

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
SEPTEMBER 2, 2014
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 both branches of the Lakewood Public Library after noon on 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 July 21, 2014.
Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Committee of the Whole Report regarding Resolution 8759-14. Ms. Madigan, Chair. (To Be Provided)
2. **RESOLUTION NO. 8759-14** – A RESOLUTION authorizing the Mayor or his designee to enter into an agreement with Omni Lakewood, Ltd. Or its designee for participation in the Lakewood Business Investment Program (BIP) of the Economic Development Fund (EDF) for a five-year loan in the amount of \$100,000 (REFERRED TO THE COMMITTEE OF THE WHOLE 9/2/14) (Pg. 5)
3. Public Safety Committee Report regarding Ordinance 30-14. Mr. Bullock, Chair. (To Be Provided)
4. **ORDINANCE NO. 30-14** – AN ORDINANCE to amend certain provisions of the Codified Ordinances of the City of Lakewood regarding insurance requirements. (PLEASE SUBSTITUTE FOR ORDINANCE 30-14 PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 6/16/14, 2ND READING 7/7/14, REFERRED BACK 7/21/14) (Pg. 26)
5. Charter Review Commission Report & Proposed Third Amended Charter. (Pg.36)
6. **ORDINANCE NO. 31-14** – AN ORDINANCE authorizing the transfer and advance of certain funds (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 9/2/14) (Pg. 110)

****NEW BUSINESS****

7. Communication from Council President Madigan regarding Creating Healthy Communities Grant Opportunity. (Pg. 112)
8. Communication from Councilmember Marx and Council President Madigan regarding Cotton Heritage Ohio Award for Best Commercial Rehabilitation Project 2014. (Pg.114)
9. **RESOLUTION NO. 8760-14** - a resolution TO COMMEND David Stein and Cotton on receiving the award from Heritage Ohio for Best Commercial Rehabilitation Project of 2014. (Pg. 115)
10. Communication from Mayor Summers regarding Resolution Commending Adrianna Larimer (Pg.116)
11. **RESOLUTION NO. 8761-14** – A RESOLUTION to commend Adrianna Larimer, a Lakewood citizen. (Pg. 117)
12. Communication from Law Director Butler regarding 2014 quarterly codification ordinance. (Pg.118)

13. **ORDINANCE NO. 32-14** – 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 matter. (Pg. 119)
14. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2014. (Pg. 121)
15. **ORDINANCE NO. 1-14C** AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 1-14B, adopted July 7, 2014, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2014 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (Pg. 122)
16. Communication from Finance Director Pae regarding Amend 2014 Capital lease Authorization. (Pg. 126)
17. **ORDINANCE NO. 16-14A** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to amend Ordinance No. 16-14, adopted April 7, 2014, authorizing the Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood. (Pg. 129)
18. Communication from Finance Director Pae regarding Nature Works 21st Round Grant Application. (Pg. 133)
19. **RESOLUTION NO. 8762-14** –A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the City of Lakewood to execute and file an application with the Ohio Department of Natural Resources for financial assistance through the NatureWorks program and to obligate the necessary funds for the grant. (Pg. 134)
20. Communication from Finance Director Pae regarding Purchasing Consortiums. (Pg. 136)
21. **ORDINANCE NO. 33-14** – AN ORDINANCE to enact a new section 111.15, Purchasing Consortiums, of the Codified Ordinances of the City of Lakewood to permit

the City to join and participate in various purchasing consortiums organized for the purpose of facilitating governmental purchasing. (Pg. 137)

22. Communication from Police Chief Malley regarding Bureau of Justice Assistance Bulletproof Vest Program. (Pg. 139)
23. Communication from Fire Chief Gilman regarding Disposal of obsolete air packs and hose. (Pg. 140)
24. **RESOLUTION NO. 8763-14** – 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, authorizing and directing the Director of Finance to sell, through trade, 2,000 feet of fire hose and six obsolete air packs with Cuyahoga Community College in exchange for training classes for firefighters valued at approximately \$4,000. (Pg. 141)
25. Communication from Human Services Director Gelsomino regarding Cuyahoga County Community Social Service Program. 2016-2016 (CSSP). (Pg. 143)
26. **RESOLUTION NO. 8764-14** – A RESOLUTION authorizing the Mayor or his designee to enter into an agreement with Cuyahoga County to accept funds estimated to be \$153,640 for the provision of congregate meals and transportation for seniors through the Division of Senior and Adult Services. (Pg. 144)
27. Liquor Permit Notice of D2, D2X, D3 and D3A permits to O'Tooles Pub d/b/a Irish Kevins, 13601 Detroit from Hearn's Pub. (Pg.145)
28. Liquor Permit Notice for D1, D3, and D3A permits to Bevy In Birdtown, 12112 Madison Avenue from James J Mileti. (Pg.146)
29. Liquor Permit Notice for new C1 & C2 permits to Birdtown Beverage, 12118 Madison Avenue. (Pg. 147)
30. Liquor Permit Application for a D5 permit to Manja, 13373 Madison Ave. (Pg. 148)

RESOLUTION NO. 8759-14

BY:

A RESOLUTION authorizing the Mayor or his designee to enter into an agreement with Omni Lakewood, Ltd. or its designee for participation in the Lakewood Business Investment Program (BIP) of the Economic Development Fund (EDF) for a five-year loan in an amount of \$100,000.00.

WHEREAS, as an authorized use of the City of Lakewood's entitlement allocation of federal Community Development Block Grant dollars, the EDF was established and approved by Lakewood City Council on December 2, 1996 in order to promote business investment and redevelopment in Lakewood for the purpose of supporting Lakewood's competitiveness and attractiveness as a location for new businesses and the expansion of existing businesses; and

WHEREAS, the BIP was established and approved by Lakewood City Council on June 2, 1997 as a means for implementing the EDF in order to provide needed and appropriate assistance and support to companies investing in Lakewood that would foster redevelopment efforts to increase jobs, generate new tax revenue and provide for physical improvements in Lakewood; and

WHEREAS, Omni Lakewood, Ltd. has applied for one loan under the BIP in order to complete a financial package to support the improvement of property located at 13001 Athens Avenue, Lakewood, Ohio 44107 (Permanent Parcel 315-21-002); and

WHEREAS, Omni Lakewood, Ltd. has established a successful business; and

WHEREAS, this application by Omni Lakewood, Ltd. meets and exceeds the General Assistance Guidelines of the BIP; and

WHEREAS, the Economic Development Committee convened on July 15, 2014 and, reviewed, and unanimously approved recommendation of the BIP application by Omni Lakewood, Ltd.; and

WHEREAS, an Agreement pursuant to Section II – Basic Criteria of the BIP General Assistance Guidelines will be executed by Omni Lakewood, Ltd., agrees to create or cause to be created at least four full-time-equivalent jobs; and

WHEREAS, in order to enter into loan agreements under the BIP with Omni Lakewood, Ltd., Lakewood City Council must grant authority for the City to enter into such agreements; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor or his designee is hereby authorized and directed to enter into an agreement, in substantially the same form as that attached as Exhibit A, with Omni Lakewood, Ltd. or its designee for participation in the Lakewood Business Investment Program (BIP) of the Economic Development Fund (EDF) for a five-year loan in an amount of \$100,000.00 toward the redevelopment of the property located at 13001 Athens Avenue, Lakewood, Ohio 44107 (Permanent Parcel 315-21-002) in compliance with and under the terms of the BIP of the EDF; said agreement to contain such terms and conditions as deemed necessary by the Director of Law to protect the public interest.

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 actions, were in meetings open to the public in compliance with all legal requirements.

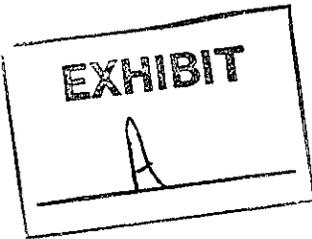
Adopted: _____

President

Clerk of Council

Approved: _____

Mayor



12650 Detroit Avenue • Lakewood, Ohio 44107 • (216) 529-6630 • (216) 529-5936 FAX

ECONOMIC DEVELOPMENT FUND PROGRAM
LOAN AGREEMENT

Between
The City of Lakewood
And
Omni Lakewood, Ltd.

THIS LOAN AGREEMENT (the "Agreement") is entered into as of _____, 2014 by and between the CITY OF LAKEWOOD (the "City" or "Lender"), an Ohio municipal corporation, and Omni Lakewood, Ltd. an Ohio Limited Liability Company located at 13001 Athens Avenue, Lakewood, OH 44107 duly organized and validly existing under the laws of the State of Ohio, by and through its duly authorized representative.

WITNESSETH:

- A. WHEREAS, the Borrower has applied for an Economic Development Fund ("EDF") LOAN (the "Loan") to assist with the purchase of life safety infrastructure and equipment at 13001 Athens Avenue, PPN 315-21-002 (the "Project Site");
- B. WHEREAS, the City has determined that the project to be funded by the Loan meets the objectives and requirements of the Lakewood Economic Development Fund and the Federal Community Development Block Grant Program;
- C. WHEREAS, the City has determined that the Loan project as defined in Section 1.01 of this Agreement, is in the public interest and that the Borrower's performance of the Loan development activities will accomplish some or all of the following: alleviate physical and economic deterioration, eliminate and/or prevent the recurrence of slum and blight, stimulate economic revitalization, improve the declining tax base and create and/or retain jobs and employment in the community;
- D. WHEREAS, the City desires to make the Loan to Borrower so that Borrower can carry out its plans, subject to the terms and conditions of this Agreement as set forth below;

E. WHEREAS, City Council adopted Resolution _____ on _____, approving the loan as described below attached hereto as Exhibit A-1.

NOW, THEREFORE, in consideration of the mutual promises and covenants stated below and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, the City and the Borrower agree as follows:

ARTICLE I – PROJECT

Section 1.01 Loan Project

Borrower shall undertake, or cause to be undertaken, the activities described in the Borrower's loan application (collectively referred to as the "Project"), as more fully described in Exhibit A to this Agreement.

The Project shall consist of the purchase of life safety infrastructure and equipment including, but not limited to improving egress components, fire alarm systems, fire suppression systems and emergency lighting and way finding located at 13001 Athens Avenue. The total cost of the Project shall be approximately \$350,000

Section 1.02 Sources and Uses of Funds for the Project

The total cost of the project is \$350,000 and shall be financed from the following sources:

- (1) The Loan from City to Borrower which shall be in the amount of **One-Hundred Thousand Dollars (\$100,000)** in accordance with Article II and the other provisions of this Loan Agreement (the "Funds" or "Loan Funds").
- (2) Borrower equity in the amount of **\$250,000**

The Loan shall be contingent upon the Borrower's procuring either a contract from a reputable lender and/or showing documented evidence of the equity necessary to complete the purchase of the equipment. Borrower shall not employ financing sources other than those identified above unless Borrower receives the prior written approval of the City.

Use of City Loan Funds

The Loan from the City to the Borrower ("Loan Funds") shall be in the amount of One-Hundred Thousand (\$100,000.00) in accordance with Article II and the other provisions of this Loan Agreement. Such Loan Funds shall be used for:

Life safety infrastructure improvements located at 13001 Athens Avenue \$100,000

Section 1.03 Timetable for Project Activities

Borrower shall perform the Project in accordance with the following schedule:

Activity	Commencement Date	Completion Date
Purchase and installation of life safety infrastructure and equipment located at 13001 Athens Avenue	September 15, 2014	September 15, 2016

Section 1.04 Guarantee of Completion

Borrower unconditionally and irrevocably guarantees timely completion of the Project in accordance with Section 1.03 of this Loan Agreement. To accomplish complete and timely execution of the Project, Borrower shall make payment for any cost overruns. This guarantee shall not hinder the City in any way from requiring other individuals or entities not party to this Agreement, including but not limited to tenants, contractors and subcontractors, to make similar guarantees in connection with the Project.

Upon the City's request, the Borrower shall provide the City a completion guaranty with respect to said obligation in the form of a performance bond, letter of credit or, if the City shall so require, a completion guaranty personally executed by the Borrower.

Successful completion of the Project is defined as substantially completing all work listed in Article I of this Loan Agreement, reasonably within the time lines listed in Section 1.03 of this Loan Agreement, and with a total cost of at least the amount listed as Total Project Costs in Section 1.01 of this Loan Agreement.

If completion of the Project is delayed at any time by an act or neglect of the City or by labor disputes, fire, unusual delay in deliveries, unavoidable casualties, or other causes beyond Borrower's control, the time for completion of the Project shall be extended by mutual agreement in writing between the Borrower and the City.

Section 1.05 Job Creation, Hiring, Documentation and Reporting Requirements

Total and Low- and Moderate-Income Job Creation & Hiring Requirements

Borrower agrees to create no fewer than four (4) new, permanent, full-time equivalent (FTE) jobs within a period not exceeding twenty-four (24) months after execution of this Agreement. Moreover, Borrower pledges and will document as follows at least 51 percent (51%) of the jobs created will be suitable for, made available to, and held by low- and moderate-income (LMI) persons earning less than 80% of the Area Median Income (AMI) established annually by the U.S. Department of Housing and Urban Development (HUD). The standard for job creation shall be that set by HUD at 24 Code of Federal Regulations (CFR), Part 570.208-209, and failure to create these job opportunities within the above specified time period shall constitute loan default.

Pre-Close Documentation Requirements

Prior to loan closing, Borrower shall complete and submit:

- (1) "Baseline Employment Summary," included as Exhibit D, indicating its number of low- and moderate-income full-time equivalent payroll positions and employees prior to executing this Agreement to establish a "benchmark" from which to measure and verify new, permanent positions created and employees hired as a result of the funded project. A copy of Borrower's

Certified Payroll for the period immediately prior to executing this Agreement must accompany the Baseline Employment Summary;

- (2) "Job Creation & Hiring Plan," included as Exhibit E, describing the number of FTE positions to be created by company-assigned title and HUD-defined job category, the number of jobs to be filled by LMI persons, and whether or not health care benefits will be provided with each position.

Documentation of LMI Status and Other Characteristics

Borrower agrees to document the annual household income, prior to being hired, and other characteristics (race/ethnicity, disability, elderly, female head of household status) of both applicants considered for and persons employed to fill positions created as a result of the funded project utilizing the "Income Self-Certification & Data Form," attached as Exhibit F.

The City of Lakewood reserves the right to request more extensive annual household income documentation from the Borrower regarding persons hired to fill LMI payroll positions including the "Adjusted Gross Income Computation Form," attached as Exhibit G, accompanied by copies of completed, signed tax returns from all members of the employee's household eighteen (18) years of age and older.

All job-related documentation identified herein must be retained for at least three (3) years following the date Borrower is notified in writing by the City its job creation and hiring requirements have been satisfied or, in the event of non-compliance, until the loan has been repaid in full.

Reporting Requirements

Borrower agrees to convey actual job creation and employment activity to the City utilizing the "Job Creation & Hiring Report," included as Exhibit H, which must be completed and submitted semi-annually according to the following schedule during the entire five (5) year term of this Agreement:

- (1) Before July 31, describing activities conducted between January 1 and June 30 of the current year, and;
- (2) Before January 31, describing activities conducted between July 1 and December 31 of the previous year.

A copy of the Borrower's Certified Payroll dated the final day of the reporting period (June 30 or December 31, as appropriate) and all "Income Self-Certification & Data Forms" completed during the reporting period must accompany each semi-annual "Job Creation & Hiring Report."

ARTICLE II - THE LOAN

Section 2.01 The Loan, Rate and Note

Subject to the terms and conditions of this Agreement, together with the Secured Promissory Note and Security Agreement of even date and attached as Exhibits B and C, the City agrees to lend to the Borrower the sum of One-Hundred Thousand Dollars (\$100,000.00) subject to the conditions set forth in Section 2.02 Terms of Repayment and Section 2.03 Disbursement of Funds.

The Borrower's obligation to repay the Loan shall be evidenced by and repayable in accordance with the terms of this Agreement and the Secured Promissory Note and Security Agreement of even date and attached as Exhibits B and C.

Section 2.02 Terms of Repayment

The principal sum of the Economic Development Fund Loan (Secured Promissory Note) shall be payable on demand upon default. In accordance with the provisions of this Agreement and the Secured Promissory Note of even date, the City shall forgive Twenty Thousand Dollars (\$20,000) of the original principal sum of One-Hundred Thousand Dollars (\$100,000.00) of the Loan (Secured Promissory Note) each consecutive year commencing on September 15, 2014 and continuing until the first to occur of: (a) the balance of the Economic Development Fund Loan (Secured Promissory Note) is \$0.00 or (b) the Borrower fails to comply with its obligations under this Economic Development Fund Program Loan Agreement and the Secured Promissory Note of even date in accordance with the terms and conditions set forth in this Agreement and in the Secured Promissory Note and Security Agreement of even date and attached as Exhibits B and C.

A. Loan Payments

Borrower agrees to make all payments, if necessary, promptly and payable to the City of Lakewood at the following address, or at such other address as the City may designate in writing:

City of Lakewood
Department of Planning & Development
12650 Detroit Avenue
Lakewood, Ohio 44107
Attention: Assistant Director

All payments shall be applied first to interest or other fees and then to principal.

Section 2.03 Disbursement of Loan Funds

A. Requirements for Disbursement:

- (i) The loan funds shall not be disbursed until Borrower has submitted to the City, and had accepted by the City, any certificates, documents and instruments required by this Loan Agreement or the Loan Documents in forms satisfactory to the City and its attorneys; and
- (ii) The loan funds shall not be disbursed until Borrower has submitted to City, and had accepted by the City, evidence of payment or an invoice for professional services in connection with the Project.

B. City to Disburse Funds to Borrower:

Upon receipt of the above information required in Section 2.03(A)(i)(ii), and any other requirement set forth by this Agreement, the City shall disburse Loan Funds to the Borrower for eligible costs, as listed in Section 1.02.

C. Disbursement Checks:

The Loan disbursement check shall be mailed to the following address until otherwise specified by the Borrower:

Mr. Ralph Lukich
Facility Manager
13001 Athens Avenue
Lakewood, Ohio 44107

ARTICLE III - REPRESENTATIONS AND WARRANTIES

Borrower represents and warrants to the City as of the Execution Date and throughout the term of this Agreement each of the requirements set forth in Section 3.01 to Section 3.11.

Section 3.01 Organization

Borrower is an Ohio Limited Liability Company, duly organized, validly existing, and in good standing under the laws of Ohio and has power to carry on its business as it is presently being conducted, to enter into and observe the provisions of the Loan Documents and to borrow hereunder.

Section 3.02 Authorization

Borrower's act of entering into and performing under this Agreement, including the execution and delivery of the Loan Documents, has been duly authorized by all necessary company action and will not violate any law, rule, regulation, order, writ, judgment, decree, determination or award presently in effect and having applicability to Borrower or any provision of Borrower's articles of incorporation or bylaws or result in a breach of, or constitute a default under, any indenture, bank loan, credit agreement, or any other agreement or instrument to which Borrower is a party or by which it or its property may be bound or affected.

Section 3.03 Enforceability

When this Agreement is executed by both Borrower and the City, certified by the City's Director of Finance and approved by the City's Director of Law, and when the Loan Documents are executed and delivered by Borrower for value, each such instrument shall constitute the legal, valid, and binding obligation of the parties thereto in accordance with its terms.

Section 3.04 Litigation

There are no legal actions, suits, or proceedings pending, or, to the knowledge of Borrower, threatened against Borrower before any court or arbitrator, or administrative agency, which, if determined adversely to

Borrower, would have an adverse effect on the financial condition or business of Borrower which have not been disclosed to the City.

Section 3.05 Governmental Consents

No authorization, consent, or approval, or any formal exception of any governmental body, regulatory authorities (federal, state, or local) or mortgagor, creditor, or third party is or was necessary to the valid execution and delivery by Borrower of the Loan Documents.

Section 3.06 Absence of Default

Borrower is not in default of any obligation, covenant, or condition contained in any bond, debenture, note, or other evidence of indebtedness or any mortgage or collateral instrument securing the same.

Section 3.07 Tax Returns and Payments

Borrower has filed all required tax returns and has paid or made provision for the payment of all taxes which have or may become due pursuant to said returns or pursuant to any assessments levied against Borrower or its personal or real property by any federal, state, or local taxing agency. The Internal Revenue Service, or any other federal, state, or local taxing agency, has not asserted any tax liability against Borrower for taxes materially in excess of those already provided for, and Borrower knows of no basis for any such deficiency assessment.

Section 3.08 No Adverse Change

Since the date of application for the Loan, there has been no material and adverse change in the financial condition, organization, operation, business prospects, fixed assets, or personnel of Borrower.

Section 3.09 Material Fact

No representation or warranty contained or made in this Agreement, and no certificate, schedule, or other document furnished or to be furnished in connection with this Agreement contains or will contain a misstatement of material fact or omits or will omit to state a material fact required to be stated herein or therein.

Section 3.10 Prohibition of Conflict of Interest

No individual who is an employee, officer, agent, consultant of the City, an elected public official, member of the City Council or appointed City public official, who exercises or has exercised any functions or responsibilities with respect to any activities that are connected with this Project or who is in a position to participate in a decision-making process or to gain inside information with regard to the Project, may obtain a personal or financial interest or benefit from the Project.

Nothing in this section shall prevent an individual connected with the Project from acting on a board which acts only in an advisory capacity, if that individual's connection to the Project is made known to the

advisory body so that the advisory body may take action to address any conflict, including committee assignment, voting privileges, or attendance at meetings involving issues which may affect the Project.

Also, the aforementioned individuals shall not have an interest in any contract, subcontract, or agreement with respect thereto, or in the proceeds thereunder, either for themselves or those with whom they have family or business ties. The above restrictions shall apply to all activities comprising the Project, and shall cover any such interest or benefit during or at any time after, such person's tenure and for one year thereafter.

Section 3.11 Full Understanding and Voluntary Acceptance

Borrower represents that Borrower has had reasonable opportunity in the negotiation of this Agreement. Therefore, in any construction of this Agreement, the Agreement shall not be construed against any party on the basis that the party was the drafter.

In entering this Agreement, Borrower represents that it relied upon the advice of its attorneys who are attorneys of their own choice and that the terms of this Agreement and attached Exhibits and documents have been completely read and explained to Borrower by Borrower's attorneys, and that the terms are fully understood and voluntarily accepted by Borrower. Borrower represents that the City afforded Borrower the opportunity to completely read and ask questions of the City concerning the terms of this Agreement and attached Exhibits and documents and that Borrower fully understands and voluntarily accepts those terms.

ARTICLE IV - CONDITIONS OF LENDING

The obligation of the City to make the Loan shall be subject to the fulfillment to the City's satisfaction on the Execution Date of each of the following requirements set forth in Section 4.01 through Section 4.06.

Section 4.01 Execution and Delivery of Loan Documents

Borrower shall execute and deliver to the City the Loan Documents each in a form and substance satisfactory to the City and its attorneys.

Section 4.02 Execution and Delivery of Secured Promissory Note and Security Agreement

Borrower's obligation to make payments of principal and interest on the Loan and any other sums payable under the Loan Agreement shall be stated in the Secured Promissory Note of even date and attached as Exhibit B and secured with the Security Agreement of even date and attached as Exhibit C.

Section 4.03 Governmental Approval

Borrower shall secure all approvals, permits, and consents of governmental bodies having jurisdiction with respect to any Project activities.

Section 4.04 Approval of Others

Borrower shall secure all necessary approvals and consents required with respect to this transaction by any mortgagor, creditor, or other party having any financial interest in Borrower or Borrower's property.

Section 4.05 No Event of Default and Representations and Warranties

There shall exist as of the Closing Date no event or condition, which constitutes an Event of Default as hereinafter defined in Article VI, or which, after notice or lapse of time or both, would constitute such an Event of Default and no such event shall occur as a result of such borrowing.

Section 4.06 Guaranties/Security

Borrower shall provide the following duly executed guaranty and/or security document(s) as required by the City:

- (1) Corporate Guaranty: The Borrower shall provide the City a corporate guaranty with respect to the Secured Promissory Note which shall guarantee the punctual and full payment of the principal and interest on the Loan as well as all other amounts payable by Borrower pursuant to this Loan Agreement, and the prompt observance and performance by the Borrower of all of the covenants, agreements, and other provisions in this Loan Agreement.
- (2) A Secured Party Interest on Purchased Equipment: Borrower shall enter into a Secured Party Interest Agreement with the City of Lakewood for purchased life safety infrastructure and equipment to be located at 13301 Athens Avenue, Lakewood, Ohio 44107.

ARTICLE V - AFFIRMATIVE COVENANTS

Borrower shall comply with the following covenants set forth in this article from the Execution Date until the Loan has been fully repaid to the City, including any interest obligation, unless the City otherwise consents in writing.

Section 5.01 Re-Payment of Loan

Borrower shall pay by the due dates established in the Secured Promissory Note of even date and attached as Exhibit B the principal and interest on the Note and any other amounts that become due and payable to the City pursuant to this Agreement or pursuant to the Loan Documents.

Section 5.02 Payment of Other Indebtedness

Borrower shall pay punctually the principal and interest and any other amounts due on any other indebtedness now or hereafter owing by Borrower to the City or any other lender.

Section 5.03 Maintain and Insure Property

Borrower shall maintain during the term of this Agreement the real and personal property provided as security for the Loan, in such condition, maintenance, and repair that the City's security will be adequately

protected and that the business carried on in connection therewith may be properly and advantageously carried out at all times.

During the term of this Agreement, Borrower shall maintain insurance policies and submit copies of same to City, providing general liability coverage, property coverage (fire and extended coverage hazard or special form insurance policy), builders risk coverage (if applicable), workers' compensation insurance, and such other insurance reasonably required by the City and its attorneys in amount sufficient to avoid any significant out-of-pocket payment by borrower in the event of a reasonably insurable loss (except a reasonable deductible). The aforementioned insurance shall be issued by companies reasonably satisfactory to the City with language specifically indicating that the City is an "additional insured" and/or "loss payee," as appropriate to the type of coverage, and that any insurance proceeds will be paid to the City.

Section 5.04 Payment of Taxes

Borrower shall duly pay and discharge all applicable taxes, assessments, and governmental charges levied upon it or against its properties prior to the date on which penalties would attach thereto, except that Borrower shall not be required to pay any such tax, assessment or governmental charge which is being contested by Borrower in good faith and by appropriate and timely proceedings, provided that Borrower provides prior written notice to the City of the contest and proceedings.

Section 5.05 Maintain Existence

Borrower agrees to maintain its existence within the City of Lakewood, Ohio in full force and effect and to carry on its business at 13001 Athens Avenue, Lakewood, OH 44107 in a manner intended to be profitable for the term of Loan (Five [5] years). Borrower may merge, consolidate, or otherwise reorganize only upon written permission from the City, which permission shall not be unreasonably withheld.

Section 5.06 Information

During the term of this Agreement, Borrower shall:

- (1) Keep and maintain records, books of account and other documents relating directly to all matters covered by this Agreement, including its receipt and disbursement of

Loan funds, in which complete entries will be made reflecting all of its business and financial transactions, such entries to be made in accordance with generally accepted accounting principles consistently applied.

- (2) Borrower shall comply with all reporting requirements of the United States Department of Housing and Urban Development (HUD) and the City of Lakewood.

Section 5.07 Disclosure of Documents

All of the records, information, data, reports, etc., prepared or assembled by the Borrower under this Agreement are confidential and the Borrower does covenant and agree that those items shall not be made available to any individual or organization, other than an agency of the United States Government, without the prior written approval of the City.

ARTICLE VI -- EVENTS OF DEFAULT

Applicable federal, state, and local laws shall govern disclosure of documents, which are in the possession of the City.

Section 5.08 Inspection

Borrower shall permit any duly authorized representative of the United States Department of Housing and Urban Development (HUD), the City, or any other appropriate governmental official at all reasonable hours, upon reasonable notice, and as often as reasonably requested, to have the right to (1) inspect the personal property, and real estate used to secure the Loan; (2) inspect Borrower's books of account (and to make copies of and/or extracts therefrom); or (3) discuss with agents and employees of Borrower: Borrower's affairs, employment and contracting goals, finances, accounts and compliance with the terms of this Agreement.

Borrower shall provide statements, records, data and the City free access and entry to any portion of Borrower's premises for the purposes of such inspections and discussions until the terms of this Agreement have been complied with and fulfilled.

Section 5.09 Notice of Default

Within ten (10) days of any event, which constitutes an Event of Default, as defined in Article VI, or as defined under any of the Loan Documents, Borrower shall provide written notice to the City of the event. If an event occurs which would, with notice or lapse of time, constitute an Event of Default; Borrower shall likewise give notice to the City within ten (10) days of the discovery of that event.

Section 5.10 Indemnification

Borrower shall be fully responsible and shall indemnify and hold harmless the City, its officials, employees and agents against all liability, claims, demands, losses, damages, delays and costs arising from any act or omission by, or negligence of Borrower and its officers, agents, or employees or its contractor or subcontractor or the officers, agents or employees of the contractor or subcontractor while engaged in the performance of this Agreement.

Also, no member, official, or employee of the City or of its agents or contractors shall be personally liable to Borrower in the event of any default or breach of the Agreement by the City.

