

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
FEBRUARY 1, 2016
7:30 P.M.**

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

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 and disposal of the minutes of the Regular Meeting of Council held January 19, 2016.
Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Committee of the Whole Report regarding February 1, 2016 Committee Meeting. (To Be Provided)
2. **RESOLUTION NO. 8830-15** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Mayor to submit the Fiscal year (FY) 2016 One-year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) fund and incorporates the City’s application for CDBG funds and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and urban Development (HUD). (REFERRED TO THE COMMITTEE OF THE WHOLE 11/16/15, DEFERRED 12/7/15) (Pg. 8)
3. **RESOLUTION NO. 8840-16** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to a position on the Civil Service Commission for the term beginning January 1, 2016 and ending December 31, 2018. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/4/16, DEFERRED 1/19/16) (Pg. 11)
4. **RESOLUTION NO. 8841-16** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Board of Nuisance Abatement Appeals for the three-year term beginning January 1, 2016 and ending December 31, 2018. (REFERRED TO THE COMMITTEE OF THE WHOLE 1/4/16, DEFERRED 1/19/16) (Pg. 12)
5. **RESOLUTION NO. 8848-16** – 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 Director of Human Resources to enter into one or more agreement or renewal agreements with representatives of government-employee deferred compensation plans in order to continue to provide a wide array of options for employees participating in such plans. (Pg. 13)
6. Housing Committee Report regarding Ordinance 3-16. Mr. Anderson; Chair. (To Be Provided)
7. **ORDINANCE NO. 3-16** – AN ORDINANCE amending Section 1306.60 of the Codified Ordinances of the City of Lakewood by expanding on the regulations governing

exterior electric and fuel-burning cooking devices. (1ST READING & REFERRED TO THE HOUSING COMMITTEE 1/19/16) (Pg. 15)

8. **ORDINANCE NO. 1-16** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to effect and be in force at the earliest period allowed by law, to amend certain provisions of Chapter 516, Chapter 537, Chapter 142, Chapter 501, and Chapter 1327 of the Codified Ordinances of the City of Lakewood, Ohio, to ensure that all persons within the City have equal access to employment, housing, public accommodations, and education. (1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 1/19/16)(Pg. 17)
9. Active Living Presentation; Mr. Foran; Chair. (To Be Provided)
10. **ORDINANCE NO. 2-16** – AN ORDINANCE to amend various sections within Chapter 1329, Signs, of the Codified Ordinances of the City of Lakewood and other sign-related sections in order to update the code. (FIRST READING AND REFERRED TO THE COMMITTEE OF THE WHOLE & PLANNING COMMISSION 1/19/16)(Pg. 39)
11. **ORDINANCE NO. 36-15A** – 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 36-15, adopted December 21, 2015, 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 2016 Appropriations Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (1ST READING & REFERRED TO THE FINANCE COMMITTEE 1/19/16) (Pg. 76)
12. **ORDINANCE NO. 4-16** – AN ORDINANCE amending the Code to provide for the impounding and disposition of certain animals, and establishing related charges. (1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 1/19/16) (Pg. 82)

****NEW BUSINESS****

13. Communication from Councilmember Marx regarding Backyard Hen Pilot Program Update. (Pg.85)
14. Communication from Councilmember Marx regarding Animal Safety and Welfare Advisory Board. (Pg. 86)
15. Communication from Councilmember Litten regarding Scott Koons to Lakewood Citizens Advisory Committee. (Pg. 87)

16. Communication from Councilmember Marx regarding Lakewood Water Quality. (Pg. 88)
17. Communication from Finance Director pae regarding 2016 General Obligation Bonds, Refunding Bonds, and Bond anticipation Notes in an amount to exceed \$55.144 million. (Pg. 95)
18. **ORDINANCE NO. 5-16 - AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$18,000,000 OF BONDS FOR THE PURPOSE OF CURRENTLY REFUNDING NOTES ISSUED FOR THE PURPOSE OF (I) (A) THE CITY'S WEST END SEWER SEPARATION PROJECT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, (B) RESURFACING VARIOUS STREETS IN THE CITY, (C) IMPROVING PARKS WITHIN THE CITY, INCLUDING LAKEWOOD PARK, WAGAR PARK AND THE LAKEWOOD PARK STATE HOUSE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, (D) IMPROVING SIDEWALKS WITHIN THE CITY AND (E) REPLACING OR IMPROVING THE ROOFS OF CITY HALL, CITY HALL ANNEX, WINTERHURST ICE RINK AND THE CITY'S SERVICE GARAGE AND (II) RETIRING THE CITY'S VARIOUS PURPOSE IMPROVEMENT NOTES, SERIES 2014, WHICH WERE ISSUED TO PAY COSTS OF (A) IMPROVING MADISON AVENUE BY PROVIDING NEW TRAFFIC SIGNALIZATION; (B) IMPROVING AND RENOVATING THE REFUSE FACILITY; (C) REPLACING THE ROOF ON CITY HALL; (D) RESURFACING VARIOUS STREETS IN THE CITY; (E) IMPROVING DETROIT AVENUE, FRANKLIN STREET, HILLIARD STREET AND MADISON AVENUE BY PROVIDING NEW AND UPGRADED TRAFFIC SIGNALIZATION AND PEDESTRIAN SIGNALS; (F) IMPROVING THE MUNICIPAL GARAGE VENTILATION SYSTEM; (G) IMPROVING PARKS WITHIN THE CITY, INCLUDING LAKEWOOD PARK, WAGAR PARK AND THE LAKEWOOD PARK SKATE HOUSE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; (VIII) RECONSTRUCTING MADISON AVENUE; (H) CONSTRUCTING A SHEET PILE BULKHEAD, DOCKS AND A PARKING AREA, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; (I) IMPROVING SIDEWALKS WITHIN THE CITY, (J) REPLACING A SALT STORAGE FACILITY AND (K) IMPROVING THE SEWER SYSTEM IN THE CITY BY CONSTRUCTING THE WEST END SEWER SEPARATION PROJECT AND A NEW SANITARY SEWER AND IMPROVEMENTS AND RENOVATIONS TO THE EXISTING SANITARY SEWERS AND STORM WATER SEWERS ALONG EDGEWATER DRIVE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY. (Pg. 98)**
19. **ORDINANCE NO. 6-16 - AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$26,500,000 OF BONDS FOR THE PURPOSE OF CURRENTLY REFUNDING THE CITY'S ROCKPORT SQUARE IMPROVEMENT GENERAL OBLIGATION**

BONDS, SERIES 2004 (LIMITED TAX OBLIGATION) (TAXABLE), DATED AUGUST 11, 2004; VARIOUS PURPOSE GENERAL OBLIGATION BONDS, SERIES 2005, DATED MAY 26, 2005; SEWER SYSTEM REVENUE BONDS, SERIES 2006, DATED AUGUST 30, 2006 AND WATERSYSTEM REVENUE BONDS, SERIES 2006, DATED AUGUST 30, 2006; APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY. (Pg. 110)

