCHOOL DISTRICT with permit services related to the final phase of SCHOOL DISTRICT'S 50-year school construction project, occurring in 2014, 2015 and 2016 ("Project"); and

WHEREAS, the CITY and SCHOOL DISTRICT recognize the benefit for all Lakewood citizens in allowing the CITY and SCHOOL DISTRICT to collaborate during the Project on containing costs and identifying future opportunities in which CITY and SCHOOL DISTRICT can benefit their mutually-shared taxpayers; and

WHEREAS, in exchange for SCHOOL DISTRICT'S full payment of permitting fees charged by CITY during the Project, and in anticipation (but uncertainty) that those permitting

fees will amply cover all of CITY'S actual costs in reviewing plans and issuing permits related to the Project, CITY wishes to offer to contribute to a future SCHOOL DISTRICT project of mutual benefit to CITY and SCHOOL DISTRICT once CITY is able to fully assess its actual permitting costs at the conclusion of the Project; and

WHEREAS, the parties are memorializing this arrangement below in order to foster greater clarity and communication between the CITY and SCHOOL DISTRICT in the future; and

WHEREAS, Lakewood City Council and the Mayor, pursuant to Resolution No. _____-15 authorized the Mayor to enter into and to administer this MOU; and

WHEREAS, the Lakewood City School District Board of Education ("BOARD"), pursuant to Resolution No. 2015-_____, authorized the Superintendent to enter into and to administer this MOU; and

NOW THEREFORE, the CITY and SCHOOL DISTRICT, each acknowledging the sufficiency of the consideration, agree as follows:

SECTION 1. ANALYSIS OF COSTS AND CONTRIBUTION.

1.1 Following the conclusion of the CITY'S permitting for the Project and SCHOOL DISTRICT'S full payment of permitting fees charged by CITY during the Project, the CITY will analyze whether those fees have covered all of CITY'S actual costs in reviewing plans and issuing permits related to the Project, including but not limited to expenses, labor and contracted services.

1.2 In the event CITY determines permitting fees for the Project exceed CITY'S actual costs, CITY will commit to contributing an amount representing the fees paid less the CITY'S accounted-for costs to a future SCHOOL DISTRICT project ("Future Project") of mutual benefit

to CITY and SCHOOL DISTRICT, such contribution and Future Project subject to separate approval of CITY and SCHOOL DISTRICT within the then-current appropriations and contracting-authority period.

1.3 The parties recognize that the Future Project is expected to inure to the benefit of CITY and SCHOOL DISTRICT, and their constituencies, equally.

SECTION 2. TERM AND TERMINATION OF AGREEMENT.

2.1 This MOU shall be for a term commencing on the effective date of this MOU and terminating 12 months following the closing-out of the final permit issued by the CITY for the Project.

SECTION 3. MISCELLANEOUS.

3.1 No assignment by a party hereto of any rights, obligations, or interests in this MOU shall be permitted without the prior written consent of the other party.

3.2 If any provision of this MOU or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this MOU which can be given effect without the invalid provision or application, and to this end the provisions of this MOU are severable.

3.3 The interpretation, construction and enforcement of the provisions of this MOU shall be made in strict conformance with the laws of the State of Ohio.

3.4 This MOU shall be construed to inure to the benefit of, and be binding upon, all of the parties, and their respective successors in interest and assigns.

(The signature pages follows.)

IN WITNESS WHEREOF, the parties hereto have made and executed this MOU on the day and year, and at the place, above first written.

ATTEST:

SCHOOL DISTRICT:

LAKESWOOD CITY SCHOOL
DISTRICT

By: Jeffrey W. Patterson, Superintendent

ATTEST:

CITY:

CITY OF LAKESWOOD, OHIO

By: Michael P. Summers, Mayor



**LAW DEPARTMENT
OFFICE OF PROSECUTION**

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PAMELA L. ROESSNER
CHIEF PROSECUTOR

JENNIFER L. MLADEK
CHIEF ASSISTANT
LAW DIRECTOR

ASHLEY L. BELZER
ASSISTANT PROSECUTOR/
ASSISTANT LAW DIRECTOR

March 2, 2015

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: Updates to Chapter 143, City Records Commission

Dear Members of Council:

Following this letter is an ordinance that would revise the content of Chapter 143 in the administrative code of the codified ordinances, which governs the city's records commission.

The records commission was created under state law governing the adoption of public record retention schedules and the need for public entities to comply with those schedules. A Lakewood resident, Brian Bardwell, recently brought to our attention that the relevant state code has been periodically updated through the years since our chapter was last revised, without corresponding revisions to our code. This ordinance fixes that discrepancy, and I have Mr. Bardwell to thank for bringing it to our attention.

Please refer the legislation to an appropriate committee for further discussion and deliberation.

Very truly yours,

Kevin M. Butler

ORDINANCE NO.

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

OHIO DIVISION OF LIQUOR CONTROL
 6606 TUSSING ROAD, P.O. BOX 4005
 REYNOLDSBURG, OHIO 43068-9005
 (614)644-2360 FAX(614)644-3168

NOTICE TO LEGISLATIVE
 AUTHORITY

0681788		TREX	BEVY IN BIRDTOWN LTD 12112 MADISON AV LAKEWOOD OHIO 44107
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
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. C TREX 0681788
 REFER TO THIS NUMBER IN ALL INQUIRIES (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
 Clerk of City Council
 Township Fiscal Officer

(Date)

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	2014	14600 DETROIT AV SUITE 110
ISSUE DATE			LAKWOOD OHIO 44107
02	02	2015	
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	2014	1ST FL & PATIO
ISSUE DATE			14600 DETROIT AV SUITE 110
02	02	2015	LAKWOOD 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. C TRFO 1465646
REFER TO THIS NUMBER IN ALL INQUIRIES (TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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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

9043961		STCK	TRES AMIGOS LAKEWOOD LLC
PERMIT NUMBER		TYPE	DBA BARRIO
ISSUE DATE		1ST FL & BSMT	
09 16 2014		15527-33 MADISON AV	
FILING DATE		LAKEWOOD OH 44107	
PERMIT CLASSES			
D2 D2X D3 D3A D6			
TAX DISTRICT			
18 286		C F13586	
RECEIPT NO.			

FROM 02/19/2015

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		
RECEIPT NO.		



MAILED 02/19/2015

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/23/2015

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 STCK 9043961

(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