Section 5.11 Expense of Collection or Enforcement

In the event Borrower defaults on any provision or obligation contained in the Loan Documents or this Agreement, Borrower shall pay the City an amount equal to the City's costs and expenses of collection, enforcement or correction of such default in addition to any other amounts that may be due from Borrower on the Loan.

Moreover, the Borrower's obligations and duties to the City, which are set forth in this Section, shall continue unabated until the City has no environmental obligations or liabilities under any local, state or federal laws and any rules or regulations thereunder.

The entire unpaid principal of the Note and any other amounts due under the Loan Documents shall become and be immediately due and payable upon the written demand of the City, without any other notice or demand of any kind of presentment or protest, if any one of the following events occurs (an "Event of Default") and is continuing at the time of such demand, whether it is voluntary or involuntary or, without limitation, occurring or brought about by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body.

Section 6.01 Default and Cure

- (1) **Default Under Note** -- If Borrower shall fail to comply with its obligations under this Agreement and the Secured Promissory Note of even date.
- (2) **Payment Default Under Other Indebtedness** -- If default shall exist in the payment when due of any installment of principal or interest on any of Borrower's other indebtedness and if such default shall remain unremedied for thirty (30) days whether such other indebtedness is in existence at the Execution Date or incurred after such date;
- (3) **Incorrect Representations or Warranties** -- If any representation or warranty contained in or made in connection with the execution and delivery of this Agreement or in any certificate furnished pursuant hereto shall prove to have been incorrect or untrue in any material respect when made;
- (4) **Default in Covenants** -- If Borrower defaults in the performance of any other term, covenant, or agreement contained in the Loan Documents and such default shall continue unremedied for thirty (30) days after the earlier of either: (1) the default becoming known to an executive officer of Borrower; or (2) written notice thereof was given to Borrower by City;
- (5) **Voluntary Insolvency** -- If Borrower becomes insolvent, ceases to pay its debts as they mature, voluntarily files a petition seeking reorganization of, or the appointment of a receiver, trustee, or liquidator, for itself or a substantial portion of its assets, with the purpose of effecting a plan or other arrangements with creditors, is adjudicated bankrupt, or makes a voluntary assignment for the benefit of creditors;
- (6) **Involuntary Insolvency** -- If an involuntary petition is filed against Borrower under any bankruptcy, insolvency, or similar law seeking the reorganization of, or the appointment of any receiver, trustee, or liquidator, for Borrower or a substantial part of its assets, or a writ or warrant of attachment or similar process is issued against a substantial part of Borrower's assets, and such petition is not dismissed, or such writ or warrant is not released or bonded, within thirty (30) days after the filing or levy; and
- (7) **Judgments** -- If final judgment is entered against Borrower for the payment of money and such judgment is not fully covered by liability insurance and is in excess of Ten Thousand Dollars

(\$10,000.00) and is not discharged or appealed with execution of said judgment stayed pending appeal, or, if such judgment be affirmed on appeal and not discharged within thirty (30) days.

Section 6.02 Remedies

If the Borrower defaults and fails to cure as set forth in Article VI of this Agreement, then the City shall have the right to exercise concurrently or successively any one or more of the following rights and remedies:

- I. Wholly or partially terminate this Loan Agreement and the rights given to the Borrower in it;
- II. Temporarily or permanently withhold or reduce funds not yet paid to the Borrower;
- III. Recover funds previously paid to the Borrower;
- IV. Disallow all or part of the cost of a noncompliant activity;
- V. Wholly or partially suspend the Agreement;
- VI. Exercise any and all additional rights the City may have in law or equity.

Termination pursuant to clause (I) above shall be effective five (5) days after the date the City has given written notice to the Borrower of such termination. If City chooses any of the other remedies outlined, that remedy is effective immediately upon default of any of the obligations pursuant to this Agreement.

ARTICLE VII- MISCELLANEOUS

Section 7.01 Waivers

The City's failure or delay in exercising any right, power, or remedy hereunder shall not operate as a waiver thereof. The City's single or partial exercise of any such right, power or remedy shall not preclude any other or further exercise thereof of the exercise of any other right, power or remedy hereunder.

No modification or waiver of any provision of the Loan Documents, nor any consent to any departure by Borrower therefrom, shall in any event be effective or established by a court, custom, or course of dealing unless the same is in writing and executed by Borrower and the City. Such waiver of consent shall be effective only for the specific purpose for which it was given or limited to the particular breach so waived. Notice to or demand on Borrower in one instance shall not entitle Borrower to any other further notice or demand in other circumstance.

Section 7.02 Agreement Amendments

Borrower and the City hereby expressly reserve all rights to amend or to consent to, or waive, departure from any provisions of the Loan Documents and to release or otherwise deal with any collateral security for the payment of the Note; provided, however, that the Borrower must receive the prior written approval of the City and that all such amendments shall be in writing and executed by Borrower and the City.

Section 7.03 Notices and Communications

All notices, consents, requests, demands and other communications required hereunder shall be in writing and shall be deemed to have been duly given to a party hereto if mailed as follows:

If to the City, by certified mail, prepaid, at:

City of Lakewood
Department of Planning & Development
12650 Detroit Avenue
Lakewood, Ohio 44107
Attn. Dru Siley, Director

With a copy to:

City of Lakewood
Department of Law
12650 Detroit Avenue
Lakewood, Ohio 44107
Attn. Law Director

If to the Borrower:

Mr. Ralph Lukich
Omni Lakewood, Ltd.
13301 Athens Avenue
Lakewood, OH 44107

Section 7.04 Survival of Representations and Warranties

All agreements, representations, and warranties made by Borrower and City in connection with the Loan or the Loan Documents shall survive the delivery of the Loan Documents and shall continue in full force and effect so long as the Note is outstanding.

Section 7.05 Successors and Assignments

This Agreement shall be binding upon and shall inure to the benefit of Borrower and the City. When used herein, the terms "Borrower" and "City" shall include any successors and permitted assignees or any entity designated by either party to carry out the obligations of the party regarding the Project.

Section 7.06 Counterparts

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Section 7.07 Prohibition Against Assigns

Borrower shall remain primarily liable for all obligations, terms, conditions and covenants stated herein. Borrower shall not assign, delegate, or transfer any or all of its rights or obligations under the Loan Documents without obtaining the prior written approval of the City, which permission shall not be unreasonably withheld; provided, however, that if the City approves such assignment or transfer, then Borrower and/or the permitted assignees shall be bound by the terms and conditions of the Agreement, together with the Secured Promissory Note and Security Agreement of even date and attached as Exhibits B and C.

Section 7.08 Compliance with Federal, State and Local Laws and Regulations

Borrower and its subsidiaries, if any, shall comply with all applicable federal laws and regulations thereunder, executive orders and circulars, governing the receipt, expenditure, and use of the Funds.

Borrower agrees that in carrying out the Project, it, or its contractor, shall comply with all applicable housing, building, and public health codes and any laws, ordinances, regulations, administrative rulings, and policies of the City pertaining to the Project.

Section 7.09 Severability

In the event that any provisions of the Loan Documents or the application thereof is declared null and void, invalid, or illegal, or is held for any reason to be unenforceable by a court of competent jurisdiction, the remainder of each of the Loan Documents shall remain in full force and effect and shall not be in any way affected, impaired, or invalidated by those provisions. All covenants, conditions, and agreements contained in the Loan Documents are deemed and agreed to be separate.

Section 7.10 Choice of Law

This Loan Agreement shall be deemed to have been executed and delivered within the State of Ohio, and the rights and obligations of the parties shall be construed and enforced in accordance with, and governed by, the laws of the State of Ohio without regard to principles of conflicts of laws.

Section 7.11 Term of Agreement

This Loan Agreement shall remain in full force and effect until the satisfaction or cancellation of the Note.

#####

IN WITNESS WHEREOF, after due authorization, the parties have each caused this Loan Agreement to be duly executed as of the date written above.

Signed and acknowledged
in the presence of:

CITY OF LAKEWOOD, OHIO

By: _____
Michael P. Summers, Mayor

Print

Address: 12650 Detroit Avenue
Lakewood, Ohio 44107

Signed and acknowledged
in the presence of:

Ralph Lukich, Facility Manager
Omni Lakewood, Ltd.

By: _____
Ralph Lukich, Facility Manager

Print

Address: 13001 Athens Avenue
Lakewood, Ohio 44107

Approved as to Legal Form:

By: _____
Law Department

EXHIBIT A

**Omni Lakewood, Ltd.
Business Investment Program (BIP)
Economic Development Fund (EDF) Loan
Application and Project Summary
July 15, 2014**

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

On this _____ day of _____, 2014, BEFORE ME, _____ a Notary Public duly authorized in and for said County and State aforesaid to take acknowledgments, personally appeared Michael P. Summers, to me known to be Mayor of the CITY OF LAKEWOOD, an Ohio municipal corporation, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed and the free act and deed of said CITY OF LAKEWOOD.

IN WITNESS WHEREOF, I have hereunto set my hand and affix my official seal at _____, Ohio, this _____ day of _____, 2014.

Notary Public

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

On this _____ day of _____, 2014, BEFORE ME, _____ a Notary Public duly authorized in and for said County and State, personally appeared Ralph Lukich, Facility Manager and Partner of Omni Lakewood, Ltd., who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed and the free act and deed of Omni Lakewood, Ltd..

IN WITNESS WHEREOF, I have hereunto set my hand and affix my official seal at _____, Ohio, this _____ day of _____, 2014.

Notary Public



Project Overview

- Project Site:** 13001 Athens Avenue (Lake Erie Screw Building)
Industrially zoned, eighteen acre multi-tenant facility used for manufacturing, commercial, warehouse, artist studio and event space.
- Owner:** Omni Lakewood, Ltd.
13001 Athens Avenue
- Project Scope:** Life safety improvements to the facility including but not limited to improving egress components, fire alarm systems, fire suppression systems and emergency lighting and way finding.
- Timeline:** Project is scheduled to be completed by September 2016.
- Contact Name:** Ralph Lukich, Facility Manager
(216) 244-2144

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Project Financials

Total Project Cost: \$350,000

Public Financing: Approximately 29% of completed project value

- Proposed EDF Loan for \$100,000 forgivable over five years as long as project meets job creation goals.

Private Financing: Approximately 71% of completed project value

Omni will utilize existing capital improvement funds totaling \$250,000.

Rationale for City Assistance

Omni Lakewood, Ltd. acquired the property at 13001 Athens Avenue in 2006 with the intent of re-purposing the building as a center for commerce, the arts, and a community gathering center. Since acquisition Omni has privately invested millions of dollars into the property creating opportunities for nearly 100 businesses to occupy the site. From startups to long-term companies, Omni has positioned the building as a true anchor in not only the Birdtown neighborhood, but in Lakewood. By assisting Omni Lakewood in making life safety infrastructure upgrades to the building, the City will help protect the property, secure the future safe operations of the truly mixed use site, and stimulate economic development through the creation of four new jobs.

City Protections:

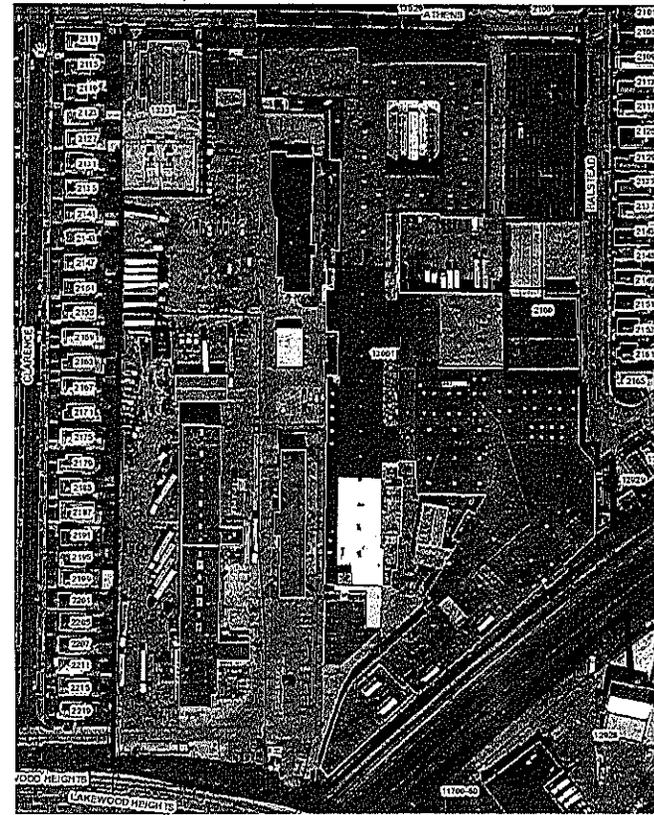
- Developer must secure commitments for private financing prior to issuance of EDF Funds.
- The City will place a lien on the property for its \$100,000 of EDF funds releasable over five years in \$20,000 increments as long as the developer meets the goals of four full-time jobs.
- The Developers will sign a completion guarantee.

Project Description:

Omni Lakewood, Ltd. serves a diverse and growing business community in Lakewood, in addition to offering a unique community gathering space. Omni has privately invested millions of dollars into the property creating opportunities for businesses to occupy the site. Omni has achieved 90% occupancy on site, including well-established industrial tenants, mid-range steel processing companies, and startup entrepreneurs and individual artisans.

The facility is home to 102 businesses, representing 375 employees. The distinguishable tenant spaces are desirable because of the site location, amenities offered and industrial atmosphere the facility offers. For the last few years, Omni Lakewood has managed a waiting list of entrepreneurs looking for space in its facility. A complete list of businesses and total employment is provided below.

Omni Lakewood, Ltd. has requested an EDF loan of \$100,000 to implement life safety upgrades to the building including improving egress components, fire alarm systems, fire suppression systems and emergency lighting and way finding. By assisting the organization in making life safety upgrades to the building, the City will help protect the physical property and secure the future safe operations of the truly mixed use site.



————— Entire Site
————— Building footprint getting life safety upgrades

Omni Lakewood Ltd. Rent Roll	On Site Since	Estimated Employees/Artists
717 Ink	2009	35
Andes, Danielle & Brooks, Pita	2009	2
Aspen Community Group (S. Kleinman)	2008	1
Atlantis Industries	1985	2
Bazotta Steel Processing	2013	2
Beacon Hausheer Marine	1987	3
Bee Well Natural Foods	2009	2
Best Lawn Care	2006	1
Boich, Michael	2009	1
Birdtown Crossfit	2013	2
Brunori, Bob	2008	1
Cahill Services, Inc.	2008	2
Caldwell, Kristen	2010	1
Credence Financial Services (Allison Taylor)	2013	1
Cleveland Red Light Distillery	2010	2
Cliffel, Kristen	1992	1
Cogswell Creations	2006	4
Compucash - Milko Kozar	2011	2
Dofonso Soap	2008	4
Deming, David	2010	1
DeSantis, Gina	2007	1
Design Associates - George Kubas	1987	1
Devil's Hand Productions	2013	2
Durr, Robert	2004	1
Dussault Moving & Storage	1985	10
Emerson Improvement	2011	4
Erie Energy Consultants	2012	2
Euclid Steel & Wire, Ltd.	2007	2
Fannin, Phyllis	1995	1
The Ferry Cap & Set Screw Company	2006	120
Fish, Matthew (Melt Bar & Grilled) - (Storage)	2009	0
Frankenfield-McCulley, Megan	2011	1
Gentner, John	2006	1
Giachetti, Derek	2009	1
Great Lakes Decorative Arts Studio	2007	1
The Student Development Company LLC	2012	6
Gilroy, John	2012	1
Grand River Beads (Eva Sherman)	2013	1
Great Lakes Property Group	2010	1
Great Lakes Technology	2009	0
Halstead Thermal Processing	2005	12
Hanrahan, Katie	2008	1
Harrison, Hunter	2009	1
Hawthorne Wire Services	2013	5
Herzak-Bauman, Lauren	2013	1

Hill, Freddy	2010	2
Hrushchov, Nikolai	2009	1
Hudecek, Michael	2009	1
Impact Technologies, Inc.	2007	1
Jewell-Kott, Karen	2007	1
KMA & Associates	2008	2
Kamoutsis, Peter	2009	1
Koja, Dan	2010	1
Konys, Mark	2008	1
LEI	2005	3
McCready, Dennis	2009	1
Lakewood Door & Window (Middle Bldg.)	2008	0
Level Design	2008	1
Lozar, Tony (Storage)	2009	0
MKJR Connection	2013	3
Mason, Christine	2009	1
Millman, Sandy	2010	1
Movement Factory (Alyssa Wilmot)	2012	4
Mowery, Michelle	2009	1
Northern Ohio Academy of Pharmacy	2007	1
Norton, Mary Beth	2009	1
Norton, Tom & Monter, Max	2010	2
O'Connor, Martin	2007	1
Okey, Shannon	2009	1
Omni Staff	2005	5
On-Point Promotions (University Tees)	2010	1
Parker Brothers	2007	3
Patton, Kathy	2010	1
Pruitt, Daniel	2009	1
ProComSol	2006	3
Psota, Anthony	2008	1
RadCon, Inc.	2008	25
Real Time Industrial Products	2010	1
Regency Construction (Storage)	2008	0
Richards, Matthew	2010	1
Ryan, Ursula	2007	1
Sand Products	1993	1
McCauley, Megan	2011	1
Seaman, Jen; Seaman, Megan; St. John, Karen	2011	3
Mission Medical	2009	2
Schmelder, Richard	2012	1
Schoel, Kim	2013	1
Shaughnessy, Gregory	1995	1
Art Factory Studio	2014	1
Sohi, David (Storage)	2011	0
Dowal, Aaron	2009	1
The Studio - Dan Chrzanoski (Storage)	1993	0
Szakowski, Jen	2013	1
Terra Verde Handmade	2013	1

EXHIBIT B



12650 Detroit Avenue • Lakewood, Ohio 44107 • (216) 529-6630 • (216) 529-5936 FAX

OPEN-END MORTGAGE

This open-end mortgage is executed and made this ____ day of ____ 20__, by Omni Lakewood, Ltd. (the "Mortgagor"), whose address is _____, Ohio 44____ in favor of the CITY OF LAKEWOOD, OHIO, a political subdivision of the state of Ohio and whose address is 12650 Detroit Avenue, Lakewood, Ohio 44107 (hereinafter called "Lender").

WHEREAS, Mortgagor is indebted to Lender in the principal sum of one-hundred thousand dollars (\$100,000.00), which indebtedness is evidenced by Mortgagor's promissory note of even date herewith (the "Note"); and

NOW, THEREFORE, to secure to Lender: (a) the repayment of: (i) the indebtedness evidenced by the Note and (ii) all other sums advanced in accordance herewith to protect the security of this Mortgage, all with interest thereon; and (b) the performance of the covenants and agreements of Borrower herein contained, Mortgagor does hereby execute and deliver this Mortgage, and hereby grants and conveys to Lender a security interest in all of Mortgagor's estate, title and interest in the property located in Lakewood, County of Cuyahoga and State of Ohio as described on Attachment 1, attached hereto and made a part hereof; said premises more commonly known as _____, Lakewood, Ohio (hereinafter from time to time the "Property"); and

In furtherance hereof, the Mortgagor represents and covenants to Lender:

1. That at the execution and delivery of this Mortgage, Mortgagor is well-seized of the Property in fee simple, has good and marketable title and right to bargain and sell the same in manner and form as above written, that the same is free from all encumbrances whatsoever except for easements, covenants, conditions, restrictions, limitations and liens of record on the date hereof; and that Mortgagor will warrant and defend said Property, as above conveyed, with the above-mentioned appurtenances to the said Lender, its successors, agents and assigns, forever, against all lawful claims or demands whatsoever.

2. That the lien, pledge and security interest of this Mortgage is a good and valid lien, pledge and security interest on all of the Property, subject to _____ mortgage[s] in favor of _____ (hereinafter collectively referred to as the "Senior Mortgage"). All rights granted to the Lender hereunder are subject and subordinate to the holders of the Senior Mortgage.

3. To promptly pay when due the principal of and interest on the indebtedness evidenced by the Note, late charges as provided in the Note, and the principal of and interest on any future advances secured by this Mortgage. Privilege is reserved to prepay at any time, without premium or fee, the entire indebtedness or any amount thereof.

4. To pay all ground rents (if any), taxes, water rates, public or private utility charges, and other governmental or municipal charges, fines, impositions, assessments, of any kind levied or imposed against the Property, and, upon request therefor, to promptly deliver the official receipts thereof to Lender or its designated agent. Tax receipts are to be delivered semi-annually and within 30 days after payment.

5. To keep the Property fully insured for the benefit of Lender in insurance companies acceptable to Lender or its designated agent, to deposit the policies of insurance with Lender or its designated agent, and to name Lender as a beneficiary on the face of said insurance policy. Receipts for payment of such insurance premiums are to be delivered not less than annually.

Provided that; paragraphs 4 and 5 shall be deemed as properly performed by Mortgagor to the extent the Senior Mortgage is in effect which makes full provisions for the fulfillment of all such obligations of Mortgagor, so long as the Lender is added as a named beneficiary of said insurance policies, and receipts are promptly delivered to Lender or its designated agent.

6. To assign to Lender (subject to the Senior Mortgage and any senior lenders rights), the proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of the Property, or any part thereof, or for conveyance in lieu of condemnation. Said proceeds shall be applied to the sums secured by this Mortgage, with the excess, if any, paid to Mortgagor. In the event of a partial taking of the Property, there shall be applied to the sums secured by this Mortgage such proportions of the proceeds as are equal to that proportion which the amount of the sums secured by this Mortgage immediately prior to the date of the taking bears to the fair market value of the Property immediately before taking, with the balance of the proceeds paid to Mortgagor.

Unless Lender and Mortgagor otherwise agree in writing, any such applications of proceeds to principal shall not extend or postpone the due date of the monthly installments referred to in the recitals above, or change the amount of such installments.

7. To pay to Lender or its designated agent the total amount due under this Mortgage upon demand, should Lender accelerate the indebtedness pursuant to paragraph 12 below.

8. To keep the Property in as good order and condition as they are now, together with any improvements thereon, reasonable wear and tear excepted, and will not commit or permit waste and shall make all necessary or appropriate repairs, replacements and renewals thereof, interior, exterior, structural and non-structural, ordinary and extraordinary, foreseen and unforeseen. Mortgagor shall not do, or permit to be done, any act or thing which might materially impair the value or usefulness of the Property or any part thereof, shall not commit or permit any waste of the Property or any part thereof, and shall not permit any unlawful occupation, business or trade involving the Property to be conducted. Lender may make or cause to be made reasonable entries upon and inspections of the Property, provided that Lender shall give Mortgagor notice prior to any such inspections specifying reasonable cause therefor related to Lender's interest in the Property.

9. Mortgagor shall, at Mortgagor's own expense, from time to time as requested by Lender, take such actions and execute and deliver to Lender all such instruments, supplements, further assurances and security or other agreements as may be required or requested by Lender in order to perfect and continue Lender's lien, pledge and security interest in the Property hereunder. Mortgagor hereby irrevocably appoints Lender as Mortgagor's agent and attorney-in-fact to sign all such instruments, supplements, further assurances and security and other agreements in the event that Mortgagor shall fail to do so upon request by Lender.

10. Except as otherwise expressly permitted by the Note and this Mortgage, Mortgagor shall not directly or indirectly sell, convey, assign, transfer or otherwise dispose of fee title to the Project facilities or any part thereof or interest therein without the prior written consent of Lender, which consent shall not be unreasonably withheld. Mortgagor shall not directly or indirectly create or permit to remain, and will promptly discharge, any mortgage, lien, encumbrance or charge on, pledge of, security interest in or conditional sale or other title retention agreement with respect to the Property or any part thereof or the interest of Lender therein or any revenues, income or profit or other sums arising from the Property or any part thereof. Notwithstanding the foregoing, no consent by Lender shall be necessary in connection with the transfer of membership interests in the Mortgagor.

11. Mortgagor shall not suffer or permit any mechanics' or other liens to be filed or to exist against the Property or any payments paid or payable under the Loan Documents, by reason of work, labor, services or materials supplied or claimed to have been supplied to, for or in connection with the Property or to Mortgagor, or anyone holding the Property or any part thereof through or under Mortgagor. If any such lien shall at any time be filed, Mortgagor shall, within thirty (30) days after notice of the filing thereof but subject to the right to contest as herein set forth, cause the same to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction or otherwise. Notwithstanding the foregoing, Mortgagor shall have the right, at Mortgagor's expense and after written notice to Lender, by appropriate proceeding timely instituted and diligently prosecuted, to contest in good faith the validity or the amount of any such lien. If, however, Lender shall notify Mortgagor that, in the opinion of independent counsel, by nonpayment of any such items the lien, pledge or security interest created by this Mortgage as to any part of the Property will be materially affected or the Property or any part thereof will be subject to imminent loss or forfeiture, Mortgagor shall promptly cause such lien to be discharged of record, as herein provided.

12. On the breach of any condition or covenant of this Mortgage or on default under the Promissory Notes secured hereby, Lender has the following remedies, subject to the rights of the holders of the Senior Mortgage:

a. Foreclosure proceedings may be instituted at the option of Lender, and the fees and charges of Lender's attorneys shall be a further lien and charge upon the Property under this Mortgage, and all such expenses shall become additional indebtedness secured by this Mortgage and shall be allowed in any decree foreclosing this Mortgage. Notwithstanding the foregoing, Lender shall not foreclose upon any part of the Property so long as HUD maintains a first mortgage with respect to such part of the Property.

b. Acceleration of the unpaid principal balance together with all interest and charges thereon, may, at the option of the Lender, be declared immediately due and payable, without notice or demand, such notice or demand being expressly waived by Mortgagor.

c. Exercise of all or any rights and remedies as Lender may have under the Loan Documents; and of any rights, remedies and powers Lender may have at law or in equity.

Provided that, prior to foreclosure or acceleration, Lender shall mail notice to Mortgagor specifying: (1) the breach; (2) the action required to cure such breach; (3) a date, not less than 30 days from the date the notice is mailed to the Mortgagor, by which such breach must be cured; and (4) that failure to cure such breach on or before the date specified in the notice may result in acceleration of the sums secured by this Mortgage, foreclosure by judicial proceeding and sale of the Property. Upon payment and cure by Mortgagor, this Mortgage and the obligations secured hereby shall remain in full force and effect as if no acceleration had occurred.

13. Upon failure of Mortgagor to pay any ground rents, taxes, water rates, public or private utilities, other governmental charges, insurances policy premiums, prior liens, and charges thereon, which Mortgagor has agreed to pay under paragraphs 4 and 5 above, Lender may, at its option, pay the same, and any amount so paid by Lender shall be added to the principal debt named herein and bear interest at the rate charged by the prior lienholder, payable monthly, from the date of such payment, and shall be secured by this Mortgage.

14. Subject to the rights of the holders of the Senior Mortgage, Lender shall have the right at its option, to collect the rental income and proceeds of the Property, if any, or to appoint a receiver to take possession of and manage and control the premises.

15. Any forbearance by the Lender in exercising any right or remedy hereunder, or otherwise provided by applicable law, shall not be a waiver of or preclude the exercise of any such right or remedy. All remedies provided in this Mortgage are distinct and cumulative to any other right or remedy under this Mortgage or afforded by law or equity, and may be exercised cumulatively, concurrently, independently or successively.

16. Indemnification. Mortgagor shall protect, indemnify and save harmless Lender from and against all liabilities, obligations, claims, damages, penalties, causes of action, costs and expenses (including, without limitation, reasonable attorneys' fees and expenses except as may be limited by law or judicial order or decision entered in any action brought to recover moneys under this Section) imposed upon, incurred by or asserted against Lender by reason of (a) ownership of any interest in the Property; (b) any accident or injury to or death of persons, or loss of or damage to property occurring on or about the Property or any part thereof or adjacent real property, sidewalks, curbs, vaults and vault space, if any, streets or ways or with respect to the operation of Mortgagor's business including but not limited to Mortgagor's ownership of or interest in any of the Property or any part thereof; (c) any use, disuse, non-use or condition of the Property or any part thereof or adjacent real property sidewalks, curbs, vaults and vault space, if any, streets or ways; (d) any failure on the part of Mortgagor to perform or comply with any of the terms hereof or of the Note or any other instrument or document executed in connection with the transactions contemplated herein and therein; (e) any necessity to defend any right, title or interest conveyed by this Mortgage or to defend any action arising from the creation or perfection of any such right, title or interest; (f) the performance of any labor or services or the furnishing of any materials or other property in respect to the Property or any part thereof; (g) any loss of or damage to property, or injury to or death of any person, that may be occasioned by any cause pertaining to the provision of any part of the Property; (h) any breach or default arising from any act or failure to act by Mortgagor or any of its agents, lessees, contractors, servants, employees or licensees or arising from any accident, injury or damage caused to any person and occurring with respect to the operation of Mortgagor's business including Mortgagor's ownership of or interest in any of the Property; or (i) any such claim, action, or proceeding brought thereon. If any action or proceeding is made or brought against the City in respect of which indemnity may be sought hereunder, Lender shall give notice to Mortgagor of the action or proceeding and upon such notice, at the option of Lender, (l) Mortgagor shall

assume the defense of the action or proceeding with legal counsel satisfactory to Lender, (2) Mortgagor shall assume the defense of the action or proceeding with the participation of Lender, at Mortgagor's expense, or (3) Lender shall assume the defense of the action or proceeding with legal counsel satisfactory to Lender, at Mortgagor's expense; provided that failure of Lender to give such notice shall not relieve Mortgagor from any of Mortgagor's obligations under this Section unless the failure prejudices the defense by Mortgagor of the action or proceeding. Any amounts payable to Lender under this Section shall be paid by Mortgagor on demand together with interest thereon at the per annum rate equal to the Wall Street Journal's prime rate of interest plus 5% from the date thereof in addition to all other payments to be made by the Mortgagor pursuant to the Note, and shall be subject to and secured by this Mortgage as additional indebtedness under this Mortgage. The obligations of Mortgagor under this Section shall survive any defeasance of this Mortgage. The indemnification provided by this Section to Lender includes officers, employees, agents and representatives of the Lender.