20. **ORDINANCE NO. 7-16 - AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$4,845,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF DESIGNING, ENGINEERING AND CONSTRUCTING SEWER IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY. (Pg. 121)**
21. **ORDINANCE NO. 8-16 - AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$1,640,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF DESIGNING, ENGINEERING AND CONSTRUCTING WATER IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY. (Pg. 131)**
22. **ORDINANCE NO. 9-16 - AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$1,500,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF IMPROVING ANDREWS AVENUE, ATHENS AVENUE, CHESTERLAND AVENUE, CONCORD DRIVE, DELAWARE AVENUE, ERIE CLIFF DRIVE, HALL AVENUE, LAKE POINT DRIVE, LEEDALE AVENUE, LEONARD AVENUE, MARS AVENUE, MCKINLEY AVENUE, NORTHWOOD AVENUE, RICHLAND AVENUE, SHAW AVENUE AND WEST 117TH STREET, AND OTHER STREETS LOCATED WITHIN THE CITY, BETWEEN CERTAIN TERMINI, BY RESURFACING AND REPLACING CONCRETE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY. (Pg. 141)**
23. **ORDINANCE NO. 10-16 - AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$750,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY THE COSTS OF IMPROVING PARKS WITHIN THE CITY, INCLUDING KIDS COVE PLAYGROUND, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY. (Pg. 151)**
24. **ORDINANCE NO. 11-16 - AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$650,000 IN ANTICIPATION OF THE ISSUANCE**

OF BONDS; TO PAY COSTS OF **IMPROVING SIDEWALKS** WITHIN THE CITY; AND DECLARING AN EMERGENCY. (Pg. 161)

25. **ORDINANCE 12-16** - AUTHORIZING THE ISSUANCE OF **NOTES** IN THE AMOUNT OF **NOT TO EXCEED \$355,000** IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF **IMPROVING FRANKLIN AVENUE AND HILLIARD ROAD**, BETWEEN CERTAIN TERMINI, BY PROVIDING NEW TRAFFIC SIGNALIZATION, TOGETHER WITH ALL NECESSARY; AND DECLARING AN EMERGENCY. (Pg. 171)
26. **ORDINANCE 13-16** - AUTHORIZING THE ISSUANCE OF **NOTES** IN THE AMOUNT OF **NOT TO EXCEED \$200,000** IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY THE COSTS OF **REPLACING OR IMPROVING ROOFS OF THE FIRE STATION AND WINTERHURST ICE RINK**, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY. (Pg. 181)
27. **ORDINANCE 14-16** - AUTHORIZING THE ISSUANCE OF **NOTES** IN THE AMOUNT OF **NOT TO EXCEED \$704,000** IN ANTICIPATION OF THE ISSUANCE OF **BONDS**; TO PAY COSTS OF PROVIDING, CONSTRUCTING AND INSTALLING A REVENTMENT ON THE NORTHERLY PROPERTY LINE OF THE **MERIDIAN CONDOMINIUM** TO PROTECT THE MERIDIAN CONDOMINIUM'S WESTERLY PROPERTY LINE WITH LAKE ERIE, EASTWARD TO THE INTERSECTION OF MERIDIAN CONDOMINIUM'S EASTERLY PROPERTY LNE WITH LAKE ERIE; AND DECLARING AN EMERGENCY. (Pg. 191)
28. Communication from Mayor Summers regarding Amendment to Chapter 557 – Parade & Special Events. (Pg. 200)
29. **ORDINANCE NO. 15-16** – AN ORDINANCE amending Section 557.05, Fees of the Codified Ordinances of the City of Lakewood to reflect that the application fee shall not be refundable as the City's actual costs in accepting and processing any permit application along with the minimal services required for any special event permit exceed the application fee. (Pg. 201)
30. Communication from Planning & Development Director Siley regarding Zoning Code Chapter 1143 – Error of Omission. (Pg. 203)

31. **ORDINANCE NO. 16-16** - 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 Section 1143.05 Schedule of Uses and Space Requirements, of the Codified Ordinances of the City of Lakewood. (Pg. 204)
32. Communication from Planning & Development Director Siley regarding Leasing of space to the Community Health Center. (Pg. 208)
33. **RESOLUTION NO. 8849-16** – 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 the Mayor to enter into a lease agreement with Lakewood Hospital Association for the lease of real property located at 1450 Belle Avenue, Ste. 220 also known as the Community Health Center. (Pg. 209)
34. Communication from Law Director Butler regarding Northeast Ohio Regional Sewer District Stormwater Service Agreement. (Pg. 212)
35. **RESOLUTION NO. 8850-16** – 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 the Mayor to enter into a Stormwater Service Agreement with the Northeast Ohio Regional Sewer District. (Pg. 213)
36. Communication from city Engineer Papke regarding 12550 Lake Avenue (Meridian) Erosion Protection – Resolution of Necessity. (Pg. 281)
37. **RESOLUTION NO. 8851-16** – A RESOLUTION 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, declaring it necessary to construct and provide improvements to protect the northerly property line of the Meridian Condominium to provide, construct and install a revetment on the northerly property line by Lake Erie, at the Meridian Condominium located at 12550 Lake Avenue. (Pg. 282)
38. Liquor Permit Application for D5 and D6 Transfers to Barroco Grill 12906 Madison Avenue from Cappys Wine and Spirits; 309 W. Loveland Ave, Loveland, Ohio 45140. (Pg. 285)

RESOLUTION NO. 8830-15

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Mayor to submit the Fiscal Year (FY) 2016 One-Year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and incorporates the City's application for CDBG funds and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD).

WHEREAS, the Secretary of HUD is authorized by various federal acts to make grants to units of general local government to finance community development programs; and

WHEREAS, HUD requires units of general local government to incorporate the Comprehensive Housing Affordability Strategy into a Consolidated Plan; and

WHEREAS, the City is annually required, with the participation and approval of its Citizens Advisory Committee (CAC), to submit a One-Year Action Plan update of its Consolidated Plan to serve as a planning document and application for fiscal year allocations for various HUD programs, including CDBG funds, ESG funds, HOME Investment Partnership funds, and community development objectives and projected use of funds, and which contains local objectives, a description of activities to be undertaken, a budget, and certifications in the form of assurances; and

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

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor is hereby authorized and directed to submit to HUD the FY 2016 One-Year Action Plan of the Consolidated Plan, as reviewed and approved by the CAC which incorporates the City's application for federal CDBG funds as indicated in Exhibit A, and all amendments thereto and all understandings and assurances contained therein.

Section 2. The FY 2016 One-Year Action Plan of the Consolidated Plan, as reviewed and approved by the CAC, will reflect a multi-year certification for the expenditure of CDBG funds for FY 2016, FY 2017 and FY 2018.

Section 3. The Mayor is hereby authorized and directed to act in connection with submission of the FY 2016 One-Year Action Plan of the Consolidated Plan, to provide such additional information as may be required and to enter into any and all agreements necessary to accept funds under these programs.

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

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

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR

Fiscal Year 2016 CDBG Funding Recommendations to City Council

| City of Lakewood, OH | | |
|---|--|--------------------|
| FY16 Community Development Block Grant (CDBG) Allocations | | |
| Recipient | Program | Allocation |
| Department of Planning & Development | CDBG Planning & Administration | \$350,000 |
| Department of Planning & Development | Section 108 Loan Repayment | \$7,100 |
| Department of Planning & Development | Detroit Ave Improvements (Detroit & Mars) | \$60,000 |
| Division of Community Development | Repair Accessibility & Maintenance Program | \$100,000 |
| Division of Community Development | Weatherization Program | \$67,500 |
| Division of Community Development | Low-Interest Loan Fund | \$100,000 |
| LakewoodAlive | Paint Rebate Program | \$21,000 |
| Department of Public Works | Street Improvements | \$459,000 |
| Division of Housing & Building | Project Pride Code Enforcement | \$127,900 |
| Division of Community Development | Storefront Renovation Program | \$195,000 |
| LakewoodAlive | Housing Outreach & Advocacy | \$41,606 |
| Lakewood Community Services Center | Food Pantry | \$20,000 |
| Lakewood Community Services Center | Employment Services | \$25,000 |
| Lakewood Community Services Center | LMI Case Management Services | \$20,000 |
| Division of Early Childhood | Childcare Scholarship Assistance | \$62,500 |
| North Coast Health | Health Services | \$60,144 |
| Division of Aging | Senior Case Management Services | \$25,750 |
| Domestic Violence Center | Victim Advocacy Services | \$7,500 |
| | Estimated FY16 CDBG Award | \$1,750,000 |
| | Total Public Services (Maximum 15%) | 15.00% |
| | Total Administration (Maximum 20%) | 20.00% |
| | Total LMI Benefit (Minimum 70%) | 84.99% |

CDBG

RESOLUTION NO. 8840-16

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to a position on the Civil Service Commission for the term beginning January 1, 2016 and ending December 31, 2018.

WHEREAS, the end of a term has caused a vacancy on the Civil Service Commission beginning January 1, 2016, in a seat occupied by a Council appointee, thus requiring an appointment to the commission; and

WHEREAS, Article XI, Section 1 of the Second Amended Charter of the City of Lakewood provides that Council shall appoint one elector of the City who is not an officeholder or employee of the City to the Civil Service Commission; and

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

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council appoints _____ to a position on the Civil Service Commission for the term beginning January 1, 2016 and ending December 31, 2018.

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

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

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO. 8841-16

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Board of Nuisance Abatement Appeals for the three-year term beginning January 1, 2016 and ending December 31, 2018.

WHEREAS, the end of a term has caused a vacancy on the Board of Nuisance Abatement Appeals beginning January 1, 2016, in a seat occupied by a Council appointee, thus requiring an appointment to the board; and

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

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Board of Nuisance Abatement Appeals for the three-year term beginning January 1, 2016 and ending December 31, 2018.

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

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

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO. 8848-16

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 Director of Human Resources to enter into one or more agreements or renewal agreements with representatives of government-employee deferred compensation plans in order to continue to provide a wide array of option for employees participating in such plans.

WHEREAS, the Director of Human Resources has expressed a desire to enter into one or more agreements or renewal agreements with representatives of government-employee deferred compensation plans, also known as 457 plans (after the tax-code chapter providing for them), in order to continue to provide a wide range of options for employees participating in such plans while minimizing the City's administrative oversight in sponsoring such plans; and

WHEREAS, any such new agreement would merely provide for third-party plan representation and for the City's direction of employees' contributions to 457 plans but would not bind the City for any term of years or involve the expenditure of City funds in any way; and

WHEREAS, the City already serves as the sponsor of several employee 457 plans, but wishes to maintain flexibility for employees while reducing administrative oversight, making this resolution necessary and appropriate; and

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

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that the City wishes to enter into one or more 457 plan representation agreements or renewal agreements prior to February 1, 2016; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. From the effective date of this resolution to the one hundred eightieth (180th) day following the effective date, the Director of Human Resources is hereby authorized to enter into one or more agreements or renewal agreements with representatives of government-employee deferred compensation plans, known as 457 plans.

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

ORDINANCE NO. 3-16

BY:

AN ORDINANCE amending Section 1306.60 of the Codified Ordinances of the City of Lakewood by expanding on the regulations governing exterior electric and fuel-burning cooking devices.

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

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1306.60, Exterior Electric and Fuel Burning Cooking Devices, of the the Codified Ordinances of the City of Lakewood, currently reading as follows:

SECTION 1306.60. EXTERIOR ELECTRIC AND FUEL BURNING COOKING DEVICES.

No electric or fuel burning cooking appliance or device shall be permitted to be operated upon any porch, balcony, patio deck, roof or similar structure when such structure is located above the first floor level or if the first floor level is enclosed or covered in whole or in part by awnings, canopies, arbors, roofs and similar roof structures.

is hereby repealed.

Section 2. New Section 1306.60, Exterior Electric and Fuel Burning Cooking Devices, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

SECTION 1306.60. EXTERIOR ELECTRIC AND FUEL BURNING COOKING DEVICES.

No portable electric or fuel burning cooking appliance or device shall be permitted to be operated upon any porch, balcony, patio deck, roof or similar structure when such structure is located above the first floor level or if the first floor level is enclosed or covered in whole or in part by awnings, canopies, arbors, roofs and similar roof structures. Permanently installed appliances designed for the cooking of food for human consumption are permitted so long as the fuel utilized is either electricity or natural gas and the appliance is installed per the manufacturer's written requirements and applicable state codes.

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

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR

ORDINANCE NO. 1-16

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to effect and be in force at the earliest period allowed by law, to amend certain provisions of Chapter 516, Chapter 537, Chapter 142, Chapter 501, and Chapter 1327 of the Codified Ordinances of the City of Lakewood, Ohio, to ensure that all persons within the City have equal access to employment, housing, public accommodations, and education.

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on age, race, color, creed, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic. The Council's purpose in enacting this ordinance is to promote the public health and welfare of all persons who live, work, or visit the City of Lakewood. It is important for the City of Lakewood to ensure that all persons within the city have equal access to employment, housing, public accommodations, and education.

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; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Chapter 516, Fair Housing, of the Lakewood Codified Ordinances, currently reading as follows:

516.01 POLICY.

It is hereby designated to be the continuing policy of the City to do all things necessary and proper to secure for all citizens their right to equal housing opportunities regardless of their race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin or gender identity or expression.

516.02 SCOPE.

The provisions of this chapter shall apply to all housing located within the territorial limits of the City.

516.03 DEFINITIONS.

As used in this chapter certain terms are defined as follows:

(a) "Director" means the Director of Community Development for the City of Lakewood or other Community Development Officer within the Department of Planning and Development.

(b) "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

(c) "Family" includes a single individual.

(d) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers and fiduciaries. It also includes, but is not limited to any owner, leaver, assignor, builder, manager, broker, salesman, agent, employee, lending institution, and the City, the State and all authorities, agencies, boards and commissions thereof.

(e) "Discrimination" means to render any difference in treatment to any person in the sale, lease, rental or financing of a dwelling or housing unit because of a person's race, color, religion, sex, sexual orientation, ancestry, handicap, familial status or national origin.

(f) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupants.

(g) "Discriminatory housing practice" means any act that is unlawful as designated by this chapter.

(h) "Discrimination complaint service" means that service established by this chapter.

516.04 DISCRIMINATION IN SALE OR RENTAL OF HOUSING.

It shall be unlawful to:

(a) Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression.

(b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression.

(c) Make, print, publish or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, gender, sexual orientation,

ancestry, handicap, familial status, national origin, or gender identity or expression.

(d) Represent to any person because of race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by a representative regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression.

516.05 DISCRIMINATION IN FINANCING OF HOUSING.

It shall be unlawful to:

(a) Refuse to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing or otherwise withhold financing of housing from any persons because of the race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression of any present or prospective owner, occupant, or user of such housing provided such person whether an individual, corporation or association of any type, lends money as one of the principal aspects or incident to his principal business and not only as part of the purchase price of an owner-occupied residence he is selling nor merely casually or occasionally to a relative or friend.

(b) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or subleasing any housing or in furnishing facilities, services or privileges in connection with the ownership, occupancy, or use of any housing because of the race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression of any present or prospective owner, occupant or user of such housing.

(c) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing because of race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression of any present or prospective owner, occupant, or user of such housing.

(d) Make any inquiry, elicit any information, make or keep any record or use any form of application containing questions or entries concerning race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression in connection with the sale or lease of any housing or the loan of any money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing.

516.06 DISCRIMINATION IN BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against a person in the terms or conditions of such access, membership or participation, on account of race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression.