17. In case of any damage to or destruction of the Property or any part thereof, there shall be no abatement or reduction of any payment payable by the Mortgagor under the Note, and Mortgagor shall promptly give written notice thereof to the City generally describing the nature and extent of such damage or destruction.

18. The covenants contained herein shall bind, and the benefits and advantages shall inure to, the respective heirs, executors, successors, assigns and agents of the parties hereto. Whenever used, the singular number shall include the plural, and the use of any gender shall include all genders.

19. Upon payment of all sums secured by this Mortgage, Lender shall discharge this Mortgage, without charge to Mortgagor. Mortgagor shall pay all costs of recordation, if any.

2
IN WITNESS WHEREOF, MORTGAGOR has executed this Mortgage as of the date set forth hereinabove.

MORTGAGOR(S)

(sign)

(print)

EXHIBIT C



12650 Detroit Avenue • Lakewood, Ohio 44107 • (216) 529-6630 • (216) 529-5936 FAX

**SECURITY AGREEMENT BETWEEN THE CITY OF LAKEWOOD
AND OMNI LAKEWOOD, LTD..**

Date: December _____, 2014

This is an agreement between Omni Lakewood, Ltd., ("Borrower" herein) and the City of Lakewood, Ohio ("Secured Party" and "City" herein). In consideration of the mutual covenants and promises set forth in this agreement, Borrower and Secured Party agree:

Creation of Security Interest

For valuable consideration, receipt of which is hereby acknowledged, Borrower hereby grants to Secured Party a security interest in property located at 13001 Athens Avenue, Lakewood, OH 44107 ("Collateral" herein) as listed in Exhibit A,

This security interest is to secure payment of the total debt set forth in the note (from Borrower to Secured Party) of even date herewith, together with the Economic Development Fund Program Loan Agreement of even date, and any and all other liabilities of Borrower to Secured Party under this agreement, which together are referred to as the "obligation" herein.

Obligation Secured

The total debt of Borrower to Secured Party is One-Hundred Thousand Dollars (\$100,000.00), at an interest rate of zero percent (0%) per annum as provided in the note of even date secured hereby.

Borrower's Rights in Collateral

Borrower hereby warrants that it is the sole owner of the Collateral and that there are no liens or encumbrances of any kind thereon or on any part thereof. Borrower further warrants that it has good right to grant a security interest in the Collateral pursuant to Chapter 1309 of the Ohio Revised Code.

Location of Collateral

The Collateral is located at 13001 Athens Avenue, Lakewood, Ohio 44107 (to become Borrower's place of business), and Borrower shall promptly notify Secured Party of any change in Collateral. Borrower shall not remove the Collateral from the State of Ohio without Secured Party's written consent. Secured Party shall retain the right to inspect the Collateral during regular business hours by providing forty-eight (48) hours prior notice to such inspection.

Protection of Collateral

Borrower shall maintain the Collateral in good repair and shall be responsible to the Secured Party for any loss or damage thereto, shall keep the Collateral free of all taxes, liens and other charges, and shall not illegally use or secrete the Collateral.

Insurance

Borrower shall maintain the usual insurance coverage on the Collateral, in a form satisfactory to and issued by an insurance carrier approved by Secured Party, naming Secured Party as a co-insured party on such coverage. Borrower shall pay promptly all premiums on such policies. Borrower shall provide Secured Party with a copy of the certificate of insurance, which shall be delivered to the City of Lakewood, Ohio, Department of Planning and Development. In the event of Borrower failure to procure such insurance or to pay the premiums therefore, Secured Party may procure and pay for such insurance, and all sums advanced for such purpose shall be added to the obligation and secured by this agreement.

Default

Any of the following shall constitute default hereunder:

- (a) Borrower's failure to promptly make an installment payment provided for in the note of even date secured hereby.
- (b) Borrower's failure to promptly perform any of the provisions of the note of even date secured hereby or any of the provisions of this agreement.
- (c) Borrower's failure to promptly perform any of the provisions of the Economic Development Fund Program Loan Agreement of even date secured hereby.
- (d) The making or levying of any attachment or execution on the Collateral.

Remedies

In the event of any default by Borrower, Secured Party may take any legal action available to collect all sums owing hereunder, to enforce its right to possession of the Collateral, and to enforce any all other rights or remedies available to it under Chapter 1309 of the Ohio Revised Code.

No such action shall operate as a waiver of any other right or remedy of Secured Party under the terms hereof, or by statute, or otherwise. All rights and remedies of Secured Party are cumulative and not alternative, and no waiver of any default operates as a waiver of any other default.

On any default hereunder, Secured Party may declare all remaining installments immediately due and payable. In the event of nonpayment, Borrower shall, on demand, deliver the Collateral to Secured Party. Secured Party, on obtaining possession of the Collateral on default, may sell the Collateral or any part thereof at public or private sale either with or without having the Collateral at the place of sale. Insofar as may be lawful, Secured Party may be a purchaser at such sale. The net proceeds of such sale, after deducting all expenses of Secured Party in taking, storing, repairing and selling the Collateral, shall be credited against the obligation in accordance with the terms of this agreement. Any surplus shall be paid to Borrower, or the person legally entitled thereto. In the event of a deficiency, Borrower shall pay such deficiency to Secured Party.

Effect of Agreement

This agreement shall bind and inure to the benefit of Borrower and Secured Party and their respective executors, administrators, successors, heirs and assigns.

General Provisions

Borrower and Secured Party declare that they have read this agreement, including the provisions of the promissory note attached to and secured by this agreement, and that they understand the terms and meaning of the agreement and note. Borrower acknowledges receipt from Secured Party of a copy hereof. Borrower and Secured Party agree that this agreement, together with the Secured Promissory Note and the Economic Development Fund Loan Agreement, contain the entire agreement between the parties and that there are no other terms or provisions, either express or implied.

Omni Lakewood, Ltd.
By its Facility Manager, Ralph Lukich

City of Lakewood
By its Mayor, Michael P. Summers

Approved As To Form:

Kevin Butler, Director of Law
City of Lakewood, Ohio

EXHIBIT D Baseline LMI FTE Employment Summary									
Company:		DUNS #: _____							
Contact:		Email: _____		Phone: _____					
Position #	Job Title	FTE	HUD-Defined Job Categories						
			Officials/ Mgrs	Professional	Technicians	Sales	Office/Clerical	Craft Worker	Operative
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									
Total Baseline FTE Low-Mod Eligible Positions									

Instructions

(1) Print a copy of the business' Certified Payroll dated immediately prior execution of the EDF Loan Agreement.

(2) Highlight only positions for which ALL of the following statements are TRUE.

vi. The position does not require special skills, training or education;

vii. The position does require special skills that will be provided "on-the-job."

viii. Qualified LMI persons will receive first consideration among all equally qualified applicants.

ix. LMI persons will be actively recruited to fill the position.

(3) Add all highlighted payroll positions to the list above, including those that are open and/or unfilled.

(4) Provide the following information regarding each payroll position listed.

a. Job Title: Insert the job title assigned by the company.

b. FTE: If the position is "Full-Time," place a "1" in this cell. If the position is "Part-Time," calculate and insert the position's "full-time equivalency" (FTE) as follows:
 $FTE = \# \text{ Hrs Worked Per Week } (x) \# \text{ Weeks Worked Per Year } + 2,080 \text{ Hrs Per Work Year}$

c. Job Category: Place a "1" in the cell that corresponds with the appropriate Job Category.

(5) Attach the highlighted copy of the Certified Payroll and submit to the City of Lakewood.

Certification
 I certify the information provided on this form is complete and correct to the best of my knowledge.

Signature _____ Title _____ Date _____

EXHIBIT E Job Creation & Hiring Plan																		
Company:		DUNS #: _____																
Email:		Total Job Creation Goal:		Total Hiring Goal														
Posn #	Job Title	LMI Position	LMI Occupied	Hth Care Benefits	Full-Time	Hours/Week	FTE	Officials/ Mgrs	Professional	Technicians	Sales	Office/Clerical	Craft Worker	Operative	Laborer	Service Worker	Job Duties	
																		Part-Time
1																		
2																		
3																		
4																		
5																		
6																		
7																		
Total		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

Summary

Total FTE Jobs To Be Created _____

Total FTE LMI Jobs To Be Created _____

Total FTE Jobs w/Health Care Benefits To Be Created _____

Total FTE LMI Jobs w/Health Care Benefits To Be Created _____

In the space below, please briefly describe hiring strategies to be used and actions to be taken that will ensure low- and moderate-income individuals are made aware of, actively recruited to fill, and receive "first consideration" among qualified applicants for the payroll positions created through the funded project

Signature _____ Title _____ Date _____

EXHIBIT F
Income Self-Certification & Data Form

The business to which you are applying has received assistance through the City of Lakewood's Economic Development Fund. As such, it must report certain data regarding persons interviewed and hired for positions related to this assistance. This information will be used to assist the City in satisfying U.S. Department of Housing & Urban Development compliance requirements and has absolutely no bearing on the selection or hiring processes. *Your participation is greatly appreciated.*

Name (please print) _____ Date: _____

HOUSEHOLD INCOME LEVEL

- Find and CIRCLE your Household Size in the first column of the table below. Household is defined as all persons living in your residence, including you, who are related by blood, marriage, or adoption;
- Scan across the table to the right from the household size you've circled, find your household's corresponding income range PRIOR TO BEING HIRED, and circle it;
- Scan up from the household income range you've circled to the top of the column to identify your income category then circle it

2012 HUD Income Limits (Effective December 1, 2011)				
Household Size	Category 1	Category 2	Category 3	Category 4
1 person	\$35,701 +	\$22,301 - \$35,700	\$13,401 - \$22,300	\$0 - \$13,400
2 persons	\$40,801 +	\$25,501 - \$40,800	\$15,301 - \$25,500	\$0 - \$15,300
3 persons	\$45,901 +	\$28,701 - \$45,900	\$17,201 - \$28,700	\$0 - \$17,200
4 persons	\$50,951 +	\$31,851 - \$50,950	\$19,101 - \$31,850	\$0 - \$19,100
5 persons	\$55,051 +	\$34,401 - \$55,050	\$20,651 - \$34,400	\$0 - \$20,650
6 persons	\$59,151 +	\$36,951 - \$59,150	\$22,201 - \$36,950	\$0 - \$22,200
7 persons	\$63,201 +	\$39,501 - \$63,200	\$23,701 - \$39,500	\$0 - \$23,700
8 persons	\$67,301 +	\$42,051 - \$67,300	\$25,251 - \$42,050	\$0 - \$25,250

RACE/ETHNICITY: Please indicate your race/ethnicity category below.

- White American Indian/Alaskan Native & White
- Black/African American Asian & White
- Asian Black/African American & White
- American Indian/Alaskan Native American Indian/Alaskan Native & Black/African American
- Native Hawaiian/Other Pacific Islander Other Multi-Racial
- Do you consider yourself as being of Hispanic ethnicity? Yes No

ADDITIONAL INFORMATION

- What is your gender? Male Female
- Are you a female head of household? Yes No
- Do you have a disability or substantial handicap? Yes No
- Are you currently unemployed? Yes No
- Do you currently have health care benefits? Yes No

I certify the information provided is true and accurate to the best of my knowledge.

Signature: _____ Date: _____

For Administrative Use Only

- Was the position applied for created in association with the EDF-funded project? Yes No
- Was the applicant interviewed? Yes No
- Was the applicant hired? Yes No
- Hire Date: _____ FTE: _____
- Job Title: _____ Initial Occupant Yes No
- Job Category: _____ Re-hire Yes No

EXHIBIT G
Adjusted Gross Income Computation Form

Name(s) of Individual:		Maximum HH Income:		
Household Size:		Program: Economic Development		
<i>Include all family members 18 years of age or older earning taxable income.</i>				
#	Source	Household Members		SUBTOTAL
1	Wages, salaries, tips			
2	Taxable interest			
3	Ordinary dividend income			
4	Taxable refunds/credit/offsets of state/local income taxes			
5	Alimony received			
6	Business income (or loss)			
7	Capital gain (or loss)			
8	Other gains (or losses)			
9	Taxable amount of IRA distributions			
10	Taxable amount of pensions and annuities			
11	Rental real estate, royalties, partnerships, trusts etc...			
12	Farm income or loss			
13	Unemployment compensation			
14	Taxable amount of social security benefits			
15	Other income			
16	TOTAL			
The undersigned certify the above statements are true, accurate, and complete the best of the undersigned's knowledge and are given for the purpose of assisting the Borrower with its low-moderate income requirement.				
Signature		Date		

EXHIBIT H
Semi-Annual Job Creation & Hiring Report

Prepared By: _____ Phone: _____ Email: _____
 Company Name: _____ Reporting Period: _____
 Total Job Creation Goal: _____ LMI Hiring Goal: _____
 LMI FTE Positions Created Prior to This Report: _____
 LMI FTE Jobs Filled by LMI Persons Prior to This Report: _____

Attach a completed & signed Certification Form for all persons interviewed for and hired to fill positions created in association with the funded project.

Posn # ⁽¹⁾	Job Category ⁽²⁾	Title & Employee Names	Job Data				Actual Beneficiary Data																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
			Health Care Benefits	Full-Time (F)	Part-Time (P)	FTE	Total Interviews	# LMI Interviews	New Hire This Period	Hire Date	Depart Date	Tenure (Months)	Cert Form Attached	Unemp Before Hired	Household Size	HH Income Category ⁽⁶⁾	Gender	Race/Ethnicity ⁽⁷⁾	Hispanic Ethnicity	FHH	Handicap/Disability	Elderly (62+ Years)																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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Instructions

- (1) Position Number: Replicate, in the same order, positions listed in the Job Creation & Hiring Plan.
- (2) HUD Job Categories: 1 – Officials and Managers, 2 – Professionals, 3 – Technicians, 4 – Sales, 5 – Office and Clerical, 6 – Craft Workers (Skilled), 7 – Operatives (Semi-skilled), 8 – Laborers (Unskilled), 9 – Service Workers
- (3) Health Care Benefits: Enter "1" if the position comes with health care benefits; enter "0" if it does not.
- (4) Full-Time: Enter "1" if the position is "full-time," enter "0" if the position is "part-time."
- (5) FTE: # Hours Worked Per Week (x) # Weeks Worked Per Year ÷ 2,080 Hours Per Work Year
- (6) Household Income Category: "VJ" = Very-Low Income; "L" = Low Income; "LM" = Low-Moderate Income
- (7) Race/Ethnicity Categories: White (W), Black/AF Amer (B), American Indian/Alaskan Native (AI), Native Hawaiian/Other Pacific Islander (NH), Asian & White (AW), American Indian/Alaskan Native & White (AIW), Black & White (BW), American Indian/Alaskan Native & Black (AIB), Multi-Racial (MR)

Certification
 I certify the information provided on this form is complete and correct to the best of my knowledge.

Signature _____ Title _____ Date _____

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Placed on first reading and referred to the Public Safety Committee 6/16/2014, second reading 7/7/2014. Substitute version recommended for adoption 8/24/2014. Please substitute for the original.

ORDINANCE NO. 30-14

BY:

AN ORDINANCE to take effect on January 1, 2015 amending certain provisions of the Codified Ordinances of the City of Lakewood regarding insurance requirements.

WHEREAS, it is necessary and desirable to amend various sections of the Codified Ordinances of the City in order to make provisions regarding insurance requirements consistent throughout the code; 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 ordinance shall take effect on January 1, 2015, in order to become effective concurrently with legislation establishing insurance amounts and limits; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 129.33, Self-Insurance Funds, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

129.33 SELF-INSURANCE FUNDS.

(a) The Recreational Self-Insurance Fund.

(1) There is hereby established, in and for the City, pursuant to Ohio R.C. 2744.08(A)(2)(a), a special fund to be known as the "City of Lakewood Recreational Programs and Recreational Facilities Self-Insurance Fund" (hereinafter and otherwise referred to as the "Recreational Self-Insurance Fund" or the "Fund").

(2) The Fund shall be administered in accordance with the Recreational Program and Facilities Self-Insurance Agreement between the City and the School District, dated June 11, 1987, as such Agreement shall be amended from time to time, as authorized by Ohio R.C. 2744.08(A)(2)(b).

(3) The source and amount of the moneys to be deposited to the credit of the Fund shall be determined in accordance with the Agreement, as it may be amended from time to time.

(4) The purposes of expenditures and other uses of moneys and the authority to expend such moneys from the Fund shall be determined in accordance with the Agreement, as it may be amended from time to time, including, but not limited to, the purposes of:

A. Paying claims, whether by settlement or pursuant to a final judgment;

- B. Expenses, including, but not limited to, claims-related expenses;
 - C. Withdrawing excess funds as authorized by the Agreement; and
 - D. Distributing funds upon termination of the Agreement, as authorized by the Agreement.
- (5) The sum of fifty thousand dollars (\$50,000) shall be appropriated from the City's General Fund to the credit of the Recreational Self-Insurance Fund. Pursuant to Ohio R.C. 2744.08(A)(2)(a), the Director of Finance is hereby authorized to transfer, by way of administrative reimbursement, funds from the City's various funds and accounts to reimburse the General Fund, based upon his determination of the relative exposure and loss experience of the functions of the City that are financed from such funds and accounts.
- (b) The General Liability Self-Insurance Fund.
- (1) There is hereby established, in and for the City, pursuant to Ohio R.C. 2744.08(A)(2)(a), a special fund to be known as the "City of Lakewood General Liability Self-Insurance Fund" (hereinafter and otherwise referred to as the "General Liability Self-Insurance Fund" or the "Fund").
 - (2) Council may appropriate, on an annual basis and at such other times as it deems necessary or desirable, such amounts which it believes, in its sole discretion, will be sufficient to wholly or partially fund reserves to pay claims and claims expenses with respect to the City's liability to others arising out of torts, including the City's duty, if any, to indemnify its employees and officials in a proper case. This subsection does not require that any claim reserve or other reserve be established or, if established, that it be fully funded.
 - (3) Moneys deposited to the credit of the General Liability Self-Insurance Fund may be expended for the following purposes:
 - A. To pay claims, whether by settlement or upon final judgment;
 - B. To pay claims-related expenses and other expenses related to the purpose of the Fund;
 - C. To purchase liability insurance;
 - D. To make contributions for the services provided and the liability coverage extended by a joint self-insurance pool;
 - E. To withdraw money for any lawful use if Council determines that excess moneys are to the credit of the Fund; and
 - F. To distribute any balance remaining in the Fund for any lawful use, as Council shall determine, upon the determination by Council that this Fund shall be terminated.
 - (4) The interest paid on the investment of the moneys to the credit of this Fund shall be paid into the Fund.

- (5) This subsection may be amended from time to time, and moneys deposited to the credit of the Fund prior to any such amendment may be administered and/or expended in the manner provided by the amended provisions.
- (6) The sum of one hundred fifty thousand dollars (\$150,000) shall be appropriated from the General Fund to the credit of the General Liability Self-Insurance Fund. Pursuant to Ohio R.C. 2744.08(A)(2)(a), the Director of Finance is hereby authorized to transfer, by way of administrative reimbursements, funds from the City's various funds and accounts to reimburse the General Fund, based upon his determination of the relative exposure and loss experience of the functions of the City that are financed from such funds and accounts.

shall be and hereby is repealed.

Section 2. Section 506.04, Exception, Registration and Fee, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

506.04 EXCEPTION, REGISTRATION AND FEE.

- (a) Any owner of a dangerous animal as defined in Section 506.03 on the effective date of this section who intends to keep such dangerous animal within the City shall have ninety days from the effective date of this section, or, on a showing of good cause for having failed to adhere to the provisions hereof within ninety days of the effective date of this section, thirty days from the date the owner is notified of his or her noncompliance, to register such dangerous animal with the Director of Public Safety or his or her designee. The fee for such registration shall be fifty dollars (\$50.00). Registration shall take place annually thereafter. Registration shall include providing the name and contact information of the owner of the dangerous animal, the location where the dangerous animal shall be kept, and any other information deemed necessary to ensure the safety of the public by the Director of Public Safety or his or her designee. Registration shall be rejected and the dangerous animal shall be removed from the if the owner fails to show proof annually of compliance with the following conditions:

...

- (3) That the owner has obtained liability insurance with an insurer authorized to write liability insurance in the State, providing coverage for each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to, or death of, a human being caused by the animal and that such insurance policy is paid in full for the entire period of registration.

...

shall be and is hereby amended to read as follows:

506.04 EXCEPTION, REGISTRATION AND FEE.

- (a) Any owner of a dangerous animal as defined in Section 506.03 on the effective date of this section who intends to keep such dangerous animal within the City shall have ninety days from the effective date of this section, or, on

a showing of good cause for having failed to adhere to the provisions hereof within ninety days of the effective date of this section, thirty days from the date the owner is notified of his or her noncompliance, to register such dangerous animal with the Director of Public Safety or his or her designee. The fee for such registration shall be fifty dollars (\$50.00). Registration shall take place annually thereafter. Registration shall include providing the name and contact information of the owner of the dangerous animal, the location where the dangerous animal shall be kept, and any other information deemed necessary to ensure the safety of the public by the Director of Public Safety or his or her designee. Registration shall be rejected and the dangerous animal shall be removed from the if the owner fails to show proof annually of compliance with the following conditions:

- ...
- (3) That the owner has obtained liability insurance with an insurer authorized to write liability insurance in the State, providing coverage for each occurrence, subject to a limit, exclusive of interest and costs, ~~of not less than one hundred thousand dollars (\$100,000)~~ in an amount approved by Council because of damage or bodily injury to, or death of, a human being caused by the animal and that such insurance policy is paid in full for the entire period of registration. The owner shall provide a certificate of insurance evidencing that the policy covers the dangerous animal to which this provision applies and that the insurer acknowledges the specific breed and that it has been declared dangerous.
- ...

Section 3. Section 901.18, Erecting Buildings or Structures on Public Ground, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

901.18 ERECTING BUILDINGS OR STRUCTURES ON PUBLIC GROUND.

- (a) No person shall erect, place or cause to be erected or placed or permit to remain, any building, structure or device of any nature upon any street, lane, alley or public ground within the City except with the consent of the owner thereof and where permitted by statutes of the State and the ordinances of the City, including, but not limited to, zoning provisions.
- (b) No person, firm or corporation shall exclusively use property of the City held for use by the general public except pursuant to rental agreements or permits including provision for the payment of a reasonable rental as may be authorized by ordinance. The term "exclusive use", as used in this section shall mean continuous use of property in the manner hereinabove stated to the exclusion or limitation of the general public for a period of thirty minutes or longer. Applications for rental agreements or permits for the exclusive use of public property of the City shall be made to Council, except as otherwise permitted by ordinance.
- (c) No exclusive use of City property shall be permitted, whether authorized by permit, license, rental agreement or otherwise and whether pursuant to the terms of this section or otherwise, unless such use is permitted subject to the following express conditions and obligations:

- (1) The user agrees to and shall indemnify, defend and hold harmless the City and its officers, boards, commissions, agents and employees against and from any and all claims, demands, actions, suits, liabilities and judgments of every kind and nature and regardless of the merits of the same, arising out of, occasioned by or related to the exercise or enjoyment of such exclusive use, including reasonable attorneys' fees and court costs in the defense of any action.
- (2) The user shall, at all times during the term of the exclusive use, pay all premiums for, and file with the City, certificates of insurance and receipts evidencing the payment of premiums for public liability insurance in such amount as will at least protect the user and the City from all claims for damage to property or bodily injury, including death, which may arise from or in connection with the user's exclusive use of City property. Such insurance shall name the City as an additional insured, shall be in the amount of not less than one hundred thousand dollars (\$100,000) combined single limit for any injury to persons and/or damaged property, and shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without thirty days prior written notice to the City.
- (d) No structure shall be erected upon City property pursuant to a rental agreement or permit, unless such structure is specifically authorized by a rental agreement or permit, is permitted by ordinance and has a design which meets preexisting standards for such particular structure approved by the Architectural Board of Review or which has been approved by such Board incident to an individual request. All structures shall be firmly secured to protect the public health, safety and welfare in a manner acceptable to the Director of Public Safety.

shall be and is hereby amended to read as follows:

901.18 ERECTING BUILDINGS OR STRUCTURES ON PUBLIC GROUND.

...

- (c) No exclusive use of City property shall be permitted, whether authorized by permit, license, rental agreement or otherwise and whether pursuant to the terms of this section or otherwise, unless such use is permitted subject to the following express conditions and obligations:

...

- (2) The user shall, at all times during the term of the exclusive use, pay all premiums for, and file with the City, certificates of insurance and receipts evidencing the payment of premiums for public liability insurance in such amount as will at least protect the user and the City from all claims for damage to property or bodily injury, including death, which may arise from or in connection with the user's exclusive use of City property. Such insurance shall name the City as an additional insured, shall be in the amount as approved by Council ~~of not less than one hundred thousand dollars (\$100,000) combined single limit for any injury to persons and/or damaged property~~, and shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without thirty days prior written notice to the City.

...

Section 4. Section 1160.14, Liability Insurance, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1160.14 LIABILITY INSURANCE.

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 Million per occurrence and \$1 Million in the aggregate. Certificates shall be made available to the City upon request.

shall be and is hereby amended to read as follows:

1160.14 LIABILITY INSURANCE.

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 Million per occurrence and \$1 Million in the aggregate approved by Council. Certificates shall be made available to the City upon request.

Section 5. Section 1306.44, License Application Form and Fee, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1306.44 LICENSE APPLICATION FORM AND FEE.

(a) In General. An applicant for a housing or vacant property license shall:

(1) Submit to the Building Commissioner or his or her designee (as used in this section, "Building Commissioner") an application on a form prescribed by the Building Commissioner; and

...

(4) In the case of an application for a vacant property license, a copy of the declarations page for at least one policy of liability insurance covering the property; and the combination to a Knox Box system or such other rapid-entry system of comparable quality authorized by the Chief of Fire containing keys necessary to aid the Division of Fire in obtaining access to the structure when responding to calls for an emergency service; and

...

shall be and is hereby amended to read as follows:

1306.44 LICENSE APPLICATION FORM AND FEE.

(a) In General. An applicant for a housing or vacant property license shall:

(1) Submit to the Building Commissioner or his or her designee (as used in this section, "Building Commissioner") an application on a form prescribed by the Building Commissioner; and

...

- (4) In the case of an application for a vacant property license, a copy of the declarations page for at least one policy of liability insurance covering the property and acknowledging that the property is vacant; and the combination to a Knox Box system or such other rapid-entry system of comparable quality authorized by the Chief of Fire containing keys necessary to aid the Division of Fire in obtaining access to the structure when responding to calls for an emergency service; and

...

Section 6. Section 1306.72, Vacant and Abandoned Buildings, of the Lakewood Codified Ordinances, currently reading as follows:

1306.72 VACANT AND ABANDONED BUILDINGS.

...

- (d) Insurance. Sufficient property and liability insurance shall be maintained on the property in an amount at least equal to the fair market value of the property. The City shall provide a written notice of the requirements of this section and that the property is considered vacant or abandoned under this section, to the insurance carrier, if known, and to any lien holder of record. The City may require an owner or agent of a vacant or abandoned property which is in violation of this section to provide proof of insurance, and no owner or agent shall fail to provide such proof when so ordered.

...

shall be and is hereby amended to read as follows:

1306.72 VACANT AND ABANDONED BUILDINGS.

...

- (d) Insurance. Sufficient vacant property and liability insurance shall be maintained on the property in an amount at least equal to the fair market value of the property. The City shall provide a written notice of the requirements of this section and that the property is considered vacant or abandoned under this section, to the insurance carrier, if known, and to any lien holder of record. The City may require an owner or agent of a vacant or abandoned property which is in violation of this section to provide proof of insurance, and no owner or agent shall fail to provide such proof when so ordered.

...

Section 7. Section 1321.02, Registration by Building Commissioner, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1321.02 REGISTRATION BY BUILDING COMMISSIONER.

- (a) The Building Commissioner shall maintain a list of Registered Contractors by Trade. The Commissioner shall record the name of any contractor, being an individual or a business entity, on the List of Registered Contractors upon providing the Commissioner with the following:

...