516.07 ADMINISTRATION, DISCRIMINATION COMPLAINT SERVICE AND ENFORCEMENT.

(a) This chapter shall be administered by the Director of Community Development, and the Director shall also be responsible for the establishment and administration of a discrimination complaint service.

(b) The discrimination complaint service shall be available to any person who alleges that his rights have been denied relative to housing and/or financing for housing because of race, color, religion, gender, sexual orientation, ancestry, handicap, familial status, national origin, or gender identity or expression. (Ord. 79-10. Passed 12-20-10.)

(c) Any person who claims to have been subjected to a discriminatory housing practice shall file a complaint in writing within 180 days of the alleged violation with the Director. The complaint shall contain such information and will be in such form as the Director may require.

(d) If the Director determines that there are reasonable grounds to believe a violation has occurred, he shall attempt to conciliate the matter within five working days of the filing of the complaint by utilizing conciliation conferences with all interested parties and such representatives as the parties may choose to assist them. These conferences shall be informal, and nothing shall be made public by the Director regarding the conferences unless all parties agree thereto in writing. During this period the Director shall make such investigation as he deems appropriate.

(e) If the Community Development Director and the Law Director determine that the person complained against has violated this chapter, the Law Director shall prepare and issue a directive requiring that person to cease and desist from such unlawful conduct and within fifteen calendar days take such affirmative action as will effectuate the purpose of this chapter. If after the fifteenth day, the situation has not been rectified, the Director of Community Development shall initiate the proper legal action through the Law Department of the City or through the complainant's legal counsel, or the U. S. Department of Housing and Urban Development, whatever the Director deems appropriate.

(f) If at the conclusion of the informal hearing, the Director of Community Development and Law Director determine upon the preponderance of the evidence presented that the person complained against has not violated this chapter, the Director shall issue an order dismissing the complaint.

(g) The Director is advised to seek at any time the cooperation and aid of the U. S. Department of Housing and Urban Development and any other person or group regarding any matter before the Director as he deems appropriate.

516.08 OTHER LEGAL ACTIONS.

Nothing contained in this chapter shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled or from filing any complaint with any other agency or court of law.

516.99 PENALTY.

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

shall be and hereby is repealed and new Chapter 516, Discrimination Prohibited, of the Lakewood Codified Ordinances, is enacted to read as follows:

516.01 DEFINITIONS

(a) "Advertising" means to make, print, publish, advertise or otherwise disseminate any notice, statement or advertisement, with respect to any employment activity, any business activity, or any educational activity.

(b) "Age" means 18 years of age or older except as otherwise provided by law.

(c) "Business Establishment" means any entity, however organized, which furnishes goods, services or accommodations to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements consist only of payment of fees or consist only of requirements under which a substantial portion of the residents of the city could qualify.

(d) "Disability" or "Disabled" means, with respect to an individual, a physical or mental impairment, a record of such an impairment, or being perceived or regarded as having such impairment. For purposes of this chapter discrimination on the basis of disability means that no covered entity shall discriminate against a qualified individual with a disability because of that individual's disability. The term "qualified individual with a disability" shall mean an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment positions that the individual holds or desires.

(e) "Discriminate, Discrimination or Discriminatory" means any act, policy or practice that, regardless of intent, has the effect of subjecting any person to differential treatment as a result of that person's race, color, creed, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic.

(f) "Educational Institution" means any public or private educational institution including an academy, college, elementary or secondary school, extension course, kindergarten, pre-school, nursery school, university, and any business, nursing, professional, secretarial, technical or vocational school.

(g) "Employee" means any individual employed or seeking employment from an employer.

(h) "Employer" means any person who, for compensation, regularly employs five (5) or more individuals, not including the employer's parents, spouse or children. For purposes of this chapter an employer "regularly" employs five (5) individuals when the employer employs five or more individuals for each working day in any twenty (20) or more calendar weeks in the current or previous calendar year. For purposes of this chapter an "employer" is also any person acting on behalf of an employer, directly or indirectly, or any employment agency.

(i) "Gender" means actual or perceived sex.

(j) "Gender Identity or Expression" means having or being perceived as having a gender identity or expression whether or not that gender identity or expression is different from that traditionally associated with the sex assigned to that individual at birth.

(k) "Labor Organization" means any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection on behalf of employees.

(l) "Person" means a natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.

(m) "Physical Characteristic" means a bodily condition or bodily characteristic of any person that is from birth, accident, or disease, or from any natural physical development, including individual physical mannerisms including but not limited to height and weight. Physical characteristic shall not relate to those situations where a bodily condition or characteristic will present a danger to the health, welfare or safety of any individual.

(n) "Place of public accommodation" means inns, taverns, hotels, motels, restaurants, wholesale outlets, retail outlets, banks, savings and loan associations, other financial institutions, credit information bureaus, insurance companies, dispensaries, clinics, hospitals, theaters, recreational parks and facilities, trailer camps, garages, public halls, and

all other establishments within the City which offers goods, services, accommodations and entertainment to the public. A place of public accommodation does not include any institution, club or other place of accommodation, which by its nature is distinctly private.

(o) "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

(p) "Transaction in real estate" means the exhibiting, listing, advertising, negotiating, agreeing to transfer or transferring, whether by sale, lease, sublease, rent, assignment or other agreement, of any interest in real property or improvements thereon.

516.02 PROHIBITED ACTS OF DISCRIMINATION - EMPLOYMENT

With regard to employment, it shall be unlawful for any employers or labor organizations, to engage in any of the following acts, wholly or partially for a discriminatory reason:

(a) To fail to hire, refuse to hire or discharge an individual;

(b) To discriminate against any individual, with respect to compensation, terms, conditions, or privileges of employment, including promotion. Nothing in this section shall be construed to require any employer to provide benefits, such as insurance, to individuals not employed by the employer;

(c) To limit, segregate, or classify employees in any way which would deprive or tend to deprive any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee;

(d) To fail or refuse to refer for employment any individual in such a manner that would deprive an individual of employment opportunities, that would limit an individual's employment opportunities or that would otherwise adversely affect an individual's status as a prospective employee or as an applicant for employment;

(e) To discriminate against an individual in admission to, or employment in, any program established to provide apprenticeship or other job training, including an on-the-job training program;

(f) To print or publish, or cause to be printed or published, any discriminatory notice or advertisement relating to employment. This subsection shall not be construed so as to expose the person who prints or publishes the notice or advertisement, such as a newspaper, to liability;

(g) To discriminate in referring an individual for employment whether the referral is by an employment agency, labor organization or any other person.

516.03 PROHIBITED ACTS OF DISCRIMINATION - HOUSING AND REAL ESTATE TRANSACTIONS

With regard to housing and real estate transactions, it shall be unlawful to engage in any of the following acts wholly or partially for a

discriminatory reason:

- (a) To discriminate by impeding, delaying, discouraging or otherwise limiting or restricting any transaction in real estate;
- (b) To discriminate by imposing different terms on a real estate transaction;
- (c) To represent falsely that an interest in real estate is not available for transaction;
- (d) To include in the terms or conditions of a real estate transaction any discriminatory clause, condition or restriction;
- (e) To discriminate in performing, or refusing to perform, any act necessary to determine an individual's financial ability to engage in a real estate transaction;
- (f) For a property manager to discriminate by refusing to provide equal treatment of, or services to, occupants of any real estate which he or she manages;
- (g) To make, print or publish, or cause to be made, printed or published any discriminatory notice, statement, or advertisement with respect to a real estate transaction or proposed real estate transaction, or financing relating thereto. This subsection shall not be construed to prohibit advertising directed to physically disabled persons or persons over the age of fifty-five for the purpose of calling to their attention the existence or absence of housing accommodations or services for the physically disabled or elderly;
- (h) To discriminate in any financial transaction involving real estate, on account of the location of the real estate be it residential or non-residential ("red-lining");
- (i) For a real estate operator, a real estate broker, a real estate salesperson, a financial institution, an employee of any of these, or any other person, for the purposes of inducing a real estate transaction from which such person may benefit financially to represent that a change has occurred or will or may occur in the composition with respect to age, race, color, creed, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic of the owners or occupants in the block, neighborhood or area in which the real property is located or to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood or area in which the real property is located ("block-busting");
- (j) Notwithstanding the provisions of subsections (a) through (h), it shall not be an unlawful discriminatory practice for an owner to limit occupancy on the basis of a person's low-income, age over fifty-five (55) years or disability status in accordance with federal or state law;
- (k) Notwithstanding the provisions of subsections (a) through

(h), it shall not be an unlawful discriminatory practice for an owner, lessor or renter to refuse to rent, lease or sublease a portion of a single family dwelling unit to a person as a tenant, roomer or boarder where it is anticipated that the owner, lessor or renter will be occupying any portion of the single-family dwelling or to refuse to rent, lease or sublease where it is anticipated that the owner, lessor or renter will be sharing either a kitchen or a bathroom with the tenant, roomer or boarder.

516.04 PROHIBITED ACTS OF DISCRIMINATION – BUSINESS ESTABLISHMENTS OR PUBLIC ACCOMMODATIONS

It shall be unlawful for a business establishment or place of public accommodation to engage in any of the following acts wholly or partially for a discriminatory reason:

(a) To deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment or place of public accommodation;

(b) To print, publish, circulate, post, or mail, directly or indirectly, a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a business establishment or place of public accommodation will be unlawfully refused, withheld from or denied an individual, or which indicates that an individual's patronage of, or presence at, the business establishment or place of public accommodation is objectionable, unwelcome, unacceptable or undesirable.

516.05 PROHIBITED ACTS OF DISCRIMINATION – EDUCATIONAL INSTITUTIONS

It shall be unlawful for an educational institution to engage in any of the following acts wholly or partially for a discriminatory reason:

(a) To deny, restrict, abridge or condition the use of, or access to, any educational facilities or educational services to any person otherwise qualified;

(b) Notwithstanding the provisions of subsection (a) it shall not be an unlawful discriminatory practice to limit attendance in classes or programs conducted by an educational institution based upon a reasonable educational objective, except where to do so would otherwise violate a duty imposed upon the institution by federal or state law to provide reasonable accommodation;

(c) Notwithstanding the provisions of subsection (a), it shall not be an unlawful discriminatory practice for an educational institution operated by a religious or denominational institution, or established for a bona fide religious purpose, to admit students or program attendees on the basis of that student's or attendee's religious or denominational affiliation or

preference.

516.06 CITY SERVICES, FACILITIES, TRANSACTIONS AND CONTRACTS

The City of Lakewood shall be bound by the provisions of this chapter to the same extent as private individuals. All contractors proposing to, or currently doing business with the City of Lakewood, shall abide by this ordinance.

516.07 GENERAL EXCEPTIONS

(a) Any practice which has a discriminatory effect and which would otherwise be prohibited by this chapter shall not be deemed unlawful if it can be established that the practice is not intentionally devised to contravene the prohibitions of this chapter and there exists no less discriminatory means of satisfying a business purpose.

(b) Unless otherwise prohibited by law, nothing contained in this chapter shall be construed to prohibit promotional activities such as senior citizen discounts and other similar practices designed primarily to encourage participation by protected group.

(c) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purposes of this chapter.

(d) It shall not be an unlawful discriminatory practice for any person to carry out an affirmative action plan. An affirmative action plan is any plan devised to effectuate remedial or corrective action taken in response to past discriminatory practices, or as otherwise required by state or federal law.

(e) Nothing contained in this chapter shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification or a bona fide physical requirement. Nothing contained in this chapter shall be deemed to prohibit a religious or denominational institution from selecting or rejecting applicants and employees for non-secular positions on the basis of the applicant's or employee's conformance with the institution's religious or denominational principles. If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide occupational qualification, or a permissible bona fide physical requirement, that party shall have the burden of proving:

(1) That the discrimination is in fact a necessary result of such a bona fide condition; and

(2) That there exists no less discriminatory means of satisfying the bona fide requirement.

(f) If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide religious or denominational preference, that party shall have the burden of proving that the discrimination is in

fact a necessary result of such a bona fide condition.

516.08 POSTING OF NOTICES

Every employer or institution subject to this chapter shall post and keep posted in a conspicuous location where business or activity is customarily conducted or negotiated, a notice, the language and form of which has been prepared by the City of Lakewood, setting forth excerpts from or summaries of the pertinent provisions of this chapter and information pertinent to the enforcement of rights hereunder. The notice shall be in both English and Spanish. If over ten percent of an employer's employees speak, as their native language, a language other than English or Spanish, notices at that employer's place of business shall be posted in that language. At the request of the employer or institution, notices required by this section shall be provided by the City. Notices shall be posted within ten days after the receipt from the City.

516.09 CORRECTION OR RETALIATION

(a) It shall be an unlawful discriminatory practice to coerce, threaten, retaliate against or interfere with any person in the exercise of, or on account of having exercised, or on account of having aided or encouraged any other person in the exercise of, any right granted or protected under this ordinance, or on account of having expressed opposition to any practice prohibited by this ordinance.

(b) It shall be an unlawful discriminatory practice for any person to require, request, or suggest that a person retaliate against, interfere with, intimidate or discriminate against a person, because that person has opposed any practice made unlawful by this ordinance, or because that person has made a charge, or because that person has testified, assisted or participated in any manner in an investigation, proceeding or hearing authorized under this ordinance.

(c) It shall be an unlawful discriminatory practice for any person to cause or coerce, or attempt to cause or coerce, directly or indirectly, any person in order to prevent that person from complying with the provisions of this ordinance.

516.10 PRESERVATION OF BUSINESS RECORDS

Where a complaint of discrimination has been filed against a person under this ordinance, such person shall preserve all records relevant to the complaint, until a final disposition of the complaint.

516.11 HUMAN RIGHTS COMMISSION

(a) There is hereby created the City of Lakewood Human Rights Commission, hereafter referred to as "the Commission," to be comprised of fifteen (15) members who shall be broadly representative of the population of the city. On the basis of recommendations from any and all interested parties, including the city council, as well as ethnic, racial,

religious, neighborhood, civic, community, social, fraternal, educational, commercial and advocacy organizations, the mayor shall appoint the members of the Commission, subject to confirmation by a majority vote of the whole membership of the city council. Except for the initial appointees, the Commission members shall serve staggered three (3) year terms and may be reappointed for another three (3) year term after which the member shall not be reappointed for at least one (1) year. Of the initial members appointed, five (5) members shall be appointed for one (1) year, five (5) members shall be appointed for two (2) years, and five (5) shall be appointed for three (3) years. Every member shall have been a resident of the City of Lakewood for at least one (1) year prior to appointment and shall continue to be a resident so long as he or she shall serve as a member of the Commission. In the event of a vacancy a replacement will be chosen by the mayor and will serve out the remainder of the vacant term.