- (2) Contractor's liability insurance, including but without limitation, for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000), and for property damage in the amount of at least fifty thousand dollars (\$50,000) or such greater amounts as permitted by Ohio R.C. 4740.06(B)(4).

...

- (4) A fee of one hundred dollars (\$100.00) for the registration and, if applicable, a fee of one hundred dollars (\$100.00) for the testing provided for in paragraph (1) above.

...

shall be and is hereby amended to read as follows:

1321.02 REGISTRATION BY BUILDING COMMISSIONER.

- (a) The Building Commissioner shall maintain a list of Registered Contractors by Trade. The Commissioner shall record the name of any contractor, being an individual or a business entity, on the List of Registered Contractors upon providing the Commissioner with the following:

...

- (2) Contractor's liability insurance, including but without limitation, for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000), and for property damage coverage in the amounts approved by Council of at least fifty thousand dollars (\$50,000) or such greater amounts as permitted by Ohio R.C. 4740.06(B)(4); and in a form approved by the Director of Law listing all trades for which the contractor is insured and naming the City as an additional insured. The form shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without 30 days' prior written notice to the City.

...

- (4) A fee of one hundred dollars (\$100.00) for the registration and, if applicable, a fee of one hundred dollars (\$100.00) for the testing provided for in paragraph (1) above. Fees shall be established by Council.

...

Section 8. Section 1321.03, Bond, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1321.03 BOND.

When evidence discloses that the registrant has refused, failed or neglected to correct or abate violations of any applicable code or ordinance in performance of any work done pursuant to a registration within a reasonable time after having been notified by the Building Commissioner, the Building Commissioner may require the registrant to furnish a performance bond in the sum of five thousand dollars (\$5,000) guaranteeing full and faithful compliance by the registrant with all provisions of any applicable code or ordinance of the City and binding the surety thereon to correct or abate any violations of any applicable code or ordinance of the City whenever the applicant for registration named as the principal on such bond refuses, neglects or fails to correct or abate such violation within a reasonable time limit set by the Building Commissioner.

shall be and is hereby repealed.

Section 9. Section 1323.04, Insurance, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1323.04 INSURANCE.

Each applicant for a Certificate of Registration shall furnish evidence of insurance for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000), and for property damages in the amount of at least fifty thousand dollars (\$50,000) if the applicant acts as a contractor for a continuous period of three months or more per calendar year.

shall be and is hereby amended to read as follows:

1323.04 INSURANCE.

Each applicant for a Certificate of Registration shall furnish evidence of contractor's liability insurance, including without limitation, bodily injury and property damage, in amounts and in a form approved by Council, and listing all trades for which the contractor is insured and naming the City as an additional insured. ~~insurance for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000)~~ The form shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without 30 days' prior written notice to the City, and for property damages in the amount of at least fifty thousand dollars ~~(\$50,000) if the applicant acts as a contractor for a continuous period of three months or more per calendar year.~~

Section 10. Section 1323.05, Bond, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1323.05 BOND.

When evidence discloses that the registrant has refused, failed or neglected to correct or abate violations of any applicable code or ordinance in performance of work done pursuant to a Certificate of Registration within a reasonable time after having been notified by the Building Commissioner, the Building Commissioner may require the registrant to furnish a performance bond in the amount of ten thousand dollars (\$10,000) guaranteeing full and faithful compliance by the applicant with all provisions of any applicable code or ordinance of the City whenever the applicant for registration named as the principal on such bond re-

fuses, neglects or fails to correct or abate such violation within a reasonable time set by the Building Commissioner.

shall be and is hereby repealed.

Section 11. For the reasons stated in the preamble to this ordinance, this ordinance shall take effect on January 1, 2015.

Section 12. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President

Clerk

Approved: _____

Mayor



CHARTER
REVIEW
COMMISSION

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

August 15, 2014

President Mary Louise Madigan and
Members of Lakewood City Council
12650 Detroit Avenue
Lakewood, OH 44107

Re: Transmittal of the final report of the 2014 Charter Review Commission as well as the proposed Third Amended Charter of the City of Lakewood

Dear President Madigan and Members of the Lakewood City Council:

On behalf of the nine members of the 2014 Charter Review Commission, it is my honor to be able to send to you our final report as well as the proposed Third Amended Charter of the City of Lakewood. It is our understanding that this is the first complete overhaul of the charter since its inception in 1913. Each member of the commission contributed to this work; this was an excellent example of selfless public service in action.

I would be remiss if I didn't comment on how willing Law Director Kevin Butler and Finance Director Jennifer Pae were to help with this project. In particular, Kevin was invaluable in putting the proposed charter into "one voice," which we talked about with you when we met with council mid-way through the project. Lakewood is fortunate to have these committed public servants as well as the many others who took time to give us their thoughts. In addition, you supplied us with a great asset in Dr. Larry Keller.

Finally, the commission members would be happy to meet with you at your convenience to give you an overview of the process and to answer any questions that you might have. We understand that September 15th might work with your schedule, but would be willing to meet at any time that is convenient for you.

Again, thank you and Mayor Summers for giving us the privilege of being able to be a part of this review of our city charter.

Very truly yours,

s/Thomas C. Brown

Thomas C. Brown, Chair
2014 Lakewood Charter Review Commission

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

- 1) The first step in the process is to identify the key areas of focus and the specific data points that need to be collected.
- 2) The second step is to design a data collection system that is user-friendly and easy to use for all staff members.
- 3) The third step is to implement the system and ensure that it is being used correctly and consistently across the organization.

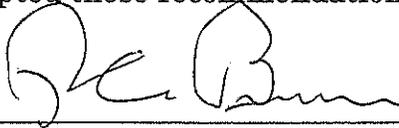
Final Report

**With Section by Section Comparison of Proposed Third Amended Charter of Lakewood
with Second Amended Charter of Lakewood**

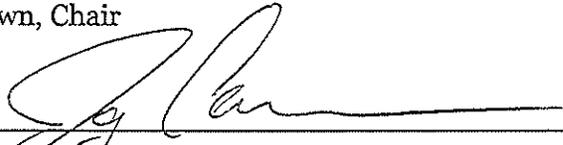
Lakewood Charter Review Commission
Charter Review 2014
12 August 2014

Signatures

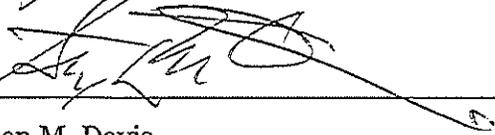
We, the members of the 2014 Charter Review Commission, hereby attach our signatures to acknowledge that we adopted these recommendations by a two-thirds vote and now send them to the city council.



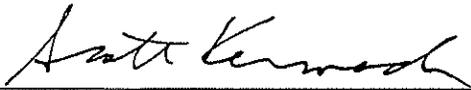
Tom Brown, Chair



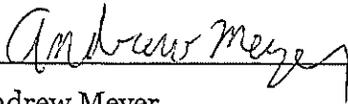
Jay Carson



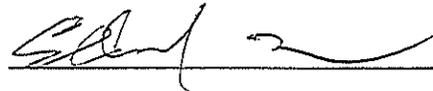
Stephen M. Davis



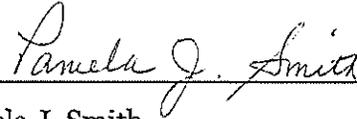
Scott Kermode



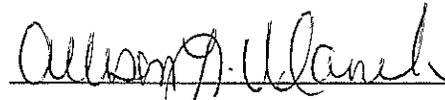
Andrew Meyer



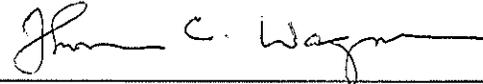
Ed Monroe



Pamela J. Smith



Allison L. Urbanek



Thomas C. Wagner

Background

The Lakewood city charter requires a charter review every ten years. Charter review is a citizen appraisal of the existing charter. Nine citizens are appointed to a charter review commission and have six months to do the review. City council appoints five members and the mayor four. The commission recommends changes to the city council by a two-thirds vote of all members. Council may or may not place any of the recommended changes on the ballot. The charter can only be amended by a vote of the citizens on specific amendments or on an amended charter that the council places on the ballot.

The commission had impressive members. All are active in Lakewood public affairs. One had served on previous charter review commissions. Two had served on council and one had been the law director. Several members were attorneys, with one having an active municipal law practice. Members had served on boards and commissions as well. Thus, the commission combined knowledge of municipal affairs with practical experience in the community.

The charter review commission of 2014 was appointed in February 2014. The commission quickly decided to rewrite the existing charter. Though the Lakewood charter had been reviewed three times before, and was recently amended, much of the charter had not been reviewed. In fact, many sections were part of the original home rule charter adopted in 1913. The provisions were sometimes unnecessary, sometimes outmoded and often incorrectly expressed. Most importantly, the charter had not been reviewed as a whole, with the parts working together to form an efficient and effective government. The creation of a holistic updated charter was the goal of the 2014 commission.

The Process

The commission decided to meet once a week on Monday evenings at 6:30 PM. The city, through the law director, provided each member with a binder. The binder contained a copy of the current charter, the Second Amended Charter of Lakewood, and documents from previous charter reviews. In addition, the city hired Dr. Larry Keller as staff for the commission. Dr. Keller was staff for the second charter review commission in 1995 and served on and was secretary of the third charter review commission of 2004. As part of his academic work, Dr. Keller has worked with many charter and charter review commissions in Ohio.

The mayor and city council provided direct support and encouragement for the work of the commission. In fact, council had Dr. Keller offer a session in January 2014 overviewing the nature of city charters and the purpose of

charter review. Dr. Keller also provided a written overview of the Second Amended Charter of Lakewood and presented it at the initial meeting of the charter review commission.

The commission worked as a committee of the whole to draft a charter. The committee of the whole started with the first article, analyzing the current content. If the committee determined a provision needed to be changed, they outlined the desired changes and assigned a member or members to draft a new provision. The new provision was then reviewed at the next meeting of the committee and adopted, either as drafted or after amendments were made. The result was a totally revised charter with all provisions reviewed. At the second-to-final meeting, on 4 August 2014, the committee of the whole approved a draft Third Amended Charter unanimously. At the following and final meeting, the charter review commission unanimously approved the Third Amended Charter as sent from the committee of the whole. The commission then sent the Third Amended Charter along with its final report to the council.

A preliminary issue was form of government. The 2004 charter review commission had recommended that council look at the council-manager form of government. The committee of the whole devoted several sessions at the start of the process to the issue of form of government. One session was with two city managers, Ken Filipiak of Mentor and Randy Sharpe of Chardon, and the assistant city manager of Mentor, Tony Zampedro. Another session was with the current mayor of Lakewood, Mike Summers. After extensive discussion following the presentations by the city managers and mayor, the committee voted 5-4 to retain the current council-strong mayor form of government.

The commission sought assistance on several other issues. The commission invited the law director to attend as many of its meetings as possible. In fact, the draft revised charter prepared for the committee of the whole was written by the law director, implementing the proposals of the committee and putting the charter into "one voice." A subcommittee of the committee of the whole met with the Cuyahoga County Board of Elections to determine how provisions on elections, and on procedures involving elections, such as the initiative, referendum and recall could be better written. The goal was to have updated provisions that were accurate and expressed as much as possible in relative terms so they would not have to be amended if some parts of the election requirements were changed.

Similarly, the staff director and several members of the committee of the whole met with the finance director. Charter provisions on finance were scattered throughout the current charter. With the assistance of the finance director working with the law director and bond counsel, the finance provisions were completely revised, updated and placed in a new separate article. The bond counsel approved the provisions of Article Five. The committee of the whole also met with the chairs, or their representatives, of the civil service commission, the planning commission, the board

of zoning appeals and the board of building standards and building appeals. These meetings facilitated the revising of the charter provisions on boards and commissions. The resulting charter changes will be specified in the next section.

Finally, the committee met with the city council. The council was appraised of the commission's intention to do a complete revision of the charter, a goal with which they agreed. The members who attended the meeting were briefed on the work that had been done prior the meeting and what remained to be completed.

Parenthetically, the commission was impressed with all with whom they met, particularly those from the city. The city has attracted talented and committed citizens and officials. They were willing to share whatever information the commission wanted and were always willing to respond to any inquiries. They deserve a charter as good as it can be.

The Revised Charter

The Third Amended Charter is an integrated document that updates all of the Second Amended Charter. To understand the differences between the two charters, this document contains a table which notes how each provision of the Second Amended Charter was evaluated. Any changes are noted for each subsection in tabular form. If the provision was retained, its location in the Third Amended Charter is noted. If the provision was changed, the changes are detailed. In cases when the substance did not change but the language did, the expression "substantively the same" or "substantively unchanged" is used to indicate the wording may be different but the effect is the same. Some provisions were removed from the charter and were recommended to become ordinances. These are so indicated. Some provisions were deleted and this is noted where appropriate. This section will highlight the main changes and the reasons for the changes.

The commission decided to use a different system of identifying provisions of the charter. The current charter used roman numerals for article numbers and the section symbol (§) for sections. This complicated both looking up provisions and seeing how they were related to the document over all. In contrast, the commission elected to use words for article numbers and identify sections by numbers. Each section is thus identified by the article number and the section separated by a period. Thus the first section of the revised charter is section 1.1. Subsections are identified by letter, starting with lower case letters. Thus the section on the qualifications for members of council is 2.2(a). Changes to the charter in this section will be noted in the new style.

The commission also agreed to use a common style throughout the charter. Numbers one to nine are written as words and those 10 and beyond are expressed as numbers. Numbers in parentheses after written numbers were eliminated. The term “elector” was replaced with “registered voter.” The board of elections uses the registered voter list when evaluating if a person or candidate was an elector. Thus it made sense to use the more familiar phrase, “registered voter,” in the charter. Capitalization was based on the AP style guide and Ohio Supreme Court writing manual, which minimize the number of words that are capitalized. All provisions were expressed in gender-neutral language. Finally, unnecessary expressions such as “herein provided” were eliminated and the text written to read clearly and smoothly.

The commission had an overarching philosophy of increased professionalism, modernization, and flexibility that motivated most of its changes. The commission wanted to give Lakewood a charter that would codify, preserve and protect the most essential components of good municipal governance in a democracy without handcuffing the ability of future mayors and council to efficiently and proactively address the unforeseen challenges they will undoubtedly face in the next decade. In addition, the commission proposed both new ethics and innovative training provisions in Article Eight to provide those in government with the skills and outlook to enhance local governance both in policy and practice. In short, the commission wanted to promote professionalism while providing modern flexibility in governance.

An example of the flexibility is Article Nine on elections. If the state of Ohio, or the county board of elections, changes the procedures for conducting a municipal election Lakewood would not be required to expend the money and effort it would take to amend its charter to conform to those changes. At the same time, the commission was keenly aware of the need to preserve Lakewood’s constitutional rights under the home rule doctrine to deviate as desired from certain state statutes. With this philosophy in mind, the commission made the following specific changes.

The preamble was maintained as it was in the current charter. Minor changes were made to Article One. The word municipal was added to both the article and Section 1.1 titles to specify the topic more exactly. A more significant amendment is the definition of “general law” in Section 1.3. General law normally refers to state law that is applicable throughout the state. However, Article XVIII of the Ohio Constitution, the home rule article, uses the term in a more specific manner. (See Sections 2 and 3 of Article XVIII.) Home rule permits municipalities – villages and cities – to promulgate and use their own laws rather than adhere to state statutes. Municipalities can operate under their own laws by creating a charter commission and adopting a charter. Lakewood adopted its original charter in

1913. If municipalities do not adopt a charter, they are bound by state law in all aspects of their government. However, under Article XVIII, and selected other articles of the Ohio Constitution, such as Section 6 of Article XIII, the state may pass laws that preempt home rule. To preempt home rule the state legislature must pass a “general law” under Article XVIII of the Ohio Constitution. Some of these general laws permit municipalities to opt out of the law. To opt out, a municipality must state that intention, most often in its charter. Sections 5.10 and 5.11 of the proposed Third Amended Charter are examples of opting out of state law requirements. A careful definition of how the term “general law” is used in the charter is a necessity and must be expressed in a legally sufficient manner. This is done in the last two sentences of section 1.3.

Articles II, covering the mayor, and Article III, covering the council, of the current charter are flipped in the Third Amended Charter. In political philosophy, the lawmaking body, the legislature, is the most important. This is why Article I of the U. S. Constitution deals with Congress. Thus, Article Two in the proposed Third Amended Charter is concerned with council and Article Three the office of mayor.

In both Articles Two and Three, most changes were minor. An exception is the removal of Sections 9, 14, 15 and 16 of the existing Article III. These dealt with financial requirements and processes. Modified versions of these provisions are now part of Article Five, the finance provision. Most sections that were retained were revised to express more clearly the requirements and intents of the provisions. In some cases, provisions were divided into subsections to separate topics and increase the “readability” of the charter. An example is Section 2.2; Article III §2 was a single paragraph but Section 2.2 of the revised charter has two subsections.

Another change was to Articles II, §5, and III, §3, dealing with the salaries of the mayor and city council respectively. Under the existing charter, council can set the salaries, either by an ordinance for that purpose or by acting upon a recommendation of the civil service commission under Article XI, §7. Under Sections 2.3 and 3.5 of the Third Amended Charter council may still set salaries by ordinance but recommendations on salaries of council and mayor go into effect if council takes no action within 90 days of receipt. The civil service commission recommends to council salaries for the office of mayor and councilmembers under section 6.7 every four years. Increases are limited to no more than 10 percent unless there has been no salary increase in the last 10 years.

Language describing when any appointed member of council, Section 2.2(b), or an appointment to the office of mayor, Section 3.8(b), fills out a term or runs in the next election was changed to reflect the meetings with the board

of elections. The main purpose of the change was to provide other potential candidates with sufficient time to run effectively in any required election.

Voting by council is proposed to be either by a majority of those present or by two thirds of all members. In the current charter a variety of expressions were used. Some topics were reorganized and/or retitled. For example, the open meeting requirement for council sessions was moved from Article III §5, Organization and Open Meetings, and put into Section 2.4 with the title, "Meetings and Election of Officers." The latter section dealt with meetings generally and placing the open meeting requirement with the general meeting provision is more logical. As a result of such revisions, finding all the provisions on a particular topic should be easier.

All the specific changes to the existing Articles II and III are detailed in the table of changes in the last section of this report. Most sections were rewritten even if the substantive content was not changed. The editing creates a more uniform charter that is easier to read.

Articles IV through X dealt with departments, the first a somewhat general provision and the following articles focused on specific departments. The commission determined that naming specific departments in the charter thwarted effective management as any changes in the organization of government would require a charter amendment or amendments. The commission recommended a general provision, Article Four, on departments that grants council the authority to create and abolish departments. The article also establishes the departments of law and finance. These two are necessary departments. Law is important as home rule requires the city to be legally careful in crafting law and policies. Law and policies must conform to any state general law under Article XVIII of the state Constitution as well as be effectively written. Finance is the core of governing as it provides the resources for government. In addition, cities in Ohio must have balanced budgets and thus a robust finance system is a necessity. Article Four also establishes the qualifications for and the authority of the law director (4.3) and the finance director (4.4).

Article Five covers all aspects of finance for the city. Currently, as was noted above about council, charter provisions on finance were scattered throughout the charter. Given the importance of finance in governing the commission found that highly undesirable. In most cases provisions were placed in the new finance article with little or no substantive change. Some provisions, particularly 5.10 and 5.11, are required legally in light of existing financial liabilities and general law. Provisions for operating and capital budgets were updated to reflect both current theory and practice. The updating as well as the general writing of Article Five was the result of working with the finance and

law directors as well as the bond counsel, who has given final approval of the article. Bond counsel is the official responsible for the legal obligations connected with any indebtedness. As a result of this collaboration the finance article not only expresses accurately current practice but provides for effective financial management in the future.

Similar to the specific articles on departments, four current articles dealt with boards and commissions. This made it difficult to find provisions that applied to all boards and commissions. Boards and commissions have critical authority for the city, making decisions about the nature of the work force of the city as well as building and zoning requirements. Moreover, membership on a board or commission is often the first official position for active citizenship, involving citizens in making significant community decisions. In light of these considerations, the commission wanted a general provision on boards and commissions that unified their general authority and management. In light of the significance of civil service, the providing of a professional workforce for the city, a separate article was devoted to the civil service commission.

Thus Article Six covers the civil service commission. For the most part provisions are substantively the same though edited for clarity. One change was to alter the timing of salary recommendations for the council and mayor from every two years to every four years. Every two years seemed unnecessarily often. Also the timing of the recommendations was tied to the general presidential election.

Article Seven establishes boards and commissions for the city. This article replaces Articles XII, XIII and XIV of the current charter. Section 7.1(a) authorizes council to create additional boards and commissions. The following section, 7.1(b), exhorts appointing authorities for members of boards and commissions to appoint members expeditiously so that a new appointee can attend at least one meeting of the board or commission to which he or she was appointed before the appointment takes effect. This process can serve as orientation for new members and help them become acquainted with the work of the board or commission before assuming office. Section 7.1(c) centralizes and clearly states the mostly existing authority to issue subpoenas and require oaths to facilitate the work of the boards and commissions. Failure to respond to requests made by a subpoena may be taken into consideration for a final decision by a board or commission.

Section 7.2 deals with the planning commission. Membership of the commission was reduced from seven to five members, each serving a five-year staggered term. The reduction reflects making the city engineer or the person serving in that capacity a non-voting ex-officio member rather than a full member as is the case with the current charter. The commission assumes that when the next term of a planning commission member expires the member

will not be replaced. This would reduce the planning commission to five members, the same number as the other two boards in Article Seven. Thus all the charter created boards and commissions would have five members serving staggered five-year terms with the exception of the civil service commission which has three members, and the charter review commission, which has nine members.

Sections 7.3 and 7.4 dealt with the board of zoning appeals and the board of building standards and building appeals, respectively. These sections are substantively the same as Articles XIII and XIV in the current charter though edited in both format and language to be more logically organized and readable. The concluding section, Section 7.5, of Article Seven deals with the charter review commission. Section 7.5(a) had been in the final article, Article XXIII §8, of the current charter. It is more logical to include it with other boards and commissions. The provision was edited but is substantively the same. The provision for amendments to the charter, which was in §6 of Article XXIII in the current charter, was placed in section 7.5(b) as it logically fits with review of the charter.

Article Eight is a major addition to the Lakewood charter. Section 8.1 deals with ethics of governing and 8.2 with mandated training for newly elected members of council and mayors. Section 8.1(a) expresses the expectation of ethical government and what that means in general. Open government conducted respectfully is desired. Section 8.1(b) requires elected and appointed officeholders to take an oath of office promising to faithfully discharge the duties of their positions. Section 8.1(c) specifies ethical behaviors and notes behaviors that are proscribed. The section also empowers council to add to the ethical requirements.

Section 8.2 requires newly elected members of council to have four hours of training. Newly elected mayors are to have 16 hours of training. Council is empowered to create requisite training sessions and to pay for their offering. Anyone completing such training shall file a signed certificate to that effect with the clerk of council.

Article Nine has all the election-related actions, from elections generally to the initiative, referendum and recall. Article Nine replaces Articles XIX, XX, XXI and XXII of the current charter. Substantively, changes were made to the initiative, referendum and recall procedures to be more workable. These revisions were greatly helped by the suggestions of the board of elections. Current provisions require the clerk of council to certify petitions which he or she could not do. The revised procedures has the board of elections do such checking, which is how the process has to be completed. The only significant change was the time allotted to gather additional signatures on a recall petition. The current provision, Article XXII §5, allotted 20 days for that activity. The commission changed that to 15

days in section 9.4(e) to be the same as with initiative and referendum supplemental petitions. All other procedures for elections, initiative, referendum and recall are in essence the same as in the current charter.

Article XV is no longer applicable as Lakewood Hospital is a leased facility and will remain as such for the foreseeable future. It is improbable that the city would ever run the hospital as in the past as the structure of healthcare has permanently changed. Thus 11.1(e) permits the city to lease the hospital on terms set by council after the expiration of the current lease to the Cleveland Clinic-managed Lakewood Hospital Association. This could be a renewal of the current lease as well as a new lease.

The majority of two existing articles, XVI and XVIII, were outmoded and the content is recommended to become ordinances. The change to ordinances will occur simultaneously with the preparation of the ordinances placing provisions on the ballot. However, some of the content is relevant and was placed appropriately in the proposed Third Amended Charter. Specifically, Article XVI §2 and §19 on assessments and sidewalks is covered by section 5.8. Sections 29, 30 and 31 of Article XVI are in 5.10(a), 5.10(b) and 5.10(c), respectively. The core of Article XVI is the substance of section 5.8; all other provisions in Article XVI will become an ordinance or ordinances. Article XVIII is no longer applicable and the content will become ordinances.

Article XVII §§1, 2, 3 and 4 were edited and put into Article Ten as 10.1, 10.2, 10.3 and 10.4. Article Ten retains the title, Appropriation of Property. The title of 10.2 was changed from declaratory resolution in Article XVII §2 to initial resolution as that describes more logically the process for the appropriation of property.

The last article of the current charter, Article XXIII, General Provisions, was greatly modified. The current provision contains a hodge podge of statements that had no inherent relation to each other and often each statement related to another part of the charter. The statements related to other topics were placed in the appropriate section of the Third Amended Charter. Specifically, §2 required officers of the city to take an oath of office. This for the commission was part of the ethical conduct of government and so was edited as 8.1(b). Section 3, Activity of Officials and Employees Restricted, was extensively amended and becomes section 8.1(c), Public Ethics. Section 6 detailing how the charter can be amended and §8 on the charter review commission were placed in Article Seven, Boards and Commissions, as 7.5(b) and (a), respectively, with the same titles. As noted above when describing the finance article, §9 (A), (B) and (C) dealt with bonds and indebtedness. These were edited and became 5.11(a), (b) and (c), respectively, in Article Five, the finance provision.

The remaining provisions of Article XXIII were edited and became Article Eleven, General Provisions. Specifically, §§1 (A) and (B), Continuance of Present Officers, are 11.1(a) and (b) in Article Eleven. Section 4, Continuance of Contracts, is 11.1(d) with the same substantive content. Section 5, Continuance of Other Enactments, is edited but the same substantive content appears in 11.1(c). Section 7, Severability, became 11.2 with the same title and content.

Conclusion

The charter commission took its purpose seriously and revised all of the current Second Amended Charter. As a main goal was to create a more coherent and logical document, the commission drafted a Third Amended Charter. All provisions were not only more up-to-date and accurate; they were written in one style in a more logical order.

The following table details all the changes to the existing charter. Specific changes are noted and listed.

The commission proudly presents this Third Amended Charter to the council. The commission dedicates the revised charter to the public servants who daily provide our services so efficiently and effectively, and to the citizens who constitute this vibrant and exciting city making it a genuine home for all.