(b) The Commission shall elect its own chair and vice-chair by majority vote. The chair and vice-chair shall be voting members of the Commission and serve one-year terms. There shall be a three-term limit for officers. The Commission may create and modify rules regarding its meetings and procedures. The Commission may create and appoint task forces and committees it deems appropriate to carry out its functions. When appropriate for purposes of investigating and adjudicating complaints, cases will be assigned to panels consisting of three commission members. The Commission chair and vice-chair will appoint commissioners to panels and provide administrative oversight of panels; they will not serve on the panels. Each panel shall choose its own panel chair on a case-by-case basis.

(c) The work of the Commission shall be managed by an executive director, who shall be appointed by and serve at the pleasure of the Commission. The Commission shall employ such other persons as may be necessary to carry out its educational, administrative and investigative work.

(d) The responsibilities of the Commission staff, under the direction of the executive director, include managing Commission records and accounts, developing public education programs, providing training for Commission members, managing citizen complaints, seeking additional private-sector funding for the Commission, facilitating Commission scheduling and communication, and any other tasks needed to help the Commission perform its functions.

(e) In addition, the Commission may use the services of attorneys, hearing examiners, clerks and other employees and agents who are city government employees, except in those cases in which the city government is a party, and in which case the Commission may seek the city attorney's approval to engage appropriate counsel.

(f) In the enforcement of this chapter, the Commission and its panels shall have the following powers and duties:

(1) To receive, initiate, investigate, seek to conciliate, hold hearings on and pass upon complaints alleging violations of this chapter;

(2) To maintain an office in the City of Lakewood;

(3) To cooperate with relevant federal and state authorities;

(4) To present an annual report to the mayor and city council setting forth the number of complaints received during the prior year, as well as the disposition of the complaints, and the number of convictions for violation. The Commission shall publish this report and make it available in some format to the general public;

(5) To require answers to interrogatories, compel the attendance of witnesses, examine witnesses under oath or affirmation in person by deposition and require the production of documents relevant to the complaint. The Commission may make rules authorizing or designating any member or individual to exercise these powers in the performance of official duties;

(6) To cooperate with community, professional, civic and religious organizations, as well as state and federal agencies, in the development of public education programs regarding compliance with the provisions of this chapter and equal opportunity and treatment of all individuals;

(7) To conduct tests to ascertain the availability of housing, both in sales and also in rentals of real property;

(8) To prepare an annual budget to be presented to and approved by the City Council;

(9) To develop and maintain a website that provides information on this Chapter, grievance procedures, the Commission's Annual Report and any other information that would further the purposes and intentions of this Chapter.

516.12 COMPLAINTS – CONSIDERATION BY THE COMMISSION

(a) A person claiming to be aggrieved by a discriminatory practice, or a member of the Commission, may file with the Commission a written sworn complaint stating that a discriminatory practice has been committed, setting forth the facts sufficient to enable the Commission to identify the persons charged (hereinafter the respondent). Within ten (10) days after receipt of the complaint, the Commission shall serve on the complainant a notice acknowledging the filing of the complaint and informing the complainant of the respondent's time limits.

(b) The Commission shall, within ten (10) days of the filing of the complaint, furnish the respondent with a copy of the complaint and a notice advising the respondent of the respondent's procedural rights and obligations under this chapter.

(c) The complaint must be filed within one (1) year after the commission of the alleged discriminatory practice.

(d) The Commission shall commence an investigation of the complaint within thirty (30) days after the filing of the complaint. The Commission, or designee, shall promptly investigate the matter to determine whether the discriminatory practice exists.

(e) If it is determined that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall furnish a copy of the order to the complainant, the respondent and such public officers and persons as the Commission deems proper.

(f) The complainant, within thirty (30) days after receiving a copy of the order dismissing the complaint, may file with the Commission an application for reconsideration of the order.

(g) Upon such application, the chair or vice-chair of the Commission shall review the original investigation and make a determination within thirty (30) days whether there is reasonable cause to believe that the respondent has engaged in a discriminatory practice.

(h) If it is determined that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall issue an order dismissing the complaint after reconsideration and furnish a copy of the order to the complainant, the respondent and such public officers and persons as the Commission deems proper.

516.13 CONCILIATION AGREEMENTS

(a) If the Commission determines after investigation that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall endeavor to eliminate the alleged discriminatory practices by conference, conciliation and persuasion.

(b) The terms of a conciliation agreement reached with a respondent shall require the respondent to refrain from discriminatory practices in the future and shall make such further provisions as may be agreed upon between the Commission or its assigned staff and the respondent.

(c) If a conciliation agreement is entered into, the Commission shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent and such public officers and persons as the Commission deems proper.

(d) Except for the terms of the conciliation agreement, the Commission shall not make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate discriminatory practice by conference, conciliation or persuasion, whether or not there is a determination of reasonable cause or a conciliation agreement. The conciliation agreement itself shall not be made public unless the complainant and the respondent

otherwise agree and the Commission also determines that disclosure is not required to further the purposes of this chapter.

(e) At the expiration of one (1) year from the date of a conciliation agreement, and at other times in its reasonable discretion, the Commission or its staff may investigate whether the respondent is following the terms of the agreement.

(f) If a finding is made that the respondent is not complying with the terms of the agreement, the Commission shall take such action as it deems appropriate to assure compliance.

(g) At any time after a complaint is filed, the Commission may file an action in a municipal court, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under the chapter, including an order or decree restraining such respondent from doing or procuring any act tending to render ineffectual any order the Commission may enter with respect to the complaint. The court has the power to grant such temporary relief or restraining order as it deems just and proper.

516.13 HEARINGS

(a) If a conciliation agreement has not been reached within ninety (90) days after an administrative determination of reasonable cause to believe that discrimination took place, the Commission shall serve on the respondent by mail or in person a written notice, together with a copy of the complaint as it may have been amended, or a copy of the letter of determination, requiring the respondent to answer the allegation(s) of the complaint at a hearing before the Commission or another individual pursuant to its rules, at a time and place specified by the hearing examiner or examiners after conference with the parties or their attorneys. A copy of the notice shall be furnished to the complainant and such public officers and persons as the Commission deems proper.

(b) A member of the Commission who filed the complaint or endeavored to eliminate the alleged discriminatory practice by conference, conciliation or persuasion shall not participate in the hearing or in the subsequent deliberation of the Commission.

(c) The respondent may file an answer with the Commission by registered or certified mail in accordance with the rules of the Commission before the hearing date. The respondent may amend an answer at any time prior to the issuance of an order based on the complaint, but no order shall be issued unless the respondent has had an opportunity of a hearing on the complaint or amendment on which the order is based.

(d) A respondent, who has filed an answer or whose default in answering has been set aside for good cause shown, may appear at the hearing with or without representation, may examine and cross-examine witnesses and the complainant and may offer evidence.

(e) The complainant and the complainant's private attorney, and, in the discretion of the Commission, any person may intervene, examine and cross-examine witnesses and present evidence.

(f) If the respondent fails to answer the complaint, the Commission may find the respondent in default. Unless the default is set aside for good cause shown, the hearing may proceed on the evidence in support of the complaint.

(g) Efforts at conference, conciliation and persuasion shall not be received in evidence.

(h) Testimony taken at the hearing shall be under oath and transcribed. If the testimony is not taken before the Commission, the record shall be transmitted to the Commission.

(i) In a proceeding under this chapter, the production of a written, printed or visual communication, advertisement or other form of publication, or a written inquiry, or record, or other document purporting to have been made by a person shall be prima facie evidence that it was authorized by the person.

(j) All hearings conducted under this section shall be conducted in accordance with Chapter 119 of the Ohio Revised Code.

516.14 FINDINGS AND ORDERS

(a) If the Commission determines that the respondent has not engaged in a discriminatory practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent and such public officers and persons as the Commission deems proper.

(b) If the Commission determines that the respondent has engaged in a discriminatory practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order requiring the respondent to cease and desist from the discriminatory practice and to take such affirmative action as in the judgment of the Commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant and to such public officers and persons as the Commission deems proper.

516.15 REMEDIES

(a) Affirmative action ordered under this section may include, but is not limited to:

(1) Hiring, reinstatement or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable;

(2) Admission or restoration of individuals to union membership, admission to or participation in, a guidance program, apprenticeship, training program, on-the-job training program, or

other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs;

(3) Admission of individuals to a place of public accommodation;

(4) The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent;

(5) Reporting as to the manner of compliance;

(6) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the Commission and inclusion of such notices in advertising material;

(7) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and costs, including reasonable attorney fees;

(8) Payment to the Commission of a \$500 fine for each violation. Each day on which a continuing violation occurs shall constitute a new and separate violation of this ordinance. Fines collected pursuant to this section will be used to establish a fund to educate the community about nondiscrimination practices and to promote nondiscrimination in the City of Lakewood;

(9) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record.

(b) The Commission may publish, or cause to be published, the names of persons who have been determined to have engaged in a discriminatory practice.

516.16 JUDICIAL REVIEW

A complainant or respondent aggrieved by an order of the Commission, including an order dismissing a complaint or stating the terms of a conciliation agreement, may obtain judicial review, and the Commission may obtain an order of the court for enforcement of its order, in a proceeding brought in the municipal court. A proceeding under this section must be initiated within thirty (30) days after the Commission issued its order under Sec.516.14 of this Chapter.

516.17 SUBPOENAS

(a) Upon written application to the Commission, a party to a proceeding is entitled as of right to the issuance of subpoenas for deposition or hearing in the name of the Commission by an individual designated pursuant to its rules requiring attendance and the giving of testimony by witnesses and the production of documents.

(b) A subpoena so issued shall show on its face the name and address of the party at whose request the subpoena is directed.

(c) On petition of the person to whom the subpoena is directed and notice to the requesting party, the Commission or an individual designated pursuant to its rules may vacate or modify the subpoena.

(d) Any depositions of witnesses shall be taken as prescribed by the Ohio Rules of Civil Procedure.

(e) Witnesses whose depositions are taken, or who are summoned before the Commission or its agents, will be entitled to the same witness and mileage fees as are paid to the witnesses subpoenaed in municipal court.

(f) If a person fails to comply with a subpoena issued by the Commission, the municipal court may issue an order requiring compliance. In any proceeding brought under this section, the court may modify or set aside the subpoena.

516.18 RESISTANCE TO, OBSTRUCTION, ETC., OF COMMISSION

Any person who willfully resists, prevents, impedes or interferes with the Commission, its members, agents or agencies in the performance of duties pursuant to this Act, or violates any order of the Commission shall be subject to a fine of not more than five hundred (500) dollars in addition to such order or decree that may be issued.

516.19 ADDITIONAL REMEDIES PRESERVED

(a) Any person injured by any act in violation of the provisions of this chapter shall have a civil cause of action in municipal court.

(b) A civil cause of action under this section shall be filed in a municipal court within one (1) year after the alleged discriminatory practice ceases or within thirty (30) days of an order by the Commission under Sec. 516.14 of this Chapter. Any such action shall supersede any complaint or hearing before the Commission concerning the same alleged violations, and any such administrative action shall be closed upon such filing.

516.20 STATE/FEDERAL REMEDIES

(a) The remedies provided for in this chapter are in addition to, not in lieu of, those provided for by state and federal law. This chapter shall therefore not be construed so as to limit a person's right to file complaint with any state or federal agency, board, tribunal or court vested with jurisdiction to receive, review and act upon complaints of discrimination. This chapter shall not be construed as limiting the right of any person to seek remedies in courts of competent jurisdiction pursuant to state or federal law which grant private rights of action to persons aggrieved by discriminatory acts of the type prohibited by this chapter. There is no requirement that an aggrieved person file a complaint with the City of Lakewood pursuant to this chapter before seeking any other federal, state or other remedy available to the person.

(b) A person's election to seek remedies provided for in this

chapter shall not operate to toll any statute of limitation set forth in state or federal law for pursuing remedies under state or federal law for acts of discrimination of the type prohibited by this chapter.

516.21 SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Chapter, or the application thereof to any person, firm, corporation or circumstance, is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof. The City Council of the City of Lakewood hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 2. Section 1327.08, Equal Opportunity, of the Lakewood Codified Ordinances, currently reading as follows:

1327.08 EQUAL OPPORTUNITY

No person shall be denied the right to purchase or lease a condominium unit in the City because of race, color, religion, sex, sexual orientation, ancestry, handicap, familial status or national origin.

shall be and hereby is repealed and new Section 1327.08, Equal Opportunity, of the Lakewood Codified Ordinances, is enacted to read as follows:

1327.08 EQUAL OPPORTUNITY

No person shall be denied the right to purchase or lease a condominium unit in the City because of race, color, religion, sex, sexual orientation, gender identity or expression, ancestry, handicap, familial status or national origin.

Section 3. Section 142.01, Establishment; Purpose, of the Lakewood Codified Ordinances, currently reading as follows:

142.01 ESTABLISHMENT; PURPOSE

The Lakewood Community Relations Advisory Commission is hereby established to serve in an advisory capacity for the purpose of educating, informing and making recommendations to City officials, departments, boards and commissions on matters relating to community relations within the City of Lakewood in an effort to advance:

(a) Respect for diversity: Acknowledge we live in a dynamic community with an ever-changing variety of group and individual experiences, and affirm values derived from the understanding of our

differences (whether based on socio-economic class, culture, religion, race, ethnicity, age, gender, or sexual orientation).

(b) Bonds of mutuality: Recognize the interdependence of our different interests as we work toward serving the common good, and ensure community relations have substantive meaning by acknowledging, as Martin Luther King Jr. stated, "Whatever affects one directly affects all indirectly."

(c) Equity: Affirm our commitment to social justice, and assure all groups and individuals have the opportunity to participate fully in civic affairs with equal access to employment, community resources, and decision-making processes.

shall be and hereby is repealed and new Section 142.01, Establishment; Purpose, of the Lakewood Codified Ordinances, is enacted to read as follows:

142.01 ESTABLISHMENT; PURPOSE

The Lakewood Community Relations Advisory Commission is hereby established to serve in an advisory capacity for the purpose of educating, informing and making recommendations to City officials, departments, boards and commissions on matters relating to community relations within the City of Lakewood in an effort to advance:

(a) Respect for diversity: Acknowledge we live in a dynamic community with an ever-changing variety of group and individual experiences, and affirm values derived from the understanding of our differences (whether based on socio-economic class, culture, religion, race, ethnicity, age, gender, sexual orientation, or gender identity or expression).

(b) Bonds of mutuality: Recognize the interdependence of our different interests as we work toward serving the common good, and ensure community relations have substantive meaning by acknowledging, as Martin Luther King Jr. stated, "Whatever affects one directly affects all indirectly."

(c) Equity: Affirm our commitment to social justice, and assure all groups and individuals have the opportunity to participate fully in civic affairs with equal access to employment, community resources, and decision-making processes.

Section 4. Section 537.18, INTIMIDATION, of the Lakewood Codified Ordinances, currently reading as follows:

537.18 INTIMIDATION

(a) No person shall violate Section 537.05, 537.06, 537.10(a)(3), (4) or (5), 541.03 or 541.04 by reason of race, color, religion or national origin of another person or group of persons.