Table of Changes to the Second Amended Charter

Seconded Amended Charter Provision	Third Amended Charter Provision	Changes
Preamble	Preamble	Provision is unchanged
Article I: Powers	Article One Municipal Powers	Use of word for the number in Third Amended Charter and titling more specifically with the addition of “municipal” to “powers.”
§1 Powers	1.1 Municipal Powers	New numbering system using article number followed by a period and the number of the section; “municipal” added to title
§2 Manner of Exercise	1.2 Manner of Exercise	Unchanged
§3 Interpretation	1.3 Interpretation	Interpretation generally unchanged; however, the expression “general law” is more sufficiently defined legally
Article II The Executive	Article Three Office of the Mayor	
§1 Executive and Administrative Powers	3.1 Executive and Administrative Powers	Resolution added to charter and ordinance as method for creating directors and other administrative officials; otherwise unchanged

§2 Residency, Term and Qualifications of Mayor	3.2 Residency, Term and Qualifications of Mayor	The definition of when a mayoral election is held is defined as the regular municipal election in the year immediately prior to the presidential election; this is the current practice but it was never put into the charter
§3 Mayor Ex-Officio Director	3.3 Mayor Ex-Officio Director	Provision was changed to note the mayor would serve without additional compensation and was edited; department of public safety need not be created nor the mayor head it; see 4.1 for authority of council to create departments and 3.4 for ability of mayor to remove a director of public safety
§4 Mayor's Appointment Power	3.4 Mayor's Appointment Power	Provision substantively unchanged but edited; specific directors eliminated as Sections 4.1 and 4.2 eliminated specific departments
§5 Salary of the Mayor	3.5 Salary of the Mayor	The salary recommendation by the civil service commission will become effective if not modified or rejected by council within 90 days; in Section 6.7 the recommendations are to be made every four rather than the current two years; the provision for an annual increase in line with that for social security is removed
§6 General Powers and Duties of the Mayor	3.6 General Powers and Duties of the Mayor	Substantively unchanged
§7 Mayor's Investigation	3.7 Mayor's Investigation	Substantively unchanged but edited

§8 Acting and Interim Mayor	3.8 Acting and Interim Mayor	The period for which an interim mayor may hold office for the expiration of the term is expressed as two years and 120 days in contrast to the 105 days in the current charter
§9 Location of Office; Full-Time Position	3.9 Location of Office; Full-Time Position	Unchanged
§10 Right of Mayor and Directors in Council	3.10 Right of Mayor and Directors in Council	Council providing departments “by ordinance” changed to “by legislation” to note all possible means of creating departments
Article III The Council	Article Two The Council	
§1 Membership, Election and Term	2.1 Membership, Election and Term	The times for ward and at-large elections is stated in terms of preceding and following a presidential election; this is the current practice but it had not been stated in the charter; otherwise the provision is edited
§2 Qualifications and Vacancies	2.2 Qualifications and Vacancies	Divided into two subsections; provision for council to judge the elections and qualifications of its member currently in §5 is moved to this section; the term an appointee serves is expressed in terms of 2 years and 120 days in contrast to the current 2 years and 105 days

§3 Salaries	2.3 Salaries	Divided into three subsections; the salary recommendations of the civil service commission become effective if council takes no action; salary recommendations also occur every four years compared to the current two as per section 6.7
§4 Meetings	2.4 Council Meetings and Election of Officers	Divided into two subsections; title changed to reflect more accurately the content of the section; open meetings requirement from existing §5 moved to the meetings section
§5 Organization and Open Meetings	2.5 Organization and Procedures	Divided into three subsections; provision for council to judge the election and qualification of any member moved to 2.2; voting expressed as “majority of councilmembers present” and this is used throughout this Article except when a super majority is required; super majority expressed as “two-thirds of all members of council” throughout the article; requires a permanent record of proceedings rather specify a journal
§6 President of Council	2.6 President and Vice President of Council	Divided into two subsections; places both officers of council into one section; allows for the removal of the president and vice president by a super majority vote, that is, two-thirds of all members of council; otherwise the provision is edited

§7 Clerk, Vice President and Other Officers of Council	2.7 Clerk and Other Staff of Council	Places vice president of council into 2.6; otherwise the provision is edited
§8 Enactment of Ordinances and Other Resolutions	2.8 Enactment of Ordinances and Resolutions	Divided into four subsections; provisions are edited
§9 Voter Approval of Ordinances and Resolutions	5.9 Municipal Income Tax	Moved to the finance article, Article Five, as the focus is the municipal income tax; provision has same content; retitled and edited
§10 Mayor's Approval or Disapproval of Legislation	2.9 Mayor's Approval or Disapproval of Legislation	Divided into three subsections; provision has same content; edited for clarity and more logical reading
§11 Recording of Legislation; Codified Ordinances	2.10 Recording and Codification of Legislation	Divided into two subsections; title and content edited
§12 Publication	2.11 Publication	Requires posting notice on the city website; removes 15-day requirement
§13 Effective Date of Legislation	2.12 Effective Date of Legislation	Vote for ordinance taking immediate effect is a super majority, two-thirds of all councilmembers; "reason for such action" changed to "necessity" to make it clear an ordinance taking immediate effect is atypical; provision is edited
§14 Estimate of Expense; Appropriation Ordinances	5.4 Appropriations and 5.5 Budget Document	Content moved to the finance article, Article Five, and substantively edited to be in line with current budgeting theory and practice
§15 Appropriations of Balance or Accruing Revenue Not Already Appropriated	Not in Charter	Topics covered by provisions in the finance article, Article Five
§16 Drawing Money from the Treasury; Unexpended Balances Revert	5.4 Appropriations and 5.5 Budget Document	Topics covered by provisions of the finance article, Article Five, but edited and logically organized

§17 Bonds Required	5.2 Bonds Required	Content moved to finance article and edited to emphasize city pays any required bonds
Article IV. Departments	Article Four Departments and Officers	
§1 Departments Established	4.1 General Provisions	Law and finance are only two charter departments in the Third Amended Charter; council empowered to create additional departments; existing provisions for departments and officers not included in the revised charter are to become ordinances
§2 Directors of Departments	4.2 Directors of Departments	Substantive content unchanged; provision is edited
Article V. Department of Public Works	Not in Charter	Provisions to be an ordinance
§1 Duties of Director	Not in Charter	
§2 Public Improvements	5.7 Capital Plan	Provision for capital plan in the finance article, Article Five, which requires the finance director to work with the "affected departments"
Article VI. Department of Public Safety	Cf. 3.3 Mayor Ex-officio Director	Provisions to be an ordinance; council has the authority to create a department of public safety and to name a director different than the mayor
§1 Divisions Established	Not in Charter	Content will become an ordinance
§2 Duties of Director	Not in Charter	Content will become an ordinance
§3 Organization	Not in Charter	Content will become an ordinance

§4 Assignment of Duties	Not in Charter	Content will become an ordinance
§5 Suspension from Duties	Not in Charter	Content will become an ordinance
§6 Suspension of Chiefs	Not in Charter	Content will become an ordinance
§7 Appeal from Suspension	Not in Charter	Content will become an ordinance
Article VII. Department of Law	4.3 Department of Law	Provision has same content substantively but edited for clarity
§1 Qualifications and Duties of Director	4.3	Substantively the same but edited and more focused
§2 Duties Imposed by General Law	4.3	Last sentence of 4.3
Article VIII. The Department of Finance	4.4	
§1 Duties	4.4 and Article Five	Department of finance created in 4.4 and duties specified in Article Five, 5.1
§2 Accounting Procedure	5.5	Updated procedure and logically organized in terms of budget generally
§3 Reports	5.6	Report requirement streamlined but very similar to what was required in first sentence of §3
§4 Certification	4.4	Provision to be an ordinance
§5 Funds Subject to Certification	4.4	Provision to be an ordinance
§6 Failure to Comply	Not in Charter	Provision to be an ordinance
Article IX. Department of Planning and Development	Not in Charter	Provision to be an ordinance
§1 Duties of Director	Not in Charter	Provision to be an ordinance
Article X. Department of Human Services	Not in Charter	Provision to be an ordinance

§1 Duties of Director	Not in Charter	Provision to be an ordinance
Article XI. Civil Service Commission	Article Six. Civil Service Commission	
§1 Appointment and Term of Members	6.1 Appointment and Term of Members	Provision notes that members may have no party affiliation; party affiliation determined by primary election party selection which is kept by the board of elections; prohibition of no more than two members from same party retained
§2 President; Secretary	6.2 President; Secretary	Provision has same content; edited for clarity
§3 Classified and Unclassified Service	6.3 Classified and Unclassified Service	Employees of Lakewood Hospital removed from list of unclassified employees as no longer needed; edited for clarity
§4 Procedure	6.4 Procedure	Provision has same content; edited for clarity
§5 Salaries	6.5 Salaries and Council Appropriation	Provision has same content; edited for clarity
§6 Suspension of Commission Member	6.6	Suspension by mayor for up to 30 days with written explanation to council and commission; dismissal by a majority vote of councilmembers present after a hearing within 30 days of the filing of written notice; council may continue the hearing for an additional 30 days

§7 Advisory Salary Recommendations	6.6	Process for salary recommendation changed in several ways; salary recommendations to be done every four years when a presidential election occurs; council inaction adopts the salary recommendations and no increase over 10% unless no pay raise in previous 10 years; note council may by its own ordinance raise salaries by any amount
Article XII. Planning Commission	Article Seven Boards and Commissions	Section 7.2
§1 Organization	7.2(a) Organization	Planning commission was reduced to five members from seven members though the city engineer or comparable officer is an ex-officio non-voting member; term of office for commissioners is five years with one appointment every year
§2 Administrative Staff	7.2(d) Administrative Staff	Person responsible for implementation of the plan – chief planning officer – to provide staff; all officers are referred to functionally if possible so the charter does not have to be amended as titles of offices change
§3 Powers and Duties	7.2(e, f) General Plan; Development; Authority to Contract	Substantive content is the same but organized into subsections and edited for clarity

§4 Mandatory Referral	7.2(g) Mandatory Referral	Substantive content is the same but organized into subsections and edited for clarity; requirement for a vote of five councilmembers to overrule planning commission disapproval now expressed as two-thirds of all members of council; last sentence removed as it placed requirements on external bodies
Article XIII. Board of Zoning Appeals	Article Seven Boards and Commissions	Section 7.3
§1 Organization	7.3(a) Organization	Substantive content the same but organized into subsections and edited for clarity
§2 Powers and Duties	7.3(c) Powers and Duties	Substantive content is the same but organized by subsections and edited for clarity
Article XIV. Board of Building Standards and Building Appeals	Article Seven Boards and Commissions	Section 7.4
§1 Organization	7.4(a) Organization	Substantive content is the same but has been edited for clarity
§2 Powers and Duties	7.4(c) Powers and Duties	Substantive content the same except as noted; the second sentence of §2 permitting subpoena and require attendance, etc., is in 7.1(c) and is the same for all boards and commissions, including the civil service commission
Article XV. Lakewood Hospital	Not in Charter	

§1 Establishment; Board of Trustees	Not in Charter	§4 of the current Article XV was added by the first charter review so that the hospital could be leased; the section permitted the council by lease to override the provisions of this article; the changes in the healthcare system are permanent and the city will not be operating a hospital in the future so this article is obsolete
§2 Term of Board Members	Not in Charter	
§3 Duties and Powers of the Board	Not in Charter	
§4 Lease Alternative	11.1(e)	The new section provides for the continuation of the current lease of the hospital and for future leases or other utilization of the hospital as determined by council
Article XVI. Improvements and Assessments	Article Five Finance	Section 5.8 general provision for assessments and related procedures
§1 Local Improvements	Not in Charter	Section will become an ordinance
§2 Methods of Special Assessment	5.8	Section 5.8 general provision for assessments and related procedures
§3 Preliminary Assessments	Not in Charter	Section will become an ordinance
§4 Notices Served	Not in Charter	Section will become an ordinance
§5 Plans of Proposed Improvements	Not in Charter	Section will become an ordinance
§6 Board of Revision of Assessments	Not in Charter	Section will become an ordinance
§7 Claims	Not in Charter	Section will become an ordinance
§8 Final Assessment	Not in Charter	Section will become an ordinance
§9 Damages Assessed	5.8(a)	Last sentence of §9 is basis of 5.8(a)
§10 Work to be Done	Not in Charter	Section will become an ordinance

§11 Lands Unallotted or not on Duplicate	Not in Charter	Section will become an ordinance
§12 Interest on Assessment Bonds	Not in Charter	Section will become an ordinance
§13 Limitation on Assessments	Not in Charter	Section will become an ordinance
§14 City's portion of Cost	Not in Charter	Section will become an ordinance
§15 Replacing Existing Improvements	Not in Charter	Section will become an ordinance
§16 Subsequent Improvements	Not in Charter	Section will become an ordinance
§17 Supplementary Assessments and Rebates	Not in Charter	Section will become an ordinance
§18 Sewer and Water Connections	Not in Charter	Section will become an ordinance
§19 Sidewalks	Section 5.8	Section 5.8 General provision for assessments and related procedures
§20 Further Proceedings Unnecessary	Not in Charter	Section will become an ordinance
§21 Assessment Bonds	Not in Charter	Section will become an ordinance
§22 Alterations or Modifications in Contract	Not in Charter	Section will become an ordinance
§23 Plat of Subdivision	Not in Charter	Section will become an ordinance
§24 Fee Shall Vest in City	Not in Charter	Section will become an ordinance
§25 Streets and Public Grounds	Not in Charter	Section will become an ordinance
§26 Alteration of Streets	Not in Charter	Section will become an ordinance
§27 Dedication of Streets	Not in Charter	Section will become an ordinance
§28 Vacation or Change of Name	Not in Charter	Section will become an ordinance
§29 Taxation without a Vote	5.10(a) Taxation by vote of Council	Title changed; content is the same
§30 Levy for Police and Firemen's Disability and Pension Fund	5.10(b)	Content is the same
§31 Levy for Reconstruction, Expansion, Operation and Maintenance of a Sewage Disposal Plant	5.10(c)	Content is the same

Article XVII. Appropriation of Property	Article Ten Appropriation of Property	
§1 Appropriation	10.1 Appropriation	Substantive content is the same but the provision is edited for clarity
§2 Declaratory Resolution	10.2 Initial Resolution	Title changed to clarify the process of appropriation; requires at least one reading
§3 Notice	10.3 Notice	Notice to follow requirements of 2.11; details similar to §3
§4 Further Proceedings	10.4 Further Proceedings	Substantive content is the same but the provision is edited for clarity
Article XVIII. Franchises	Not in Charter	Provision will become an ordinance
§1 Grant	Not in Charter	Provision will become an ordinance
§2 Renewals	Not in Charter	Provision will become an ordinance
§3 Extension	Not in Charter	Provision will become an ordinance
§4 Consents	Not in Charter	Provision will become an ordinance
§5 Regulations	Not in Charter	Provision will become an ordinance
Article XIX. Elections	Article Nine Elections, Initiative, Referendum and Recall	Section 9.1
§1 Regular and Special Municipal Elections	9.1(a) Regular and Special Municipal Elections	Substantive content is the same but the provision is edited for clarity
§2 Primary Elections	9.1(b) Primary Elections	Substantive content is the same but the provision is edited for clarity
§3 Election Procedures	9.1(c) Election Procedures	Substantive content is the same but the provision is edited for clarity; description of municipal voter removed as unnecessary as it was any registered voter

§4 Certificate of Nomination when no Primary is Held	9.1(d) Certificate of Nomination when no Primary is Held	Substantive content is the same but the provision is edited for clarity
§5 Designation of Candidates	9.1(e) Designation of Candidates	Substantive content is the same but the provision is edited for clarity
§6 Declarations of Candidacy	9.1(f) Declarations of Candidacy	Substantive content is the same but the provision is edited for clarity
§7 Ballot Form	9.1(g) Ballot Form	Same content
§8 Nomination and Election of Judges	9.1(h) Nomination and Election of Judges	Same content
Article XX. Initiative	Article Nine Elections, Initiative, Referendum and Recall	Section 9.2
§1 Right to Initiative	9.2(a) Right to Initiative	Initiative is provided but limited to topics upon which the city can legislate; this prohibits persons or groups using the initiative to expose or highlight issues that are not of municipal concern
§2 Form of Petition	9.2(b) Form of Initiative Petition	Substantive content is the same but the provision is edited for clarity
§3 Signatures to Petition	9.2(c) Signatures to Initiative Petition	Substantive content is the same but the provision is edited for clarity
§4 Filing of Petition	9.2(d) Filing of Initiative Petition	Clerk to gather all signatures and send to board of elections within 10 days of receipt; board to verify number of valid signatures within 10 days; clerk to endorse the number of required signatures and the number the board determined on an attached certificate

§5 Additional Signatures	9.2(e) Additional Initiative Signatures	Clerk to gather additional signatures and send to board of elections within 10 days of receipt; board to verify number of valid signatures within 10 days; clerk to file petitions if still insufficient and notify the committee by postage prepaid and email of the insufficiency
§6 Hearing by Council Committee	9.2(f) Hearing by Council Committee	Substantive content is the same but the provision is edited for clarity
§7 Action by Council	9.2(g) Action by Council	Same content
§8 Power of Council	9.2(h) Power of Council and Committee	Substantive content is the same but the provision is edited for clarity
§9 Certification; Supplemental Petition	9.2(i) Certification; Supplemental Initiative Petition	Substantive content is the same but the provision is edited for clarity, except that signatures of full 15 percent of mayoral voters are required to bring updated ordinance language to popular ballot if ordinance changed in committee
§10 Submission of Electors	9.2(j) Submission to Registered Voters	Substantive content is the same but the provision is edited for clarity
§11 Ballot Form	9.2(k) Ballot Form	Empowers the board of elections to provide the ballot form
§12 Repealing Ordinances	9.2(l) Repealing Ordinances	Legislation is used in place of ordinance to cover all types of initiatives
§13 Publication, Amendment or repeal	9.2(m) Publication, Amendment or repeal	Same content
Article XXI. Referendum	Article Nine Elections, Initiative, Referendum and Recall	Section 9.3

§1 Right to Referendum	9.3(a) Right to Referendum	Substantive content is the same but the provision is edited for clarity
§2 Form of Petitions	9.3(b) Form of Referendum Petition	Substantive content is the same but the provision is edited for clarity
§3 Signatures of Petition	9.3(c) Signatures to Referendum Petition	Signatures must be ink
§4 Filing of Petitions	9.3(d) Filing of Referendum Petitions	Clerk to gather all signatures and send to board of elections within 10 days of receipt; board to verify number of valid signatures within 10 days; clerk to endorse the number of required signatures and the number the board determined on an attached certificate
§5 Additional Signatures	9.3(e) Additional Referendum Signatures	Clerk to gather additional signatures and send to board of elections within 10 days of receipt; board to verify number of valid signatures within 10 days; clerk to file petitions if still insufficient and notify the committee by postage prepaid and email of the insufficiency
§6 Procedure	9.3(f) Procedure	Substantive content is the same but the provision is edited for clarity
§7 Ballot Form	9.3(g) Ballot Form	Empowers the board of elections to provide the ballot form
§8 Majority Vote	9.3(h) Majority Vote	“Registered voters” replaces “electors”
§9 Enactments Not Subject to Referendum	9.3(i) Enactments not Subject to Referendum	Substantive content is the same but the provision is edited for clarity
§10 Initiated Ordinance Subject to Referendum	9.3(j) Initiated Ordinance Subject to Referendum	Substantive content is the same but the provision is edited for clarity

§11 Referendum of Measures taking Early Effect	9.3(k) Referendum of Measures taking Early Effect	Substantive content is the same but the provision is edited for clarity
§12 Acts Preliminary to Election	9.3(l) Acts Preliminary to Referendum Election	Substantive content is the same but the provision is edited for clarity
Article XXII. Recall	Article Nine Elections, Initiative, Referendum and Recall	Section 9.4
§1 Recall Procedure	9.4(a) Recall Procedure	Substantive content is the same but the provision is edited for clarity
§2 Petitions	9.4(b) Recall Petitions	Substantive content is the same but the provision is edited for clarity
§3 Signatures	9.4(c) Signatures to Recall Petition	Signatures must be in ink otherwise same content but edited
§4 Filing and Certification	9.4(d) Filing of Recall Petition	Clerk to gather all signatures and send to board of elections within 10 days of receipt; board to verify number of valid signatures within 10 days; clerk to endorse the number of required signatures and the number the board determined on an attached certificate; committee notified by prepaid postage and email
§5 Supplemental Petitions	9.4(e) Supplemental Recall Petitions	Clerk to gather additional signatures and send to board of elections within 10 days of receipt; board to verify number of valid signatures within 10 days; clerk to file petitions if still insufficient and notify the committee by postage prepaid and email of the insufficiency; 20 days changed to 15 days to be uniform with initiative and referendum requirements

§6 Recall Election	9.4(f) Recall Election	“Electors” changed to “registered voters;” timing of election changes from not less than 30 or more than 40 to 60 and 90 respectively; purpose is to try to use a schedule election rather than have the expense of a special election
§7 Ballots	9.4(g) Ballots	Empowers the board of elections to provide the ballot form
§8 Succeeding Officer	9.4(h) Succeeding Officer	Amended to note specifically that the person removed cannot be appointed to fill the resulting vacancy
§9 State Law governs where No Charter Provision	Not in Charter	Not needed as general law does apply if no charter provision is provided
Article XXIII. General Provisions	Article Eleven General Provisions	
§1 Continuance of Present Officers	11.1(a) and (b) Continuance of Officers, Ordinances and Contracts	Substantive content is the same but the provision is edited for clarity
§2 Oath of Office	8.1(b) Oath of Office	Substantive content is the same but the provision is edited for clarity
§3 Activity of Officials and Employees Restricted	8.1(c - f)	Section is replaced with new provisions on restricted or prohibited activities and penalty if convicted of loss of office
§4 Continuance of Contracts	11.1(d)	Substantive content is the same but the provision is edited for clarity
§5 Continuance of Other Enactments	11.1(e)	Substantive content is the same but the provision is edited for clarity
§6 Amendments	7.5(b)	Substantive content is the same but the provision is edited for clarity

§7 Severability	11.2	Same as current content
§8 Charter Review Commission	7.5(a)	Substantive content is the same but the provision is edited for clarity
§9 Exceptions for Bonds, Notes and Other Debt Instruments	5.10 and 5.11	Content part of general provision on taxation and debt
§9 (A)	5.11(a)	Content unchanged
§9 (B)	5.11(b)	Substantive content unchanged but edited for clarity
§9 (C)	5.11(c)	Substantive content unchanged but edited for clarity
	New Provisions	
No Existing Provision	Article Eight Ethics and Training	
No Existing Provision	8.1 General Ethical Actions among officials and in actions with citizens	Calls for treating all with respect and providing service to the best of one's ability
No Existing Provision	8.2 Training for Council and Mayor	Mandates training for newly elected or appointed members of council and newly elected or appointed mayor within three months of election or appointment; exception is if they have held the same office previously; council to determine the specific training

Draft of the

THIRD AMENDED CHARTER

OF THE CITY OF LAKEWOOD, OHIO

August 12, 2014

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Draft of the

THIRD AMENDED CHARTER

OF THE CITY OF LAKEWOOD, OHIO

August 12, 2014

PREAMBLE

We, the people of the city of Lakewood, in the county of Cuyahoga and state of Ohio, in order that we may have the benefits of municipal home rule and exercise all the powers of local self-government, do frame and adopt this charter for the government of the city.

ARTICLE ONE. MUNICIPAL POWERS

1.1 MUNICIPAL POWERS

The city shall have all power now or later granted to municipalities by the Constitution and laws of the state of Ohio.

1.2 MANNER OF EXERCISE

All powers shall be exercised in the manner required by this charter, or if not required by this charter, in a manner provided by ordinance or resolution of city council.

1.3 INTERPRETATION

Unless the context clearly requires otherwise, words and phrases used in this charter shall be interpreted in the same manner as provided in the Ohio Revised Code for the interpretation of state statutes. As used in this charter relating to matters of local self-government, "general law" means law that may be altered, excepted from or disregarded under the authority of this charter. As used in this charter relating to matters of police, sani-

tary or other similar regulations, "general law" means law that may not be altered, excepted from or disregarded under the authority of this charter.

ARTICLE TWO. COUNCIL

2.1 MEMBERSHIP, ELECTION AND TERM

Except as limited by this charter, the legislative powers of the city shall be vested in a city council consisting of seven members. Four members shall be residents of and elected from the four wards in the city, one member from each ward, and three members shall be elected at large. Except as necessary in the case of vacancies, members representing each ward shall be elected in the regular municipal election held in the year immediately prior to the year in which a presidential general election is held; and members at large shall be elected in the regular municipal election held in the year immediately following the year in which a presidential general election is held. All members of council shall serve for a term of four years commencing on January 1 of the year following the date of the member's election.

2.2 QUALIFICATIONS AND VACANCIES

(a) Qualifications. Each member of council shall have been for at least one year immediately prior to the date of taking office both a resident and registered voter of the city. Each member of council elected from a ward of the city shall be a resident of the ward from which the member was elected. All members of council shall continue to be residents and registered voters of the city and, if elected or appointed from a ward, shall be and continue to be a resident of that ward.

Any member who ceases to possess those qualifications shall immediately forfeit his or her office. Council shall be the judge of the election and qualification of its members.

(b) Vacancy. Vacancies in council shall be filled by appointment made by the remaining councilmembers. In the event council does not appoint a successor within 60 days of the occurrence of a vacancy, the mayor may fill the vacancy. If the vacancy occurs more than two years and 120 days before the municipal primary election for the next term of that office, the appointee shall serve only until his or her successor is elected and qualified at the next regular municipal election. If the vacancy occurs afterward, the appointee shall serve until the end of the unexpired term of

the former councilmember. Any vacancy that results from a recall election shall be filled in the manner provided by Article Nine.

2.3 COUNCIL SALARIES

(a) Salaries. The salaries of the members of council shall be established by ordinance or resolution, provided that the legislation is adopted not less than 30 days prior to the deadline for the filing of nominating petitions by candidates for the office of councilmember for the next term, and subject to further provisions of this charter.

(b) Salary Recommendation. Council shall accept, reject, or modify the civil service commission's recommendations made under Article Six within 90 days of receiving them. Without any action by council within the 90-day period, the recommendations of the civil service commission shall become effective as if adopted by ordinance or resolution under Section 2.8, but consistent with Section 2.3(c).

(c) Timing of Salary Change. No change in the salary for a member of council shall take effect during the current term of that member.

2.4 COUNCIL MEETINGS AND ELECTION OF OFFICERS

(a) Meetings. At 7:30 p.m. on the first Monday in January following each regular municipal election or, if that Monday falls on a holiday, on the first Tuesday, council shall meet at the usual place of holding council meetings. After the first meeting, council shall meet at times established by its rules or by ordinance or resolution.

The mayor, president of council, or any three members of council may call special meetings of council upon written notice served personally upon each member or at his or her usual place of residence, at least six hours before the time of the meeting. Any notice of a special meeting shall state the subject or subjects to be considered at the meeting and no other subject shall be considered.

All meetings of council or its committees shall be open to the public, except that executive sessions may be held in accordance with general law.

(b) Election of Council Officers. The president and vice president of council shall be elected at the first meeting of council by a majority of those present. The member of council present who has the longest consecutive tenure of office shall preside over the organizational meeting

until the president of council is elected.

2.5 ORGANIZATION AND PROCEDURES

(a) Quorum. A majority of councilmembers shall be a quorum to do business but a smaller number may adjourn from day to day and compel the attendance of absent members in a manner and under penalties established by ordinance or resolution.

(b) Rules. Council shall determine its own rules and order of business and shall keep a permanent record of its proceedings. Any citizen shall have access to the minutes and records at all reasonable times.

(c) Voting. The affirmative vote of a majority of councilmembers present shall be necessary to adopt any ordinance or resolution. The vote on any ordinance or resolution shall be recorded and kept in a permanent record.

2.6 PRESIDENT AND VICE PRESIDENT OF COUNCIL

(a) The president and vice president shall each serve a term of two years. The president or vice president may be removed from his or her office by a two-thirds vote of all councilmembers.

The president of council shall preside at all meetings of council and perform the duties imposed by this charter and by the rules of council. The president shall have the same right to vote on all matters presented to council as any other member of council.

(b) In the event of a vacancy in the office, or the temporary absence or disability of the president of council, the vice president shall serve as acting president of council. The acting president shall exercise the powers and perform the duties of the president of council until the vacancy in the office of president of council is filled by council or until the temporary absence or disability of the president of council ends.

2.7 CLERK AND OTHER STAFF OF COUNCIL

Council shall choose a clerk of council and other staff employees it determines to be necessary. The clerk of council shall keep the records of council and perform other duties as required by this charter or by council. The clerk and other staff employees shall serve at the pleasure of council.

2.8 ENACTMENT OF ORDINANCES AND RESOLUTIONS

(a) Each proposed ordinance or resolution shall be in writing and shall not contain more than one subject, which shall be clearly stated in the title. General appropriation ordinances may contain the various subjects and accounts for which moneys are appropriated. The vote on the passage of each ordinance or resolution shall be officially recorded and the official record shall be publicly available.

(b) No resolution of a permanent character or ordinance shall come to a vote until it has been read, by title, on three separate days. The requirement of reading on three separate days may be dispensed with by a two-thirds vote of all councilmembers. A majority of councilmembers present may require that an ordinance be read in full rather than by title.

No ordinance, resolution or section of an ordinance or resolution shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution or section to be revised or amended, and the ordinance, resolution or section revised or amended is repealed.

(c) No ordinance or resolution shall under any circumstances be adopted or passed unless it has been read on three separate days, which (1) changes the amount of salary or compensation for any elected officer of the city; (2) amends any zoning ordinance; (3) grants, renews or extends a franchise or other special privilege; or (4) regulates the rate to be charged by a public utility for its services.

(d) The enacting clause of all ordinances passed by council shall be "Be it ordained by the city of Lakewood." The enacting clause of all ordinances submitted by initiative shall be "Be it ordained by the people of the city of Lakewood."

2.9 MAYOR'S APPROVAL OR DISAPPROVAL OF LEGISLATION

(a) Any ordinance or resolution passed by council shall be signed by the presiding officer and presented to the mayor by the clerk of council. If the mayor approves the ordinance or resolution, the mayor shall sign it within 10 days after its passage or adoption.

(b) If the mayor does not approve an ordinance or resolution, the mayor shall return it to council with a statement of his or her objections to the measure within 10 days, or if council is not then in session, at the next regular meeting of council, which objections council shall enter into its

minutes. The mayor may approve or disapprove the whole or any item or part of any ordinance or resolution appropriating money, but otherwise the approval or disapproval shall be addressed to the entire ordinance or resolution. Not later than at the next regular meeting, council shall reconsider the legislation and, if upon reconsideration the legislation or the part of the legislation disapproved by the mayor is approved by a vote of two thirds of all members of council, it shall then take effect as if it had received the signature of the mayor.

(c) If the mayor does not sign or disapprove an ordinance or resolution within 10 days after its passage, it shall take effect in the same manner as if the mayor had signed it on the 10th day.

2.10 RECORDING AND CODIFICATION OF LEGISLATION

(a) All ordinances and resolutions upon their final passage or adoption shall be recorded in an official record kept for that purpose and shall be authenticated by the signatures of the presiding officer and the clerk of council.

(b) Ordinances of a general and permanent nature shall, after their effective date, be incorporated into the codified ordinances of the city. Council shall prescribe how the codified ordinances are to be organized and maintained. The codified ordinances shall be published and available for public inspection at all reasonable times.

2.11 PUBLICATION

Council may prescribe the manner of giving public notice of the enactment of any and all ordinances, resolutions or other acts, procedures, statements, including financial statements, or reports required by law to be published. Publication shall include posting on the official city website.

2.12 EFFECTIVE DATE OF LEGISLATION

(a) Council may provide for legislation to take immediate effect by stating the necessity for its immediacy in a separate section of the legislation and passing the legislation by a two-thirds vote of all councilmembers. An ordinance or resolution passed in this manner shall become effective upon approval by the mayor, or upon the expiration of the time within which it may be disapproved by the mayor, or upon its passage or approval notwithstanding the disapproval by the mayor, as the case may be, as provided in Section 2.9, or at a time fixed in the legislation sooner than the

period of time specified in Section 2.12(b).

(b) No other ordinance or resolution shall become effective until 40 days after its passage or adoption and approval by the mayor, the expiration of the time within which it may be disapproved by the mayor, or its passage or adoption notwithstanding the disapproval by the mayor, as the case may be, as provided in Section 2.9.

ARTICLE THREE. OFFICE OF THE MAYOR

3.1 EXECUTIVE AND ADMINISTRATIVE POWERS

The executive and administrative powers of the city shall be vested in the mayor, directors of departments and other administrative officers provided for in this charter or by ordinance or by resolution.

3.2 RESIDENCY, TERM AND QUALIFICATIONS OF MAYOR

The mayor shall be elected for a term of four years, commencing on the first day of January following the election, shall have been for at least one year immediately prior to the date of taking office both a resident of the city and a registered voter of the city, and shall continue as both a resident and registered voter of the city during the term of office. Except in the case of vacancies, the mayor shall be elected in the regular municipal election held in the year immediately prior to the year in which a presidential general election is held.

3.3 MAYOR EX-OFFICIO DIRECTOR

Subject to the provisions of this charter, if a department of public safety is created the mayor shall by virtue of his or her office be its director, without additional compensation, and to that extent shall exercise all powers and perform all duties delegated to and conferred upon the director of public safety by this charter, by ordinance or resolution and by general law.

3.4 MAYOR'S APPOINTMENT POWER

The mayor may appoint, with approval of council, and may remove, if and when the office is created, a director of public safety, and shall appoint, with the approval of council, other directors in accordance with this charter. The mayor shall make all other appointments under the provisions of this charter not otherwise provided for by general law or by council legisla-

tion; and those appointees shall serve until removed by the mayor or until their respective successors are appointed and qualified.

3.5 SALARY OF THE MAYOR

(a) Salary. The salary of the mayor shall be established by ordinance or resolution, provided that the legislation must be adopted not less than 30 days prior to the deadline for the filing of nominating petitions by candidates for the office of mayor for the next term, and subject to further provisions of this charter.

(b) Salary Recommendation. Council shall accept, reject, or modify the civil service commission's recommendations made under Article Six within 90 days of receiving them. Without any action by council within the 90-day period, the recommendations of the civil service commission with respect to the mayor's salary shall become effective as if adopted by ordinance or resolution under Section 2.8, but consistent with Section 3.5(c).

(c) Timing of Salary Change. No change in the salary for the mayor shall take effect during the current term of the mayor.

3.6 GENERAL POWERS AND DUTIES OF MAYOR

The mayor shall be the chief conservator of the peace within the city; shall supervise the administration of the affairs of the city; shall see that all ordinances of the city are enforced; shall recommend to council for adoption any measures the mayor may deem necessary or expedient; shall with the director of finance keep council advised of the financial condition and future needs of the city; shall prepare and submit any reports required by council; and shall exercise powers and perform duties conferred upon or required of the mayor by this charter, by ordinance or resolution of council, or by general law.

3.7 MAYOR'S INVESTIGATION

The mayor or anyone appointed by the mayor may, without notice, cause the affairs of any department or the conduct of any officer or employee to be examined or investigated.

3.8 ACTING AND INTERIM MAYOR

(a) Temporary Absence. When the mayor is absent and inaccessible, or is unable for any cause to perform the duties of the office of mayor, the

person designated by ordinance or resolution of council shall be the acting mayor until the mayor resumes the office.

If the mayor does not resume the duties of the office within 60 days, council shall declare the office vacant and appoint an interim mayor as specified in Section 3.8(b).

(b) Vacancy in the Office of Mayor. In the case of the death, resignation or removal of the mayor, the mayor ceasing to reside and remain a registered voter in the city, or other vacancy in the office of mayor, council shall appoint an interim mayor. Until council meets and appoints by a majority vote of its members a qualified person to serve as interim mayor, the acting mayor shall assume the duties of the office. The appointment of an interim mayor shall be made within 60 days of the vacancy.

If the vacancy occurs more than two years and 120 days before the municipal primary election for the next term of that office, the interim mayor shall serve only until his or her successor is elected and qualified at the next regular municipal election. If the vacancy occurs afterward, the interim mayor shall serve until the end of the unexpired term of the former mayor. Any vacancy that results from a recall election shall be filled in the manner provided by Article Nine.

3.9 LOCATION OF OFFICE; FULL-TIME POSITION

The mayor's office shall be located at city hall. The mayor is to serve the city on a full-time basis. While the mayor must devote his or her primary time and attention to the business of the city, holding the office of the mayor does not necessarily preclude limited outside employment, provided that outside employment does not conflict or interfere with carrying out the duties assigned by this charter or general law, or otherwise violate any provision of this charter or general law.

3.10 RIGHT OF MAYOR AND DIRECTORS IN COUNCIL

The mayor and the directors of all departments established by this charter or by legislation shall be entitled to participate in meetings of council. The mayor shall be entitled to introduce ordinances and resolutions and shall be entitled to take part in the discussion of all matters coming before council. The directors of departments shall be entitled to take part in all discussions in council relating to their respective departments.

ARTICLE FOUR. DEPARTMENTS AND OFFICERS

4.1 GENERAL PROVISIONS

There shall be a department of law and a department of finance. Council may, in its discretion, establish additional city departments, offices or agencies to provide and administer city services, including but not limited to public safety, planning and development, human services and public works, and may prescribe or reassign the functions of all departments, offices and agencies. Notwithstanding council's discretion to prescribe or reassign department functions as set forth in this section, no function assigned by this charter to a particular department, office or agency may be discontinued or assigned to any other unless this charter specifically permits its discontinuance or reassignment.

4.2 DIRECTORS OF DEPARTMENTS

Except as otherwise provided by this charter, the head of each department shall be a director, appointed by the mayor, and shall serve at the mayor's pleasure. Each director shall administer his or her department in accordance with this charter, the applicable ordinances adopted by council, the rules and regulations made by the mayor, and general law, except as general law may be limited by council. Each director may, subject to applicable civil service regulations, appoint, promote, transfer, reduce or remove division heads, officers and employees within his or her department.

4.3 DEPARTMENT OF LAW

The department of law shall be headed by a director of law, who shall be an attorney admitted to practice law in the state, shall be a registered voter of the city, and shall be appointed by the mayor with the approval of council. The director of law shall serve as chief legal adviser to council, the mayor, all boards and commissions, and all city departments, offices and agencies; shall represent the city in all legal proceedings; and shall perform any other duties prescribed by this charter, ordinance, resolution or general law, except as general law may be limited by council.

4.4 DEPARTMENT OF FINANCE

The department of finance shall be headed by a director of finance. The director of finance shall be responsible for the administration of all financial requirements called for by this charter, ordinance, resolution or gen-

eral law, except as general law may be limited by council. The director of finance shall also be the city auditor.

ARTICLE FIVE. FINANCE

5.1 DIRECTOR OF FINANCE

The director of finance shall have charge of the administration of the financial affairs of the city in accordance with Section 4.4.

5.2 BONDS REQUIRED

Council shall establish the amount of bond to be given by each officer, clerk or employee in the city government, if any be required, and required bonds shall be given with surety. Premiums on official bonds shall be paid by the city.

5.3 FISCAL YEAR

The fiscal year of the city shall begin the first day of January unless otherwise specified by ordinance.

5.4 APPROPRIATIONS

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except by appropriations adopted by council. Any monies appropriated shall be used for the specified purposes and these purposes may not be changed without authority from council. No money, from whatever source derived, shall be appropriated for use by or at the direction of individual members of council.

5.5 BUDGET DOCUMENT

On or before the second city council meeting in November in each year, the director of finance shall prepare an estimate of the expense of conducting the affairs of the city for the following fiscal year. This estimate shall be compiled from detailed information obtained from the various departments and shall set forth at a minimum:

(a) an itemized estimate of the expense of operating each department;

- (b) comparisons of proposed current estimates with the corresponding items of expenditures for the last two completed fiscal years and with an estimate of expenditures necessary to complete the current fiscal year;
- (c) reasons for proposed increases or decreases in expenditures compared with the current fiscal year;
- (d) a schedule for each department listing required operations of the department for the next fiscal year and any additional activities desired to be undertaken;
- (e) compensation increases as either additional pay to current employees, or for additional employees;
- (f) an itemization of all anticipated revenue from taxes and other sources;
- (g) the amounts required to pay interest on the city's debt, and for bond retirement funds as required by law;
- (h) the total amount of the outstanding city debt with a schedule of maturities of bond issues and any other long-term financial obligations of the city; and
- (i) any other information as may be required by council.

Upon receipt of the estimate, council shall begin the appropriations process. Council shall hold public hearings upon any proposed appropriation legislation before a committee or the entirety of council. After the public hearings, council, taking the estimate into consideration, shall by temporary or permanent appropriation legislation provide for the funding of the city as provided by general law or except as general law may be limited by council.

5.6 REPORTS

The director of finance shall periodically report on the finances of the city to the mayor, council, the public and any specific persons designated by law, including financial transactions for the fiscal year or any part of the fiscal year and the effect of those transactions on appropriations within each department of the city government.

5.7 CAPITAL PLAN

Annually, after consultation with the mayor and the heads of affected city departments, the director of finance shall prepare and submit to the mayor and council a recommended five-year financial plan for the city's capital needs.

5.8 ASSESSMENTS

(a) No public improvement, any part of the cost of which is to be specially assessed upon the owners of property in the city, shall be made without the approval of council. Before property in the city may be specially assessed for public improvements, council shall establish regulations sufficient to require preliminary legislation declaring the improvements necessary; to ensure the affected owners receive notice of the proposed assessment, an opportunity to examine plans for the improvement, and the ability to be heard in at least one public forum before the assessment is authorized by council; to divide assessed costs equitably among the city and affected property owners; to provide for repayment over an appropriate period of time; and to establish an opportunity for owners to make damage claims arising from the improvements and have those claims heard.

(b) Council may by a two-thirds vote of all members specially assess the cost of a public improvement upon affected property owners. However, if the owners representing a majority of the foot frontage of the lots to be assessed petition council for the improvement and assessment, council may approve the special assessment by a majority vote.

5.9 MUNICIPAL INCOME TAX

Any legislation providing for an increase in the rate of municipal income tax charged on taxable income within the city, or providing for a reduction in the resident income tax credit for residents of the city, shall not become effective until council submits the legislation to the registered voters at a primary or general election occurring more than 60 days after the passage of the legislation, and until the legislation is approved by a majority of those voting on the measure.

5.10 PROPERTY TAX LEVIES

(a) Taxation by Vote of Council. In any calendar year, taxes may be levied upon the tax duplicate without a vote of the people for the current operating expenses of the city, but no such tax shall be levied at a rate exceeding by more than 5.2 mills the rate for these purposes within the constitutional limitation allocated to the city on the 1938 tax duplicate. Except as permit-

ted in this section, all power to tax shall be as defined and limited by general law.

(b) Levy for Police and Fire Pension Fund. Notwithstanding any other provision of this charter, and in addition to all other levies authorized or required by law, but otherwise in the manner provided for the making of other municipal levies, council shall levy annually, without a vote of the people, outside the constitutional and statutory 10-mill limitation and outside the limitations provided by this charter, a tax upon all real and personal property listed for taxation upon the tax lists and duplicates for each year sufficient in rate to provide all moneys required to meet the city's obligations related to the Ohio Police and Fire Pension Fund and to pay debt charges on securities issued to support the fund.

(c) Levy for Certain Municipal Improvements. Without prejudice to the use of other funds from taxes or other sources available for these purposes, council may levy a tax upon all real and personal property listed for taxation upon the tax list and duplicate at a rate not to exceed two mills outside the levies provided in Section 5.10(a) and (b) to provide a fund for the purpose of financing the reconstruction, expansion, operation and maintenance of a sewage disposal plant and sewer system, and the capital needs of street infrastructure, municipal buildings, parks and recreation facilities.

5.11 CHARTER EXCEPTIONS FOR DEBT INSTRUMENTS

(a) No provision in this charter relating to granting, renewing or extending franchises or other special privileges shall apply to franchises or special privileges given in connection with the issuance of bonds, notes or other debt instruments by the city. Those franchises or other special privileges given in connection with the issuance of bonds, notes or other debt instruments by the city shall instead conform to any applicable provisions of the state Constitution.

(b) No provision in this charter shall require the director of law to prepare or endorse his or her approval of the form and correctness on bonds, notes or other debt instruments of the city, when the city has engaged other counsel as bond counsel to prepare and render approving opinions with respect to these bonds, notes or other debt instruments of the city.

(c) No provision in this charter shall require the director of finance to certify the availability of money related to legislation authorizing or otherwise

affecting the issuance or terms of bonds, notes or other debt instruments of the city.

ARTICLE SIX. CIVIL SERVICE COMMISSION

6.1 APPOINTMENT AND TERM OF MEMBERS

The civil service commission is composed of three members who are registered voters of the city, appointed under this article. During their term members of the commission shall not hold any other office or position of employment with the city. Not more than two members shall be of the same political party, as determined by current voter registration, but members may have no party affiliation. The mayor shall appoint two members of the commission and council shall appoint one member of the commission. Each member of the commission shall serve a term of three years and until his or her successor has been appointed and qualified for office. The members of the commission shall be ineligible to be reappointed to succeed themselves for more than one additional three-year term, unless the member is completing a term for which he or she was appointed to fill a midterm vacancy.

6.2 PRESIDENT; SECRETARY

The commission shall designate one of its members as president and may appoint a secretary. The secretary shall not have a vote.

6.3 CLASSIFIED AND UNCLASSIFIED SERVICE

The civil service of the city is divided into the unclassified and the classified service. The unclassified service shall include elected officers; directors of departments; members of all boards or commissions appointed by the mayor and council; the clerk of council and the secretary of the civil service commission; and unskilled labor and hourly personnel. The classified service shall comprise all positions not specifically included in the unclassified service.

6.4 PROCEDURE

(a) The commission shall make, promulgate, prescribe and enforce rules for the appointment, promotion, transfer, layoff, reinstatement, suspension and removal of employees in the classified service, and other rules necessary for the enforcement of the merit system of pay and promotion

and for the commission's procedure. The commission shall keep a permanent, public record of its proceedings.

(b) Any member of the commission may subpoena and require the attendance of witnesses, cause the administration of oaths and compel testimony and the production of books, papers and other evidence pertinent to any issue before the commission. If any applicant fails to respond to these requests, the commission may take that failure into account when deciding the applicant's matter.

6.5 SALARIES AND COUNCIL APPROPRIATION

The salaries of the commission shall be set by council, and a sufficient sum shall be appropriated each year to carry out the civil service provisions of this charter.

6.6 SUSPENSION AND REMOVAL OF COMMISSION MEMBER

With written explanation to council and the commission, filed with the clerk of council and the secretary of the commission, the mayor may at any time for cause suspend any commissioner for up to 30 days. Cause may include but need not be limited to neglect of duty or misfeasance or malfeasance in office. The president of council shall call a hearing of council within 30 days of the filing of the mayor's writing. At the hearing the mayor may further explain the cause for the commissioner's suspension, and the suspended commissioner may appear with, without or by counsel in response. At the conclusion of the hearing, council shall by a majority vote of councilmembers present either remove or reinstate the commissioner. For good cause, council may continue the hearing for up to 30 days.

6.7 SALARY RECOMMENDATIONS

On or before July 1 of each year in which a presidential general election is held, the civil service commission shall review and make a written report to council, which report shall be filed with the clerk of council and the office of the mayor, setting forth the commission's recommendations for the salary and other compensation for the offices of mayor and members of council. Council shall place that report on the next docket at a regularly scheduled council meeting. If council takes no action or fails to decline to follow the suggestions within 90 days, the recommendations shall take effect as if council had adopted them by ordinance approved by the mayor. However, no increase in salary under this section shall exceed 10 percent

of the salary for the office of mayor or council, unless there has been no increase in salary for that office in the preceding 10 years.

ARTICLE SEVEN. BOARDS AND COMMISSIONS

7.1 GENERAL PROVISIONS

(a) Council may by ordinance create boards and commissions in addition to those created in this charter. No function assigned by this charter to a board or commission may be discontinued or assigned to any other unless this charter specifically permits its discontinuance or reassignment.

(b) All appointments to boards and commissions, including those in other parts of the charter, shall to the extent possible be finalized so that the appointee may attend at least one meeting prior to assuming office.

(c) Any member of a board or commission named specifically in this charter may subpoena and require the attendance of witnesses, cause the administration of oaths and compel testimony and the production of books, papers and other evidence pertinent to any issue before that board or commission. If any applicant fails to respond to these requests, the board or commission may take that failure into account when deciding the applicant's matter.

7.2 PLANNING COMMISSION

(a) Organization. The planning commission is composed of five members who are registered voters of the city. Three members of the commission shall be appointees of the mayor, and two members shall be appointees of council. Each member of the commission shall serve until the expiration of his or her term, which shall be five years, with each term staggered so that one commission member's term expires each year. Members of the commission shall be ineligible to succeed themselves unless the member is completing a term for which he or she was appointed to fill a midterm vacancy. The appointing authority of the commission member may remove that member for cause.

(b) Engineer as Ex Officio Member. A person serving in the capacity of city engineer shall, by virtue of his or her position, be a non-voting member of the commission.

(c) Officers. The commission shall elect its own chairperson and vice chairperson. A majority of the commission shall constitute a quorum to do business. The city's chief planning officer or his or her designee shall be the secretary to the commission and shall be responsible for the preparation of the docket and the minutes for all commission meetings and shall perform all other duties incident to the office of secretary. The secretary shall have no vote.

(d) Administrative Staff. The secretary and his or her staff shall provide all administrative and support services to the commission.

(e) General Plan. The planning commission shall make and adopt a general plan for the development and improvement of the city, and for any area outside of the city that, in the judgment of the commission, bears relation to the planning of the city. No general plan or portions or amendments of the plan shall be adopted by the commission until after a public hearing. The general plan established or amended from time to time by ordinance shall constitute the official plan of the city. The commission shall also make plans and proposals for specific improvements and projects that it deems desirable for the city and its surrounding area and recommend them to the appropriate authority. These plans and proposals shall not become a part of the general plan until adopted by council. The commission may call upon officers and employees of other departments and divisions of the city for assistance in city planning. The commission shall take the initiative in planning for the city and surrounding area. It may make investigations, maps and studies relating to the planning of the community as it deems desirable.

(f) Development; Authority to Contract. The planning commission may recommend to the appropriate public authorities or private agencies programs for the development and improvement of the community, for the enactment of legislation pertaining to that development and improvement, for the building of public structures and improvements and for the financing of those things. Subject to the approval of council, the commission may enter into agreements with other public or private entities to carry forward any of its purposes. In addition to the powers and functions provided in this charter, the commission shall have other powers and functions provided by council. The commission may establish rules and regulations for its own procedure not inconsistent with this section or any ordinances of the city.

(g) Mandatory Referral. No public building, street, park, playground, harbor, dock, wharf, bridge, tunnel, or publicly or privately owned utility shall be authorized or constructed in the city, in whole or in part; nor shall any street be opened, widened, narrowed, relocated or vacated, or its use changed for any purpose whatsoever; nor shall ordinance referring to zoning or other regulations controlling the use or development of land in the city be adopted unless it has first been submitted to the commission for report and recommendation. The commission shall act on any matter within 60 days of its referral unless a longer time is allowed by council. Any resolution, ordinance or matter referred and disapproved by formal action of the commission shall require a two-thirds vote of all councilmembers for adoption or authorization.

(h) Review of Other Public Plans. If any plan, design or other proposal concerning the character, extent, location or use of any public improvement or public property within the city does not fall within the province of council or other office of the city, then the commission shall review the plan, design or proposal by the state, county, district, school, or other public entity having jurisdiction over the public improvement or property in accordance with general law.

7.3 BOARD OF ZONING APPEALS

(a) Organization. The board of zoning appeals is composed of five members who shall be appointed for a term of five years each. Three members of the board shall be appointees of the mayor, and two members shall be appointees of council. Members of the board shall be ineligible to succeed themselves unless the member is completing a term for which he or she was appointed to fill a midterm vacancy. The appointing authority may remove the appointed member for cause. The planning staff, housing and building staff, and person acting in the capacity of the city engineer shall furnish any technical advice and services as required by the board.

(b) Officers. The board shall elect its own chairperson and vice chairperson. A majority of the board shall constitute a quorum to do business. The city's chief planning officer or his or her designee shall be the secretary to the board and shall be responsible for the preparation of the docket and the minutes for all board meetings and shall perform all other duties incident to the office of secretary. The secretary shall have no vote.

(c) Powers and Duties. The board of zoning appeals shall hear and decide appeals from any regulation, order, decision, requirement, or determina-

tion made by administrative officials or agents in the application of ordinances governing zoning in the city. The board shall hear and decide all appeals made for variances in the application of ordinances governing zoning in the city, except that no variance shall be granted unless the board finds:

- (1) there exists practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved;
- (2) there are special circumstances or conditions applying to the land or buildings and not applying generally to land or buildings in the neighborhood, and that the circumstances or conditions exist so that strict application of the provisions of the ordinances of the city would deprive the applicant of the reasonable use of the land or buildings;
- (3) the granting of the variance is necessary for the reasonable use of the land or building and that the variance granted by the board is the minimum variance that will accomplish this purpose; and
- (4) the granting of the variance will be in harmony with the general purpose and intent of the ordinances of the city and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The board shall perform other duties and functions as may be imposed upon the board by this charter or by council, and it may establish rules and regulations for its own procedure not inconsistent with this section or any ordinances of the city.

7.4 BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

(a) Organization. The board of building standards and building appeals is composed of five members, who shall be appointed for a term of five years each. Three members of the board shall be appointees of the mayor, and two members shall be appointees of council. Members of the board shall be ineligible to succeed themselves unless the member is completing a term for which he or she was appointed to fill a midterm vacancy. The appointing authority may remove any member for cause. The planning staff, housing and building staff, and person acting in the capacity of the city engineer shall furnish any technical advice and services as required by the board.

(b) Officers. The board shall elect its own chairperson and vice chairperson. A majority of the board shall constitute a quorum to do business. The

city's chief planning officer or his or her designee shall be the secretary to the board and shall be responsible for the preparation of the docket and the minutes for all board meetings and shall perform all other duties incident to the office of secretary. The secretary shall have no vote.

(c) Powers and Duties. The board of building standards and building appeals may:

- (1) approve or disapprove materials, types of construction, appliances, devices and designs proposed for use under the building and property maintenance codes;
- (2) make, amend and repeal rules and regulations for carrying into effect all provisions of the building and property maintenance codes, other than those relating to zoning;
- (3) hear and decide appeals from and review upon motion of a member of the board any order, requirement, decision or determination of any administrative official or agency of the city relating to a matter regulated by the building and property maintenance codes, except that matters relating to zoning shall not come within the province or jurisdiction of the board. In taking any action, the board may vary or modify the application of any provision of the building and property maintenance codes, except those relating to zoning, when the enforcement would do manifest injustice, impose unnecessary hardship or be contrary to the intent and purpose of the codes or the public interest;
- (4) review upon the motion of a member of the board any rule, regulation or decision of the board, but no review shall prejudice the rights of any person who has acted in good faith before the decision is reversed or modified;
- (5) exercise with respect to any building situated in the city the same powers as are exercised by the board of building standards under the laws of the state, all as permitted by general law;
- (6) formulate and submit to council changes in and amendments to the building and property maintenance codes that the board determines are desirable;
- (7) establish rules and regulations for its own procedure not inconsistent with this section or any ordinances of the city;

(8) act as the architectural board of review of the city under all authority granted to that board by the ordinances of the city and general law; and

(9) perform other duties and functions as may be imposed upon the board by this charter or by council.

7.5 CHARTER REVIEW COMMISSION AND CHARTER AMENDMENTS

(a) In January of 2024 and each 10th year thereafter, nine registered voters of the city shall be appointed as members of a charter review commission. Five members of the commission shall be appointed by council and four members shall be appointed by the mayor. Members of the commission shall not hold any other office or position of employment with the city. The commission shall review the charter and within six months after the appointment of its members may recommend to council, by a two-thirds vote of all the members of the commission, revisions and amendments to this charter. Council may submit any proposed amendments recommended by the commission to a vote of the people in the manner provided under this charter and the state Constitution. Amendments shall be in the form provided by council.

(b) Amendments to this charter may be submitted to the registered voters of the city by a two-thirds vote of all councilmembers and, upon petitions signed by 10 percent of the registered voters of the city proposing an amendment, shall be submitted to the voters by council. The submission of a proposed amendment to the registered voters shall be governed by the requirements of Article XVIII, Sections 8 and 9 of the Constitution of the state of Ohio as to the submission of the question of choosing a charter commission; and notice of the proposed amendment may be mailed to the registered voters as provided by the Constitution or notice may be given pursuant to ordinances adopted by council. If any amendment is approved by a majority of those voting on the amendment, it shall become a part of the charter of the city, except that if two or more inconsistent amendments on the same subject are submitted at the same election and each is approved, only the amendment receiving the largest affirmative vote shall become a part of the charter. A copy of the charter or any amendment shall be certified to the secretary of state within 30 days after its adoption by the registered voters.

ARTICLE EIGHT. ETHICS AND TRAINING

8.1 ETHICS

(a) Expectations of Government. The citizens of Lakewood rightfully expect their government of elected and appointed officials, and their employees, to behave legally and ethically following principles of open government. All officials will treat each other with respect and together work to make Lakewood a desirable place to live. The citizens also rightfully expect honesty, respect and fair treatment by all involved in governance. City officials have a responsibility to educate, monitor and support all employees and city representatives in this mission.

(b) Oath of Office. Every elected or appointed officeholder of the city shall, before entering upon the duties of his or her office, take and subscribe to an oath or affirmation, to be filed and kept in the office of the clerk of council, that he or she will in all respects faithfully discharge the duties of his or her office.

(c) Public Ethics. The city shall be governed by the following ethical obligations:

(1) The mayor, councilmembers, director of law and director of finance owe a fiduciary duty to the city. As such, these officials, and the city employees under their supervision, shall be held to the highest ethical standards in all public matters. In the interest of preserving the public trust, these officials shall avoid any perceived conflict of interest or any action likely to give the appearance of impropriety in the execution of their public duties.

(2) Upon taking office, the mayor shall insure that policies governing the ethics of city employees in the execution of their job duties are in place, that these policies are consistent with the ethical requirements of general law, and that these policies are communicated in writing to all city employees.

Nothing in this section shall be construed to prevent council from enacting by ordinance or resolution any rules or policies governing ethics of city employees.

(3) No city official or employee, through any improper use of that person's official position with the city, may affect the hiring of any person, letting of any contract or any other action by the city that may result in that official or employee, or any of the official or employee's immediate family members or close business associates, securing anything of value.

Nothing in this section shall be construed to prohibit a city official or employee from serving as an employment, personal or credit reference for any person.

(4) Any person who has been found guilty by a court of competent jurisdiction of any felony violation of the general law relating to bribery, theft in office, having an unlawful interest in a public contract, soliciting or accepting improper compensation, perjury relating to any official duty, or corrupt practices relating to state or federal elections, shall be ineligible to hold office as mayor, member of council, director of law or director of finance.

If, while in office, the mayor, any member of council, the director of law or the director of finance is found guilty by a court of competent jurisdiction of any felony violation of the general law relating to bribery, theft in office, having an unlawful interest in a public contract, soliciting or accepting improper compensation, perjury relating to any official duty, or corrupt practices relating to state or federal elections, that person shall, upon the finality of the conviction, immediately forfeit the office held.

The terms used in this section shall be interpreted consistent with their use in the general law. Nothing in this section shall be construed to prohibit council from enacting additional prohibitions or penalties relating to public ethics.

8.2 TRAINING FOR COUNCIL AND MAYOR

The city is committed to the best practices of municipal governance, innovation and administration, including those related to ethics, finances, budgeting, safety forces, infrastructure, human resources, planning and development, and current issues facing Lakewood. To achieve these goals, councilmembers and the mayor shall complete training on the best practices of municipal governance and administration. Training sessions are to be provided for by the city, as determined by council, within three months of a person's election or appointment to the position of councilmember or mayor.

Training shall consist of four contact hours of instruction for new councilmembers and 16 contact hours of instruction for a new mayor. Councilmembers who have previously served on council and any mayor who has previously held the office of mayor of the city are exempt from the requirements of this section.

When training is completed, the clerk of council shall provide each officer with a certificate of completion. The certificate shall be signed by the person designated by council to verify the completion of the training. The signed certificate shall be filed with the clerk of council prior to the expiration of the three-month period of time for the completion of training.

**ARTICLE NINE.
ELECTIONS, INITIATIVE, REFERENDUM, RECALL**

9.1 ELECTIONS

(a) Regular and Special Municipal Elections. General municipal elections for the purpose of the election of officers provided for in this charter shall be held on the first Tuesday after the first Monday in November in each odd-numbered year and shall be known as regular municipal elections. Except for primary elections, all other elections held under the provisions of this charter or as may be required by law shall be known as special municipal elections.

(b) Primary Elections. On the second Tuesday in September prior to each general municipal election, a primary election shall be held for the purpose of nominating persons, without regard to political parties, for election to offices provided for by this charter to be voted for at the next regular municipal election.

The number of candidates for the offices of mayor and each of the four ward councilmembers at any regular municipal election shall be the two persons on the primary election ballot receiving the highest number of votes at the primary election. The number of candidates for the office of councilmember at large at any regular municipal election in the city shall be the six candidates on the primary ballot receiving the highest number of votes at the primary election.

In case there shall not be more than two persons who have filed petitions for the office of mayor or any of the offices of the ward councilmembers, then those persons shall be the candidates at the regular municipal election and the primary for the particular office shall not be held. In case there shall not be more than six persons who have filed petitions for the office of councilmember at large, then those persons shall be the candidates at the regular municipal election and the primary for that office shall not be held.

(c) Election Procedures. Write-in votes for municipal candidates in regular municipal elections shall be permitted only if a duly nominated candidate cannot participate due to death or other disqualification, or if a candidate does not have an opponent, or if no candidate has been nominated. The ballots used in the primary and regular municipal elections shall be without party mark or designation. The names of all candidates shall be placed upon the same ballot and shall be rotated in the manner provided by general law.

(d) Certificate of Nomination when no Primary is Held. In the event a primary election is not held, the county board of elections shall declare each candidate to be nominated, issue appropriate certificates of nomination to them and certify their names in order that they be printed on the official ballots provided for use in the regular municipal election, as if a primary election had been held and each person had been nominated at that election.

(e) Designation of Candidates. Candidates for nominations to elective offices provided for in this charter shall have their names printed on the official primary ballot by filing a declaration of candidacy, meeting all required qualifications and paying any required filing fees.

(f) Declarations of Candidacy. Candidates for the offices of mayor and member of council shall, not later than 4:00 p.m. of the 90th day before the day of the municipal primary election, file a declaration of candidacy. Except as otherwise required by this charter, the general law of the state shall govern declarations of candidacy. Nominations for each elective municipal office shall be made by petition only, on standard forms provided by the county board of elections for the nomination of nonpartisan candidates.

(g) Ballot Form. Except as otherwise required by this charter, the form of the ballot at primary, special and regular municipal elections shall be determined by the election authorities in accordance with general law.

(h) Nomination and Election of Judges. Candidates for judge of the Lakewood Municipal Court shall be nominated by petition signed by at least 200 registered voters of the city. The petition or petitions when filed shall be accompanied by the written acceptance of the nominee. Each signer of a petition shall sign his or her name and after his or her name designate his or her residence. The petition or petitions shall be filed with the county board of elections as one instrument at least 90 days prior to the date of

the election for the office of judge. The names of all nominated candidates shall appear on a nonpartisan judicial ballot in the regular municipal election. There shall not be a primary election to nominate judicial candidates.

9.2 INITIATIVE

(a) Right to Initiative. Any proposed ordinance or resolution on matters that the city is authorized by law to control by legislative action may be submitted to council by a petition signed by registered voters equal in number to at least 5 percent of the total votes cast for the office of mayor at the last regular municipal election at which a mayor was elected.

(b) Form of Initiative Petition. Petitions submitting proposed legislation to council shall be filed with the clerk of council. Signatures to a petition need not all be appended to one paper, but all petition papers circulated regarding any proposed legislation shall be uniform in character and shall contain the proposed legislation in full. There shall appear on the petition the names and addresses of at least five registered voters who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purposes set forth in this section.

(c) Signatures to Initiative Petition. Each signer of an initiative petition shall sign his or her name in ink, and shall place his or her residence address on the petition paper after his or her name. To each petition paper there shall be attached an affidavit by the circulator of the petition stating the number of signers to that part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the circulator.

(d) Filing of Initiative Petition. All papers constituting an initiative petition shall be assembled and filed with the clerk of council as one instrument. Within 10 days of the filing of a petition the clerk shall transmit all the papers constituting the petition with a certified copy of the text of the proposed legislation to the county board of elections. The board shall examine all signatures on the petition to determine the number of registered voters of the city who signed the petition. The board shall return the petition to the clerk within 10 days after receiving it, together with a statement attesting to the number of registered voters of the city who signed the petition. Upon receipt of the statement from the board of elections, the clerk shall endorse upon the petition a certificate of the result by showing the number of signatures required and the number of registered voters the board of elections has determined signed the petition.

(e) Additional Initiative Signatures. If the clerk's certificate shows that the petition contains insufficient valid signatures in its support, the clerk shall at once notify each member of the committee described in Section 9.2(b) by depositing the notice in the United States mail with postage prepaid and by sending to an email address indicated to be sufficient for notice by the member of the committee. The committee shall have 15 days after the notice of insufficient valid signatures is sent to file petitions containing additional signatures with the clerk. Within 10 days after the filing of these additional signatures, the clerk shall transmit all the additional petitions to the county board of elections. The board shall examine all signatures on the additional petitions to determine the number of registered voters of the city who signed the additional petitions. The board shall return the additional petitions to the clerk within 10 days after receiving them, together with a statement attesting to the number of registered voters of the city who signed the additional petitions. If the signatures are still insufficient, or if no further petitions have been filed, the clerk shall file the petition in the clerk's office and shall notify, in the manner specified above, each member of the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

(f) Hearing by Council Committee. When the certificate of the clerk shows the petition and supplemental petition, if any, to be sufficient, the clerk shall submit the proposed ordinance or resolution to council at its next regular meeting and council shall at once read and refer the legislation to an appropriate committee. There shall be at least one public hearing on the proposed legislation before the committee to which it is referred. The committee shall then report the proposed legislation to council with its recommendation, not later than the third regular meeting of council following that at which the proposed legislation was submitted to council by the clerk.

(g) Action by Council. Upon receiving the proposed legislation from the committee council shall at once proceed to consider it and shall take final action on the legislation within 30 days from the date of the committee report.

(h) Power of Council and Committee. If council rejects the proposed legislation or passes it in a form different from that set forth in the petition, the committee of the petitioners may, as provided in this section, require that it be submitted to a vote of the registered voters in its original form, or that it be submitted to a vote of the registered voters with any proposed

change, addition or amendment, which was presented in writing either at a public hearing before the committee to which the proposed legislation was referred, or during the consideration of the legislation by council.

(i) Certification; Supplemental Initiative Petition. When legislation proposed by petition is to be submitted to a vote of the registered voters, the committee of the petitioners shall certify that fact and the proposed legislation to the clerk of council within 30 days after council's final action on the proposed legislation and shall also file with the clerk a supplemental petition asking that the proposed legislation be submitted to popular vote. In the event the proposed legislation is in its original form, the supplemental petition must be signed by the number of registered voters whose signatures, added to the number of signatures of those who signed the original petition submitted pursuant to this section, equal 15 percent of the total votes cast for the office of mayor at the last regular municipal election at which a mayor was elected. In the event the proposed legislation is different from its original form, the supplemental petition must contain the proposed legislation in full and be signed by at least the number of registered voters who equal 15 percent of the total votes cast for the office of mayor at the last regular municipal election at which a mayor was elected. In all other respects, supplemental petitions shall be in the form, signed in the same manner and verified by the circulator all as required of original petitions. The sufficiency of any supplemental petition shall be determined, and it may be further supported, in the manner provided for original petitions for proposing legislation to council.

(j) Submission to Registered Voters. When the certificate of the clerk shows the petition and supplemental petition, if any, to be sufficient, the clerk shall certify the fact to council at its next regular meeting. If a primary, special, regular municipal or other general election is to be held not more than six months after the receipt of the clerk's certificate by council, provided the deadline imposed by the county board of elections for filing ballot issues has not passed, the proposed legislation shall then be submitted to a vote of the registered voters. If no election is to be held within that time, council may provide for submitting the proposed legislation to the registered voters at a special election. If no other provision is made as to the time of submitting proposed legislation to a vote of the registered voters, it shall be submitted at the next primary, regular municipal or other general election.

If a majority of the registered voters voting on any legislation proposed under this section shall vote in favor of the proposal, it shall become an

ordinance or resolution of the city. If the provisions of two or more pieces of legislation adopted or approved at the same election conflict, the provisions of the legislation receiving the highest number of affirmative votes shall prevail.

(k) Ballot Form. The ballots used when voting upon any legislation proposed under this section shall state the title of the legislation and be in a form created by the county board of elections in accordance with general law in order to determine whether the registered voters are for the legislation or against the legislation.

(l) Repealing Ordinances. Proposed legislation for repealing any existing legislation in whole or in part may be submitted to council as provided in this section.

(m) Publication, Amendment or Repeal. Ordinances or resolutions adopted as provided in this section shall be published and may be amended or repealed by council as in the case of other ordinances and resolutions.

9.3 REFERENDUM

(a) Right to Referendum. A petition requesting the repeal of an existing ordinance or resolution may be filed with the clerk of council at any time within 40 days after the adoption of any ordinance or resolution by council; the expiration of the time within which it may be disapproved by the mayor; or its passage or adoption notwithstanding the disapproval by the mayor, as the case may be. The petition must be signed by registered voters equal in number to at least 15 percent of the total votes cast for the office of mayor at the last regular municipal election at which a mayor was elected. The ordinance or resolution that is the subject of the petition shall not become operative until the steps in this section have been taken.

(b) Form of Referendum Petition. Petitions seeking a referendum vote on any ordinance or resolution shall be filed with the clerk of council. Signatures to a petition need not all be appended to one paper, but all petition papers circulated with respect to a referendum vote on any ordinance or resolution shall be uniform in character. It need not contain the text of the ordinance or resolution the repeal of which is sought, but shall contain the number assigned to the ordinance or resolution and its full title. There shall appear on the petition the names and addresses of at least five registered voters who shall be officially regarded as filing the petition and shall

constitute a committee of the petitioners for the purpose set forth in this section.

(c) Signatures to Referendum Petition. Each signer of a referendum petition shall sign his or her name in ink, and shall place his or her residence address on the petition paper after his or her name. The signatures to any petition paper need not all be appended to one paper, but to each paper there shall be attached an affidavit by the circulator of the petition stating the number of signers to that part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the circulator.

(d) Filing of Referendum Petition. All papers constituting a petition shall be assembled and filed with the clerk of council as one instrument. Within 10 days after the filing of a petition the clerk shall transmit all the papers constituting the petition to the county board of elections. The board shall examine all signatures on the petition to determine the number of registered voters of the city who signed the petition. The board shall return the petition to the clerk within 10 days after receiving it, together with a statement attesting to the number of registered voters of the city who signed the petition. Upon receipt of the statement from the board of elections, the clerk shall endorse upon the petition a certificate of the result by showing the number of signatures required and the number of registered voters the board has determined signed the petition.

(e) Additional Referendum Signatures. If the clerk's certificate shows that the petition contains insufficient valid signatures in its support, the clerk shall at once notify each member of the committee described in Section 9.3(b) by depositing the notice in the United States mail with postage prepaid and by sending to an email address indicated to be sufficient for notice by the member of the committee. The committee shall have 15 days after the notice of insufficient valid signatures is sent to file petitions containing additional signatures with the clerk. Within 10 days after the filing of these additional signatures, the clerk shall transmit all the additional petitions to the county board of elections. The board shall examine all signatures on the additional petitions to determine the number of registered voters of the city who signed the additional petitions. The board shall return the additional petitions to the clerk within 10 days after receiving them, together with a statement attesting to the number of registered voters of the city who signed the additional petitions. If the signatures are still insufficient, or if no further petitions have been filed, the clerk shall file

the petition in the clerk's office and shall notify, in the manner specified above, each member of the committee of that fact.

(f) Procedure. If the referendum petition is found sufficient, or is rendered sufficient by additional signatures as permitted in this section, the clerk shall certify that fact to council and place the ordinance or resolution on the next council docket for reconsideration. Council shall have 30 days within which to reconsider and at its discretion repeal the ordinance or resolution. If on reconsideration the ordinance or resolution is not entirely repealed, or if council takes no final or other action within the 30-day period, council shall submit the ordinance or resolution to a vote of the registered voters. If a primary, special, regular municipal or other general election is to be held not more than six months after the refusal of council to reconsider the ordinance or resolution, provided the deadline imposed by the county board of elections for filing ballot issues has not passed, the ordinance or resolution shall then be submitted to a vote of the registered voters. If no election is to be held within that time, council may submit the ordinance or resolution to the registered voters at a special election. If no other provision is made as to the time of submitting the ordinance or resolution to a vote of the registered voters, it shall be submitted at the next primary, regular municipal or other general election.

(g) Ballot Form. The ballots used when voting upon any ordinance or resolution proposed under this section shall state the title of the ordinance or resolution and be in a form created by the county board of elections in accordance with general law in order to determine whether the registered voters are for the ordinance or resolution or against the ordinance or resolution.

(h) Majority Vote. If a majority of registered voters shall vote against the ordinance or resolution that is the subject of referendum, it shall be deemed repealed.

(i) Enactments not Subject to Referendum. Notwithstanding any provisions to the contrary in Section 9.3(a), (k) or (l) or any other provisions of this charter, ordinances or resolutions enacted for the following purposes shall not be subject to referendum: to appropriate money for any lawful purpose; to create, revise or abolish departments or to provide regulations for their governance; to authorize the appointment of employees in any of the departments; to authorize or otherwise affect the issuance of bonds, notes or other debt instruments of the city; to authorize a contract for a public improvement or an expenditure of money which contract is to be

paid or expenditure is to be made, in whole or part, from the proceeds of bonds, notes or other debt instruments of the city; and to provide for the payment of operating expenses of any department of the city.

(j) Initiated Legislation Subject to Referendum. Ordinances and resolutions submitted to council by initiative petition, as provided in Section 9.2, and passed by council without change, or passed in an amended form and not required to be submitted to a vote of the registered voters by a committee of the petitioners, shall be subject to referendum in the same manner as other ordinances and resolutions.

(k) Referendum of Measures Taking Early Effect. An ordinance or resolution that under Section 2.12 goes into effect earlier than 40 days after its passage and approval by the mayor, or the expiration of the time within which it may be disapproved by the mayor, or its passage notwithstanding the disapproval by the mayor, as the case may be, shall go into effect at the time indicated in the ordinance or resolution but shall be subject to referendum in the same manner as other ordinances and resolutions, except that it shall go into effect at the time indicated in the ordinance or resolution. If the ordinance or resolution is submitted to the registered voters and not approved, it shall be considered repealed and any further action under the ordinance or resolution shall cease; but the repealed ordinance or resolution shall be deemed sufficient authority for payment under the ordinance or resolution of any expense incurred, work done, or material or service furnished previous to the referendum.

(l) Acts Preliminary to Referendum Election. In case a petition is filed requiring that a measure passed by council providing for an expenditure of money or a public improvement be submitted to a vote of the registered voters, all steps preliminary to the actual expenditure or actual execution of a contract for the improvement may be taken prior to the election.

9.4 RECALL

(a) Recall Procedure. Any elected officer provided for in this charter may be removed from office by the registered voters qualified to vote for the office as provided in this section. A petition demanding that the question of removing the officer be submitted to those qualified to vote for the office shall be addressed to council and filed with the clerk of council. The petition shall be signed by registered voters equal in number to at least 15 percent of the total votes cast at the last regular municipal election for the office of the officer sought to be recalled, in case the officer was elected by

the voters of the entire city. The petition shall be signed by registered voters equal in number to at least 25 percent of the total votes cast by the voters of the officer's ward at the last regular municipal election for that office, if the officer was elected to a ward position. The question of the removal of any officer shall not be submitted to the registered voters until the officer has served one year of the term during which the person is sought to be recalled or, in case of an officer retained in a recall election, until one year after that recall election.

(b) Recall Petitions. Recall petition papers shall be procured from the clerk of council. Prior to the issuance of petition papers, an affidavit shall be made by one or more registered voters qualified to vote for the officer and filed with the clerk, stating the name and office of the officer sought to be removed. The clerk shall enter in a record maintained by the clerk the name of each registered voter to whom the petition paper was issued and shall certify upon each paper the name of each registered voter to whom the paper was issued and the date of issuance. No petition paper issued under this section shall be accepted as part of a petition unless it bears the clerk's certificate and is filed as provided in this section.

(c) Signatures to Recall Petition. Each signer of a recall petition shall sign his or her name in ink, and shall place his or her residence address on the petition paper after his or her name. The signatures to any petition paper need not all be appended to one paper, but to each paper there shall be attached an affidavit by the circulator of the petition stating the number of signers to that part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the circulator.

(d) Filing of Recall Petition. All papers constituting a recall petition shall be assembled and filed with the clerk of council as one instrument within 30 days after the filing with the clerk the affidavit required by Section 9.4(b). Within 10 days after the filing of a petition the clerk shall transmit all the papers constituting the petition to the county board of elections. The board shall examine all signatures on the petition to determine the number of registered voters of the city or ward who signed the petition. The board shall return the petition to the clerk within 10 days after receiving it, together with a statement attesting to the number of registered voters of the city or ward who signed the petition. Upon receipt of the statement from the board of elections, the clerk shall endorse upon the petition a certificate of the result by showing the number of signatures required and the number of qualified registered voters the board of elections has

determined signed the petition. If the clerk's certificate shows that the petition contains insufficient valid signatures in its support, the clerk shall at once notify each person to whom the petition paper was issued pursuant to Section 9.4(b) by depositing the notice in United States mail with postage prepaid and by sending to an email address indicated to be sufficient for notice by any person to whom the petition paper was issued.

(e) Supplemental Recall Petitions. In the event the initial petition contained insufficient signatures, it may be supported by supplemental signatures of qualified registered voters signed in the manner required in Section 9.4(c) appended to petitions issued, signed and filed as required for the original petition within 15 days after the date of the notice of insufficiency by the clerk. Within 10 days after the filing of these additional signatures, the clerk shall transmit all the additional petitions to the county board of elections. The board shall examine all signatures on the additional petitions to determine the number of registered voters of the city or ward who signed the additional petitions. The board shall return the additional petitions to the clerk within 10 days after receiving them, together with a statement attesting to the number of registered voters of the city or ward who signed the additional petitions. If the signatures are still insufficient, the clerk shall notify each person to whom the original petition paper was issued pursuant to Section 9.4(b) in the manner described in Section 9.4(d). The final finding of the insufficiency of a recall petition shall not prejudice the filing of a new petition for the same purpose, provided that no new petition shall be filed by any of the same persons within one year after the final finding of insufficiency.

(f) Recall Election. If a recall petition or supplemental petition shall be certified by the clerk to be sufficient, the clerk shall at once submit the petition with a certificate to council and shall notify the officer sought to be recalled of the recall action. If the officer whose removal is sought does not resign within five days after this notice, council shall order and fix a day for holding a recall election. Any recall election shall be held not less than 60 nor more than 90 days after the petition has been presented to council, whether at a primary, regular municipal or other general election or, if none of these elections shall occur within 90 days after the petition has been presented to council, at a special recall election called by council. The recall election shall be submitted to the registered voters of the entire city if the officer to be recalled was elected by the voters of the entire city, and the recall election shall be submitted to the registered voters of a single ward if the officer to be recalled was elected by the voters of a single ward. The county board of elections shall publish notice and make all arrange-

ments for holding the recall election, which shall be conducted in all other respects as are special municipal elections.

(g) Ballots. The ballots at any recall election shall be in a form created by the county board of elections in accordance with general law in order to determine whether the officer whose removal is sought shall be recalled from office.

(h) Succeeding Officer. If the incumbent officer is not recalled in a recall election, he or she shall continue in office for the remainder of his or her unexpired term, subject to recall except as provided in this charter. If the incumbent officer is recalled in the recall election, he or she shall be deemed removed from office upon the announcement of the official canvass of that election, and the office shall be filled as in the case of permanent vacancies, except that the recalled officer may not be appointed to fill the vacancy.

ARTICLE TEN. APPROPRIATION OF PROPERTY

10.1 APPROPRIATION

Property within the city may be appropriated for any public or municipal purpose, and subject only to the limitations on appropriations imposed by the state Constitution, appropriation shall be made in the manner provided in this article. By appropriation the city may acquire a fee simple title or any lesser estate, easement or use. Appropriation of property located outside the city shall be made according to the requirements of and in the manner provided by the general law.

10.2 INITIAL RESOLUTION

When it is deemed necessary to appropriate property council shall adopt a resolution declaring its intent, defining the purpose of the appropriation, setting forth a pertinent description of the property, and identifying the estate or interest to be appropriated. At least one reading of the resolution is necessary prior to its adoption.

10.3 NOTICE

Immediately upon the adoption of the resolution required by Section 10.2, the clerk of council shall cause written notice to be given to the owner, person in possession or person having a recorded interest in every piece of

land sought to be appropriated, or to his or her authorized agent; and the notice shall be served by a person designated for the purpose and return made in the manner provided by law for the service and return of summonses in civil actions. If the owner, person or agent cannot be found, notice shall be given in accordance with the notice provisions adopted under Section 2.11, and council may then pass an ordinance, by a two-thirds vote of all members of council, directing the appropriation to proceed.

10.4 FURTHER PROCEEDINGS

On the passage of any ordinance directing that an appropriation proceed, the director of law shall apply to a court of competent jurisdiction. The application shall describe as correctly as possible the land or other property to be appropriated, the interest or estate to be taken, the object for which the land is desired, and the name of the owner of each lot or parcel sought to be appropriated, and all the subsequent proceedings with regard to appropriation shall be undertaken in the manner provided by general law for the appropriation of property by municipalities in the state.

ARTICLE ELEVEN. GENERAL PROVISIONS

11.1 CONTINUANCE OF OFFICERS, ORDINANCES AND CONTRACTS

(a) All persons holding office or serving as officials at the time this amended charter goes into effect shall continue serving in the performance of their duties until specific provision shall have been made for the discontinuance of their duties or office. Only when a specific provision has been made to discontinue official duties or an office shall the term of the officeholder or official expire and the office be deemed abolished. The powers conferred and the duties imposed on any officer, commission, board or department of the city under general law shall, if the position is no longer required by this charter, then be exercised and discharged by the officer, commission, board or department upon whom or which are imposed corresponding functions, powers and duties under the charter, by council or under general law.

(b) Except as otherwise provided in this charter, any vacancy that occurs in any appointed position on any board, commission or other body under this charter, whether during the term or upon the expiration of the term of a member, shall be filled by appointment by the appointing authority who or

that appointed the member whose office became vacant. Midterm vacancies shall be filled for the unexpired term of the previous appointee.

(c) All ordinances and resolutions in force on the effective date of this amended charter, to the extent they are not inconsistent with its provisions, shall continue in force until they are amended or repealed.

(d) All contracts entered into by the city prior to the effective date of this amended charter are continued in full force and effect. All public work begun prior to the effective date of this amended charter shall be continued. All public improvements for which legislative steps have been taken under law in force at the time of the adoption of this amended charter may be carried to completion in accordance with the provisions of those laws.

(e) The city's lease of the real and personal property constituting Lakewood Hospital and its transfer of the hospital's non-capital assets, control, operation and management to a third party may be continued by council following the expiration of the current lease and any renewal period, on terms approved by council.

11.2 SEVERABILITY

If any part of this charter shall be held to be invalid or unconstitutional by a court of competent jurisdiction, the order shall not be held to invalidate or impair the validity, force or effect of any of the remaining provisions of the charter unless it clearly appears that the remaining provision is wholly or necessarily dependent for its operation upon the provision held unconstitutional or invalid.

CHARTER REVIEW COMMISSION 2014

Tom Brown, Chair
Jay Carson
Steve Davis
Scott Kermode
Andrew Meyer
Ed Monroe
Pamela Smith
Allison Urbanek
Thomas C. Wagner

Dr. Larry Keller, Staff Director

ORDINANCE NO. 31-14

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 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 be and is hereby authorized to make the following transfers and advances:

		2014 3rd Quarter	
<u>Fund</u>	<u>Transfers Out</u>	<u>Transfers In</u>	
101	General Fund	\$ 204,954	
Special Revenue Funds			
250	Office on Aging IIIB		\$ 170,000
Internal Service Funds			
600	Hospitalization		\$ 32,020
601	Workers' Compensation		\$ 2,934
Debt Service Payments			
220	Police Pension	\$ 54,573	
221	Fire Pension	\$ 58,649	
101	General Fund (HB 300 Lease)	\$ 52,500	
211	SCMR (HB 300 Lease)	\$ 6,250	
260	Lakewood Hosptl (HB 300 Lease)	\$ 300	
501	Water (HB 300 Lease)	\$ 3,813	
510	WWC (HB 300 Lease)	\$ 800	
511	WWTP (HB 300 Lease)	\$ 18,750	
520	Parking (HB 300 Lease)	\$ 1,125	
530	Winterhurst (HB 300 Lease)	\$ 20,000	
301	Debt Service Fund	\$ -	\$ 216,760
512	WWTP Improvements	\$ 400,000	
301	Debt Service Fund		\$ 400,000

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



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

www.onelakewood.com

Lakewood City Council

MARY LOUISE MADIGAN, PRESIDENT
RYAN P. NOWLIN, VICE PRESIDENT

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

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

September 2, 2014

Lakewood City Council
Lakewood, OH 44107

Re: Creating Healthy Communities Grant Opportunity

Dear Members of Council,

I am writing to inform you that the Cuyahoga County Board of Health is currently in the process of developing an application for funds through the Creating Healthy Communities (CHC) grant, a competitive funding program managed by the Ohio Department of Health. Lakewood has been selected by the Board to be a partner community on this grant. Should the application receive funding, the Board of Health intends to carry out strategies to increase healthy eating, and physical activity and to decrease tobacco use in Lakewood. A document outlining these proposed strategies is attached for your review.

This exciting opportunity will build upon the momentum we've already created through the Recreation Task Force, the Community Health Challenge, and the Be Well Employee Wellness Committee. The input of our Health & Human Services leadership will play an important role in this project.

Move to refer to the Health & Human Services Committee.

Sincerely,

Mary Louise Madigan
President, Lakewood City Council



Creating Healthy Communities project

The Cuyahoga County Board of Health (CCBH) has coordinated the Creating Healthy Communities (CHC) project in Cuyahoga County for over 15 years. The project funding is through the Preventive Health and Health Services Block Grant, which is managed through the Ohio Department of Health. The current opportunity is for the 2015-2019 cycle which has a deadline of Sept 22, 2014. The focus of the program is to reduce chronic diseases such as heart disease, stroke, diabetes, cancer and lung disease by “making the healthy choice the easy choice”, by targeting work in three areas: Healthy Eating, Active Living, and Tobacco Free Living. The CCBH is seeking \$125,000 per year of the five year cycle.

Strategies

The Ohio Department of Health requires that the CHC projects work on evidence based strategies to reduce chronic disease. The strategies included are recognized by the Centers for Disease Control and Prevention and recommended in “Ohio’s Plan to Reduce and Prevent Chronic Disease”. The CHC project staff will assist to coordinate the proposed initial strategies for Lakewood including:

Healthy Eating – Implement the Ohio Healthy Program

Implement the Ohio Healthy Program with Lakewood early childhood education centers (ECEs). This program provides training, technical assistance and supplies to early childhood education centers to encourage improved nutrition among children age 0-5. The training provided is approved for the Step Up to Quality program, and includes educators, center directors and foodservice staff. ECEs develop menu changes and implement policies that encourage healthy behaviors.

Active Living – Develop a Shared Use Agreement

Develop a Shared Use Agreement (SUA) with the City of Lakewood and Lakewood City Schools. SUAs provide safe, accessible, and affordable places for children and families to exercise and play. Public schools have a variety of recreational facilities where people can engage in physical activity. A SUA will provide broader community access to recreation and physical activity facilities.

Tobacco Free Living – Implement a Tobacco –Free Worksite Campus Policy

Implement a Tobacco Free Worksite Campus (TFWC) Policy with the City of Lakewood. TFWC policies ban all forms of tobacco use at all workplace facilities, including parking lots, common areas and vehicles in order to discourage tobacco use.

Project Contacts - Michele Benko (216-201-2001 x1528 or mbenko@ccbh.net) or
Ann Stahlheber (216-201-2001 x1544 or astahlheber@ccbh.net)



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

www.one.lakewood.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

August 6, 2014

TO: Lakewood City Council

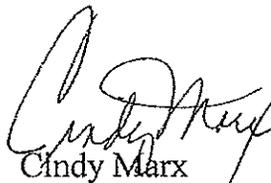
RE: Cotton Heritage Ohio Award for Best Commercial Rehabilitation Project 2014

Dear Members of Council,

The following resolution commends David Stein and Cotton on receiving the Best Commercial Rehabilitation Project for 2014 by Heritage Ohio.

Approval of this resolution will celebrate Mr. Stein's contribution to Lakewood's historic preservation and his recognition of the beauty that lies beneath one of Lakewood's historic gems.

Sincerely,


Cindy Marx
Council at Large


Mary Louise Madigan
President of Council

Attachment

RESOLUTION NO.

BY:

A RESOLUTION to commend David Stein and Cotton on receiving the award from Heritage Ohio for Best Commercial Rehabilitation Project of 2014.

WHEREAS, David Stein demonstrated a commitment to Lakewood's historic preservation through his renovation of what was originally the Bailey Buick Building and later the office of U.S. Representative Dennis Kucinich in downtown Lakewood.

WHEREAS, David Stein continues to contribute to the City of Lakewood with ownership of Plantation Home and Cotton and his vision for the value of historic rehabilitation that indeed lends to the beauty of Lakewood's downtown commercial corridor.

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

Section 1. On behalf of the residents of Lakewood, the Lakewood City Council and Mayor extend to David Stein its commendation and the commendation of all the citizens of the community for his recognition by Heritage Ohio for his commercial rehabilitation of Cotton.

Section 2. That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Resolution to the David Stein and Cotton and that a copy of this Resolution be spread upon the minutes of this meeting.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR



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

MICHAEL SUMMERS
MAYOR

September 2, 2014

Lakewood City Council
Lakewood, OH 44107

Re: Resolution Commending Adrianna Larimer

Dear Members of Council:

This evening I invite members of Council to join me in commending Adrianna Larimer. Lakewood is proud to recognize Adrianna for saving the life of a young boy at Becks Pool.

Because of Adrianna's quick thinking and quick response she was able to save someone's life and is deserving of our recognition.

Sincerely,

Michael P. Summers

RESOLUTION NO.

BY:

A RESOLUTION to commend Adrianna Larimer, a Lakewood citizen;

WHEREAS on August 4th, 2014 at Becks Pool at Madison Park in Lakewood, Adrianna Larimer, a certified lifeguard, was able to save the life of a young boy; and,

WHEREAS, Adrianna observed the boy at the bottom of the pool, dove into the pool and was able to pull him safely out of the water. He began breathing on his own, was transported to Fairview Hospital and has since recovered; and,

WHEREAS, Adrianna's heroic efforts were directly responsible for saving a life at Beck's Pool; and,

WHEREAS, Adrianna's actions exemplify and target the highest standard of performance for a lifeguard; now, therefore,

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

Section 1. That this council and Mayor, hereby extend to Adrianna Larimer their appreciation as well as the appreciation of all the citizens of this city for her exceptional dedication to her position as a lifeguard and as a Lakewood resident.

Section 2. That the Clerk of Council be and she is hereby authorized and directed to forward this Resolution to Adrianna Larimer and that a copy of the Resolution be spread upon the minutes of the meeting.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____
PRESIDENT

CLERK

Approved: _____
MAYOR



KEVIN M. BUTLER
DIRECTOR OF LAW

PAMELA ROESSNER
CHIEF PROSECUTOR

JENNIFER L. MLADEK
ASSISTANT LAW DIRECTOR

ASHLEY L. BELZER
ASSISTANT LAW DIRECTOR/
ASSISTANT PROSECUTOR

**LAW DEPARTMENT
OFFICE OF PROSECUTION**
12650 Detroit Avenue | Lakewood, Ohio 44107
(216) 529-6030 | Fax (216) 228-2514
www.onelakewood.com
law@lakewoodoh.net

September 2, 2014

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: 2014 quarterly codification ordinance

Dear Members of Council:

Attached please find an ordinance authorizing the inclusion of those ordinances of a general and permanent nature adopted by Council on or before July 21, 2014 into the Codified Ordinances of the City of Lakewood.

The Walter H. Drane Company has completed the editing and printing of the 2014 quarterly replacement pages for the Codified Ordinances.

This legislation is necessary to allow the completion of this project by authorizing the inclusion of those replacement pages into the Codified Ordinances and the distribution of replacement pages to Council and employees who maintain hardbound copies of the Codified Ordinances.

Please refer the ordinance to an appropriate committee for further discussion.

Very truly yours,

Kevin M. Butler

ORDINANCE NO.

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect 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>
17-14	4-21-14	905.07
18-14	6-2-14	148.01 to 148.14
20-14	6-16-14	565.10
21-14	6-16-14	905.09
22-14	5-19-14	521.14
25-14	6-16-14	144.03
29-14	7-21-14	565.01, 565.04

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.

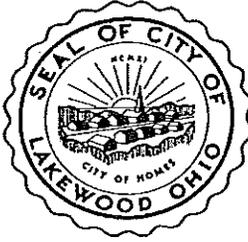
Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



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

Jennifer R. Pae
Director of Finance

September 2, 2014

Lakewood City Council

Re: Amended Purchasing and Contracting Ordinance FY2014

Dear Members of Council:

Attached is an amended ordinance reflecting increased contracting authority in the amount of \$15,000.

Increasing Materials, Supplies and Equipment Contracting Authority for:

- **\$50,000 Concrete Supplies**

The item included is part of the 2014 Appropriation Ordinance.

Please refer to the Finance Committee for further discussion.

Respectfully,

Jennifer R. Pae
Director of Finance

38) Fireworks Display.....	35,000
39) Transportation Services	40,000
Sub-Total	\$9,588,500

Materials, supplies, and equipment authorized for purchase under the 2014 Budget are as follows:

1) Sand and Aggregate.....	30,000
2) Concrete Supplies.....	35,000
3) Asphalt Materials.....	50,000
4) Asphalt Cold Patch.....	10,000
5) Crack Sealant.....	40,000
6) Road Salt (Sodium Chloride).....	200,000
7) Fire Hydrants, Sewer and Water Appurtenances	100,000
8) Water Meter Supplies & Materials	75,000
9) Sign Shop-Supplies, Blanks & Reflective Material	50,000
10) Polymer Flocculants	26,000
11) Wastewater Treatment Chemicals	115,000
12) Tires and Road Service.....	78,000
13) Automotive Repairs, Parts and Supplies.....	500,000
14) Oil and Lubricants	35,000
15) Fuel (Gasoline and Diesel)	750,000
16) Purchase of Uniforms and Gear.....	40,000
17) Electrical Supplies	40,000
18) Hardware Supplies.....	30,000
19) Janitorial Supplies	45,000
20) Landscape Materials	25,000
21) Lumber Supplies.....	90,000
22) Plumbing Supplies.....	45,000
23) Pool Supplies – Chemicals	35,000
24) Small Tools and Equipment.....	110,000
25) Prisoner Food Supplies.....	40,000
26) Purchase Uniforms & Gear – Safety Forces	50,000
27) Ammunition	25,000
28) Office Supplies	40,000
29) Computer Supplies	15,000
30) Computer Software.....	15,000
31) Communications Equipment.....	50,000
32) Paper Supplies	20,000
33) Lease Copier Equipment.....	40,000
34) Subscriptions/Publications.....	35,000
35) Reforestation.....	90,000
36) Police Operating Equipment	25,000
37) Fire/EMS Operating Equipment	250,000
38) Computer Operating Equipment	500,000
39) Waste Water Treatment Plant Operating Equipment.....	150,000
Sub-Total	\$3,914,000
Total	\$14,835,000

be and is hereby amended to read:

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

Professional services contracts included in the 2014 Budget are as follows:

1) Legal Services.....	300,000
2) Recodification of Ordinances	12,500
3) Financial Audit	70,000
4) Hospitalization and Health Care Benefit Consulting Services.....	45,000
5) Consultant for Workers Compensation.....	40,000
6) Risk Management Consulting Services.....	13,000
7) Healthcare, Physicals, Drug & Alcohol Testing	20,000
8) Employee Assistance Program	10,000
9) Supervisor / Manager / Employee Training.....	125,000
10) Exams for Classified Positions	75,000
11) Housing and Building Plans Examinations.....	12,000
12) Lakewood Jail Medical Services	75,000
13) Band Concerts.....	15,000
14) Municipal Engineering Consultant.....	60,000
15) Debt Issuance Costs	75,000
16) Forensic Services	35,000
17) Long Term Control Plan and Storm Water Professional Services	250,000
18) Administrative Professional Services.....	100,000
Sub-Total	\$1,332,500

Services contracts included in the 2014 Budget are as follows:

1) Government Agreements (WEB).....	100,000
2) Government Agreements (Bd of Ed/Pools)	210,000
3) Financial Institution Service Charges	50,000
4) Electronic Payment Services	50,000
5) Property & Liability Insurance Contracts	450,000
6) Workers' Comp Stop Loss Insurance	105,000
8) Life Insurance	25,000
8) Hospitalization and Health Care Benefit Services	5,500,000
9) Medical Claims Billing Service	100,000
10) Sentenced Prisoners Full Jail Service	300,000
12) Home Delivered Meals	45,000
12) Distribution System Leak Survey	28,000
13) Disposal of Screenings and Grit (WWTP)	13,000
14) Excavation Spoils Removal.....	100,000
15) Roll of Box for Street Sweeping.....	50,000
16) Solid Waste Disposal Site.....	900,000
17) Waste Collections – Condominiums	80,000
18) Biosolids Disposal	100,000
19) Roll-Off Box for Construction Debris	60,000
20) Equipment Lease - Leaf Collection Project	15,000
21) Lab Analysis Service	25,000
22) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts	350,000
23) Communications Services	75,000
24) Water Meter Program Maintenance.....	12,500
25) Telephone Service	150,000
26) Cellular Phone Service	50,000
27) Janitorial Services.....	15,000
28) Laundry Service-Police Department	10,000
29) HVAC Maintenance	45,000
30) Elevator Maintenance	15,000
31) Copier Maintenance Service	25,000
32) Postage, Mailing Services, Equipment Lease/Maintenance	230,000
33) Rental and Laundry of Uniforms	10,000

34) Advertising	25,000
35) Printing Services.....	110,000
36) CRIS/LEADS Fees	35,000
37) Parking Citation Billing Service	50,000
38) Fireworks Display.....	35,000
39) Transportation Services	40,000
Sub-Total	\$9,588,500

Materials, supplies, and equipment authorized for purchase under the 2014 Budget are as follows:

1) Sand and Aggregate.....	30,000
2) Concrete Supplies	50,000
3) Asphalt Materials.....	50,000
4) Asphalt Cold Patch	10,000
5) Crack Sealant.....	40,000
6) Road Salt (Sodium Chloride).....	200,000
7) Fire Hydrants, Sewer and Water Appurtenances	100,000
8) Water Meter Supplies & Materials	75,000
9) Sign Shop-Supplies, Blanks & Reflective Material	50,000
10) Polymer Flocculants	26,000
11) Wastewater Treatment Chemicals	115,000
12) Tires and Road Service.....	78,000
13) Automotive Repairs, Parts and Supplies.....	500,000
14) Oil and Lubricants	35,000
15) Fuel (Gasoline and Diesel)	750,000
16) Purchase of Uniforms and Gear	40,000
17) Electrical Supplies	40,000
18) Hardware Supplies.....	30,000
19) Janitorial Supplies	45,000
20) Landscape Materials	25,000
21) Lumber Supplies.....	90,000
22) Plumbing Supplies.....	45,000
23) Pool Supplies – Chemicals	35,000
24) Small Tools and Equipment.....	110,000
25) Prisoner Food Supplies	40,000
26) Purchase Uniforms & Gear – Safety Forces	50,000
27) Ammunition	25,000
28) Office Supplies	40,000
29) Computer Supplies	15,000
30) Computer Software.....	15,000
31) Communications Equipment	50,000
32) Paper Supplies	20,000
33) Lease Copier Equipment.....	40,000
34) Subscriptions/Publications.....	35,000
35) Reforestation.....	90,000
36) Police Operating Equipment	25,000
37) Fire/EMS Operating Equipment	250,000
38) Computer Operating Equipment	500,000
39) Waste Water Treatment Plant Operating Equipment	150,000
Sub-Total	\$3,929,000
Total	\$14,850,000

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

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

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

Adopted: _____

President

Clerk

Approved: _____

Mayor



Jennifer R. Pae
Director of Finance

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

September 2, 2014

Lakewood City Council
Lakewood, OH 44107

Re: Amend 2014 Capital Lease Authorization

Dear Members of Council:

Attached is amended ordinance 16-14A authorizing agreement with Fifth Third Bank for Schedule 004 against the 2014 Capital Lease Program totaling an additional \$630,215 that will finance the following capital items:

- 1 Automated Side Loading Refuse Collection Truck
- 6,000 Residential Recycling Containers

These purchases will accelerate the implementation of the City of Lakewood's automatic recycling program with delivery of the truck and containers anticipated for Spring 2015.

I respectfully request that this be placed on first reading and referred to the Finance Committee.

Sincerely,

Jennifer R. Pae
Director of Finance

ORDINANCE NO. 16-14 A

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, to amend Ordinance No. 16-14, adopted April 7, 2014, authorizing the Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood.

WHEREAS, the City is an Ohio political subdivision and is organized and existing under the Constitution and laws of Ohio and its charter; and

WHEREAS, in accordance with applicable law, including without limitation its home rule authority under Ohio Constitution Article XVIII, the City has the power to acquire personal property, including without limitation, acquisition by lease-purchase agreement; and

WHEREAS, the City has requested proposals for the lease-purchase acquisition of certain property, and the authorized representatives of the City have determined that the proposal of Fifth Third Bank, its affiliates, successors, or assigns is the most responsive and responsible proposal;

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 property, health and safety, and to provide for the usual daily operation of municipal departments in that these equipment leases are necessary for the operation of various departments and divisions; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That Ordinance 16-14, adopted April 7, 2014 currently reading as follows:

Section 1. This Council makes the following findings and determinations:

(a) It is appropriate and necessary to the functions and operations of the City, to enter into one or more lease-purchase agreements (the "Equipment Leases") in the principal amount not exceeding \$3,167,000, for the purpose of acquiring the vehicles, equipment, and other personal property generally described in Exhibit A to this ordinance (the "Leased Property") and to be described more specifically in the Equipment Leases.

(b) Fifth Third Bank is the lessor under the Equipment Leases in accordance with its proposal.

(c) The City is entering into the Equipment Leases in accordance with its power and authority under the Ohio Revised Code, the Ohio Constitution, and its Charter, to acquire the Leased Property and the Equipment Leases constitute "public obligations" as defined in Chapter 133.01(GG), Ohio Revised Code.

Section 2. That the Director of Finance acting on behalf of the City is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in the form approved by the Director of Law. The Director of Finance is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Leases (including, but not limited to, escrow agreements) as the Director of Finance deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized. By a written instrument signed by the Director of Finance, the Director of Finance may designate specifically identified officers or employees of the City to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the City.

Section 3. The aggregate original principal amount of the Equipment Leases shall not exceed \$3,167,000. The payments under the Equipment Leases shall include interest at the rates determined in accordance with Fifth Third Bank's proposal, but in no event to exceed an annual rate of 5%. The Equipment Leases shall be for the term or terms selected by the Director of Finance, in accordance with Fifth Third Bank's proposal, but in no event to exceed 15 years. The Equipment Leases shall contain such options to purchase by the City as set forth in Fifth Third Bank's proposal and the Equipment Leases, and approved by the Director of Finance.

be and is hereby repealed.

Section 2. This Council makes the following findings and determinations:

(a) It is appropriate and necessary to the functions and operations of the City, to enter into one or more lease-purchase agreements (the "Equipment Leases") in the principal amount not exceeding \$3,797,215, for the purpose of acquiring the vehicles, equipment, and other personal property generally described in Exhibit A to this ordinance (the "Leased Property") and to be described more specifically in the Equipment Leases.

(b) Fifth Third Bank is the lessor under the Equipment Leases in accordance with its proposal.

(c) The City is entering into the Equipment Leases in accordance with its power and authority under the Ohio Revised Code, the Ohio Constitution, and its Charter, to acquire the Leased Property and the Equipment Leases constitute "public obligations" as defined in Chapter 133.01(GG), Ohio Revised Code.

Section 3. The Director of Finance acting on behalf of the City is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in the form approved by the Director of Law. The Director of Finance is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Leases (including, but not limited to, escrow agreements) as the Director of Finance deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized. By a written instrument signed by the Director of Finance, the Director of Finance may designate specifically identified officers or employees of the City to execute and deliver agreements and

documents relating to the Equipment Leases on behalf of the City.

Section 4. The aggregate original principal amount of the Equipment Leases shall not exceed \$3,797,215. The payments under the Equipment Leases shall include interest at the rates determined in accordance with Fifth Third Bank's proposal, but in no event to exceed an annual rate of 5%. The Equipment Leases shall be for the term or terms selected by the Director of Finance, in accordance with Fifth Third Bank's proposal, but in no event to exceed 15 years. The Equipment Leases shall contain such options to purchase by the City as set forth in Fifth Third Bank's proposal and the Equipment Leases, and approved by the Director of Finance.

Section 5. The Clerk of Council is hereby directed to send certified copy of this ordinance to Pat Myers, Fifth Third Bank, 600 Superior Ave E, Cleveland, OH 44114

Section 6. All formal actions of this Council relating to the enactment of this ordinance were taken in an open meeting of this Council, and the deliberations of this Council and any of its committees that resulted in those formal actions, were meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. 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 to this ordinance, 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

City of Lakewood, Ohio
 2014 Lease of Capital Equipment

Property Schedule 004
 10 Years; \$613,615

Item	Qty.	Type of Equipment	Vendor	Estimated Price
Vehicles and Equipment				
1	1 ea.	LeBrie Drop Frame Automated Arm Refuse Truck	Best Equipment Company	\$ 273,215
Total Vehicles & Equipment				\$ 273,215
Residential Recycle Containers				
2	6,000	Residential Recycle Containers	Toter, Inc.	\$ 357,000
Total Recycle Containers				\$ 357,000
SCHEDULE NO. 004 TOTAL				\$ 630,215

EXHIBIT A



Jennifer R. Pae
Director of Finance

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

September 2, 2014

Lakewood City Council

Re: NatureWorks 21st Round Grant Application

Dear Members of Council:

The attached resolution is to request City Council's support of an application for a \$105,000 grant through the NatureWorks Program administered by the Office of Real Estate, Ohio Department of Natural Resources. This funding will support efforts to renovate the Kids Cove playground in Lakewood Park. The construction, design and oversight of this project amounts to \$420,000.21. This grant, if funded, will cover 23.8% of the total cost. The City's cost for this project will run \$315,000.21 (76.2%).

This funding will renovate approximately 1.4 acre of the public outdoor recreation area dedicated as Kids Cove playground and replace the outdated equipment that resides within this portion of Lakewood Park. The existing equipment is outdated and poorly designed, making it difficult to supervise the children and maintain safety. In an effort to provide a safer environment, the City will install new, more appropriate and better designed equipment and will resurface the playground area in an effort to create a safe environment.

The grant was due on September 1st, so please consider passing this resolution this evening.

Respectfully,

Jennifer R. Pae
Director of Finance

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the City of Lakewood to execute and file an application with the Ohio Department of Natural Resources for financial assistance through the NatureWorks program and to obligate the necessary funds for the grant.

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the State of Ohio NatureWorks grant program; and

WHEREAS, the City of Lakewood desires financial assistance under the NatureWorks program; 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 applications for the NatureWorks program were required to postmarked no later than September 1, 2014; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Council of the City of Lakewood hereby approves filing an application for financial assistance from the NatureWorks program.

Section 2. The Director of Finance is hereby authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3. The City of Lakewood does hereby agree obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the NatureWorks Grant Program.

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

od allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor



Jennifer R. Pae
Director of Finance

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

September 2, 2014

Lakewood City Council
Lakewood, OH 44107

Re: Purchasing Consortiums

Dear Members of Council:

The attached ordinance authorizes the City to purchase supplies or services based on established procedures through Purchasing Consortiums approved by City Council, if the vendor as part of said consortiums can offer a lower price outside of the quoted consortium cost.

This ordinance will allow the City to purchase equivalent supplies or services at competitive pricing without the necessity of bidding if the vendor is an approved member of such consortium; or from vendors who are not part of a consortium and offer a lower price for like items.

I respectfully request that this be placed on first reading and referred to the Finance Committee.

Sincerely,

Jennifer R. Pae
Director of Finance

ORDINANCE NO.

BY:

AN ORDINANCE to enact a new section 111.15, Purchasing Consortiums, of the Codified Ordinances of the City of Lakewood to permit the city to join and participate in various purchasing consortiums organized for the purpose of facilitating governmental purchasing.

WHEREAS, the City has joined multiple purchasing consortiums with the approval of Council, allowing purchases of supplies and services to be made in a timely and cost-efficient manner without the necessity of competitive bidding; and

WHEREAS, Ohio Revised Code §125.04, Determining what supplies and services are purchased by or for state agencies, allows municipalities to purchase from suppliers where the same product or service is available at or below the cost on state purchasing contracts without the necessity of competitive bidding; and

WHEREAS, the City wishes to extend that same exception to situations in which competitive pricing has been established through a consortium and the City is able to identify the same supplies or services at or below the pricing established by the consortium; 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, comfort and peace of the citizens of the municipality; now therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 111.15, Purchasing Consortiums, of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

111.15 PURCHASING CONSORTIUMS.

When the City purchases supplies or services without the necessity of competitive bidding as a member of any purchasing consortium, and where the purchase of the same supplies or services can be made from another party upon equivalent terms, conditions and specifications, and at the same or at a lower price than through the purchasing consortium, the City may make purchases from the other party and those purchases are exempt from any competitive bidding procedures otherwise required by law.

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

Adopted: _____

President

Clerk

Approved: _____

Mayor



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

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

September 2, 2014

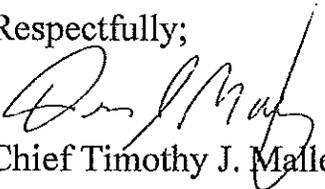
Lakewood City Council
12650 Detroit Ave.
Lakewood, Ohio 44107

Dear Members of Council;

The Lakewood Police Department has been notified that we have been awarded \$4308.05 from the Bureau of Justice Assistance, Bulletproof Vest Partnership Program. The program will provide 50% of the cost of a vest in a reimbursement. We need to replace 11 Bulletproof Vests that have an expired life of 5 years. Funds are available from the Law Enforcement Trust Fund for these purchases.

Thank you for your consideration.

Respectfully;



Chief Timothy J. Malley



SCOTT K. GILMAN
FIRE CHIEF

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

September 2, 2014

Lakewood City Council
Lakewood, Ohio

RE: Disposal of obsolete air packs and hose.

Dear Members of Council:

The City of Lakewood will be purchasing replacement fire hose in 2014. With the arrival of the new hose we will have 2000 feet of surplus hose that will not be needed. In addition we have six (6) out of service air packs that are non-operational. The attached resolution will authorize the exchange of the hose and air packs with the Fire Training Academy at Cuyahoga Community College. In return for this surplus equipment the Fire Training Academy will provide the Lakewood Fire Department with an estimated eight (8) training classes which have a value of approximately \$ 4,000.00. The training classes will be used for Fire Officer and Fire Service instructor development.

Thank you for your consideration.

Sincerely,

Scott K. Gilman
Scott K. Gilman
Fire Chief

RESOLUTION NO.

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, authorizing and directing the Director of Finance to sell, through trade, 2,000 feet of fire hose and six obsolete air packs with Cuyahoga Community College in exchange for training classes for firefighters valued at approximately \$4,000.

WHEREAS, the Division of Fire is purchasing new fire hose and will have an excess of 2,000 feet of hose; and

WHEREAS, the Division of Fire has six air packs that are obsolete and can no longer be used for their intended purpose but can be used for training at Cuyahoga County Community College Fire Academy; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments it is in the best interest of the City to sell or trade obsolete equipment in a timely manner to replace it with new equipment; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Director of Finance is hereby authorized and directed to sell, through trade, 2,000 feet of fire hose and six obsolete air packs with Cuyahoga Community College in exchange for training classes for firefighters valued at approximately \$4,000.

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 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 resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth

and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



DEPARTMENT OF HUMAN SERVICES
16024 MADISON AVENUE • 44107
Telephone: (216) 529-6885
Facsimile: (216) 529-5937

ANTOINETTE B. GELSOMINO
DIRECTOR OF HUMAN SERVICES

September 2, 2014

Lakewood City Council
Lakewood, OH 44107

RE: Cuyahoga County Community Social Service Program 2015-2016 (CSSP)

Dear Members of Council:

Attached for your approval is a Resolution authorizing the Mayor or his designee to enter into a contract with Cuyahoga County on behalf of the City of Lakewood, Department of Human Services, Division of Aging, to support current congregate meal and transportation services through funding provided under the Community Social Service Program (CSSP) for the contract period January 1, 2015 through December 31, 2016.

CSSP services are provided on a reimbursement basis with revenue estimated at amount not to exceed \$153,640 over the two year contract period. Your passage of this resolution will support the continuation of services for Lakewood's vulnerable senior residents.

Sincerely,

Antoinette B. Gelsomino
Director

ABG:ls
Attachment

RESOLUTION NO.

BY:

A RESOLUTION authorizing the Mayor or his designee to enter into an agreement with Cuyahoga County to accept funds estimated to be \$153,640 for the provision of congregate meals and transportation for seniors through the Division of Senior and Adult Services.

WHEREAS, the City of Lakewood has been awarded a grant in an amount estimated at \$153,640 for the provision of congregate meals and transportation for seniors served by the City of Lakewood from Cuyahoga County; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor or his designee is hereby authorized to enter into an agreement with Cuyahoga County to accept funds in an amount estimated to be \$153,640 through the Division of Senior and Adults Services for the provision of congregate meals and transportation for seniors served by the City of Lakewood.

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 an open meeting 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.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

NOTICE TO LEGISLATIVE
AUTHORITY

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

TO

6600915		TRFO		OTOOLES PUB LLC DBA IRISH KEVINS 13601-03 DETROIT AV LAKEWOOD OH 44107
PERMIT NUMBER TYPE				
10	01	2013		
ISSUE DATE				
07	16	2014		
FILING DATE				
D2	D2X	D3	D3A	
PERMIT CLASSES				
18	286	C	F12329	
TAX DISTRICT		RECEIPT NO.		

FROM 07/18/2014

3701870				HEARNS PUB LLC 1ST FL & BSMT 13601-03 DETROIT AV LAKEWOOD OH 44107
PERMIT NUMBER TYPE				
10	01	2013		
ISSUE DATE				
07	16	2014		
FILING DATE				
D2	D2X	D3	D3A	
PERMIT CLASSES				
18	286			
TAX DISTRICT		RECEIPT NO.		



MAILED 07/18/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 08/18/2014

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES

C TRFO 6600915

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107

NOTICE TO LEGISLATIVE
AUTHORITY

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

TO

0681788		TRFO	BEVY IN BIRDTOWN LTD	
PERMIT NUMBER		TYPE	12112 MADISON AV	
10	01	2013	LAKEWOOD OHIO 44107	
ISSUE DATE				
07	23	2014		
FILING DATE				
D1	D3	D3A		
PERMIT CLASSES				
18	286	C	F12376	
TAX DISTRICT			RECEIPT NO.	

FROM 07/25/2014

5952868			JAMES J MILETI	
PERMIT NUMBER		TYPE	12112 MADISON AV	
10	01	2013	LAKEWOOD OHIO 44107	
ISSUE DATE				
07	23	2014		
FILING DATE				
D1	D3	D3A		
PERMIT CLASSES				
18	286			
TAX DISTRICT			RECEIPT NO.	



MAILED 07/25/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 08/25/2014

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES C TRFO 0681788

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

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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

6289240 PERMIT NUMBER		NEW TYPE	NAIF OF OHIO LLC DBA BIRDTOWN BEVERAGE 12118 MADISON AV LAKEWOOD OH 44107	
ISSUE DATE				
08 01 2014 FILING DATE				
C1 C2 PERMIT CLASSES				
18 TAX DISTRICT	286	C	A53013 RECEIPT NO.	

FROM 08/06/2014

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



MAILED 08/06/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/08/2014

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 NEW 6289240

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107

NOTICE TO LEGISLATIVE
AUTHORITY

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

TO

9966720 PERMIT NUMBER		STCK TYPE	ZYMURGY INC DBA MANJA 13373 MADISON AV 1ST FL & BSMT LAKEWOOD OHIO 44107	
09 16 2013 ISSUE DATE				
09 16 2013 FILING DATE				
D5 PERMIT CLASSES				
18 TAX DISTRICT	286 C	F12548 RECEIPT NO.		

FROM 08/13/2014

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



MAILED 08/13/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/15/2014

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 9966720

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
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WE DO NOT REQUEST A HEARING.

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(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