(b) No person shall violate Section 537.06, 541.03 or 541.04 by reason of actual or perceived sexual orientation, age, gender, gender

identity or expression, or disability as defined by Ohio R.C. 3304.11(A), of another person or group of persons.

(c) — Whoever violates subsection (a) hereof is guilty of intimidation. A violation of intimidation under subsection (a) is an offense of the next higher degree than the offense the commission of which is a necessary element of intimidation. In case of an offense that is a misdemeanor of the first degree, whoever violates this section shall be prosecuted under Ohio R.C. 2927.12.

(d) Whoever violates subsection (b) of this section is guilty of intimidation. A violation of intimidation under subsection (b) is an offense of the next higher degree than the offense the commission of which is a necessary element of intimidation when the underlying offense is a second, third or fourth degree misdemeanor.

shall be and hereby is repealed and new Section 537.18, INTIMIDATION, of the Lakewood Codified Ordinances, is enacted to read as follows:

537.18 INTIMIDATION

(a) No person shall violate Section 537.05, 537.06, 537.10(a)(3), (4) or (5), 541.03 or 541.04 by reason of race, color, religion, national origin, or actual or perceived sexual orientation, age, gender, gender identity or expression, or disability as defined by Ohio R.C. 3304.11(A) of another person or group of persons.

(b) Whoever violates subsection (a) hereof is guilty of intimidation. A violation of intimidation under subsection (a) is an offense of the next higher degree than the offense the commission of which is a necessary element of intimidation. In case of an offense that is a misdemeanor of the first degree, whoever violates this section may be prosecuted under Ohio R.C. 2927.12.

Section 5. 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 6. This ordinance is found to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City for the reasons set forth in the preamble, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

ORDINANCE NO. 2-16

BY:

AN ORDINANCE to amend various sections within Chapter 1329, Signs, of the Codified Ordinances of the City of Lakewood and other sign-related sections in order to update the code.

WHEREAS, in July 2015 the U.S. Supreme Court issued a decision in *Reed v. Gilbert*; and

WHEREAS, the Court for the first time has ruled that a sign code which categorically regulates signage and that requires the content of the sign to be read to determine the category of sign as content-based regulation and, therefore, unconstitutional under the First Amendment; and

WHEREAS, Lakewood's current sign code may fall within this prohibited regulation on speech as interpreted by the U.S. Supreme Court in the *Reed* case; and

WHEREAS, updates are required to insure that Lakewood maintains reasonable regulations of signage within the community without violating First Amendment rights; and

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

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Chapter 1329, Signs, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

CHAPTER 1329
Signs

1329.01 INTENT.

- (a) Sign regulations, including provisions to control the type, design, size, location, illumination and maintenance thereof, are established in order to achieve, among others, the following purposes:
- (1) To promote attractive and maintain high value residential districts by permitting only nameplates, bulletin boards and signs related to the develop, rental or sale of properties in such districts;
 - (2) To provide reasonable, yet appropriate, conditions for identifying and advertising goods sold or services rendered in business districts by relating the size, type and design of signs to the type and size of establishments;
 - (3) To provide for appropriate signs for the identification and encouragement of industrial development;

- (4) To control the design of signs so that their appearance will be aesthetically harmonious with their surroundings and an overall urban design for the area;
- (5) To eliminate any conflict between advertising (or identification) signs and traffic control signs which would be hazardous to the safety of the
 - (b) In establishing these objectives the City has determined that, clearly articulated regulations and design standards will effectively promote high quality signs that enhance the appearance, function and character of the community. All signs not conforming with the provisions of this chapter are hereby declared a nuisance. It is further declared that the regulations contained in this chapter are the minimum regulation necessary to abate the nuisance and to achieve the purposes of this chapter.

1329.02 ESTABLISHING REGULATIONS.

- (a) Signs shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in this chapter.
- (b) The construction, erection, safety and maintenance of all signs shall be in accordance with the City Building Code. The provisions of this chapter shall not amend or in any way interfere with other codes, rules or regulations governing traffic signs within the City.

1329.03 CLASSIFICATION OF SIGNS.

- (a) "Sign" means any display, figure, painting, drawing, placard, poster or other device visible from, or on, a public way which is designed, intended or used to convey a message, inform or direct attention to a person, institution, organization, activity, place, object or product, but does not include show window or interior displays. It may be a structure or part thereof painted on or attached directly or indirectly to a structure.
- (b) Classification by Functional Type.
 - (1) "Billboard" means a sign which is primarily intended to direct attention to a specific business, product, service, entertainment or any other activity sold, offered or conducted elsewhere than upon the same lot or premises on which the sign is located and which may, subject to the provisions of this chapter, contain noncommercial message.
 - (2) "Bulletin board" means a sign which if primarily intended to advertise the name of the business or establishment, the goods or commodities sold and/or brand names thereof, or services rendered on the lot or premises which the sign is located and which may, subject to the provision of this chapter, contain noncommercial messages. The terms "advertising" and "brand names" distinguish business signs from identification signs.
 - (3) "Business sign" means a sign which is primarily intended to advertise the name of the business establishment, the good or commodities sold and/or brand names thereof, or services rendered on the lot or premises which the sign is located and which may, subject to the provisions this chapter,

contain non-commercial messages. The terms "advertising" and "brand names" distinguish business signs from identification signs.

- (4) "Development sign" means a sign directing attention to the promotion, development or construction of a building or subdivision on the parcel of land on which the sign is located.
- (5) "Directional sign" means a sign indicating the direction to which attention is called either on the lot on which the sign is located or which directs attention to another location.
- (6) "Identification sign" means a sign which is primarily intended to indicate the name, owner, manager and/or address of an existing building or business and which may, subject to the provision of this chapter, contain noncommercial messages.
- (7) "Informational sign" means a sign which is primarily intended to give general information to the public concerning the location of places for lodging, vehicle service, time, weather, historic sites, areas of natural scenic beauty or outdoor recreation facilities and similar information and which may, subject to the provision of this chapter, contain noncommercial messages.
- (8) "Nameplate" means a sign indicating the name, address or profession of the person or persons occupying the lot or part of a building.
- (9) "Real estate sign" means a sign directing attention to the promotion, development, construction, rental, sale or lease of property on which it is located.
- (10) "Temporary sign" means a sign of any type to announce special events or sales, to announce the sale, lease or rental of property and designed to be used for a period of time up to sixty days, but not to include a bulletin board.
- (11) "Changeable copy sign" means a sign or any portion thereof where the message or graphics is not permanently affixed to the structure, framing or background and may be periodically replaced or covered over, manually or by electronic mechanical devices.
- (12) "Mural sign" means a sign painted or applied to an exterior wall of a buildings and used for primary business identification purposes and does not contain any other advertising of products or services.
- (13) "Pennant sign" means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string usually in a series, designed to move in the wind.
- (14) "Lighter-than-Air sign" means a sign that is either expanded to its full dimensions, or supported by gasses contained within the sign, or sign parts, at pressure greater than atmospheric pressure.
- (15) "Streamer or Wind sign" means any sign designed to move in the wind that is not specifically a pennant or lighter-than-air sign.

(16) "Electronic Reader Board sign" means a Sign designed to display a message or graphics electronically produced.

(c) Classification by Structural Type.

(1) "Canopy sign" means a sign attached to the underside of the canopy at a ninety degree angle to the street, intended for pedestrian visibility.

(2) "Ground sign" means a freestanding sign which has a supporting base designed as an integral part of the sign and resting totally or primarily on the ground.

"Off-Premises sign" means any sign that is not located on the property to which it is associated, or located on a property without the consent of the owner of the property.

(3) "Pole sign" means a sign that is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic there under.

(4) "Portable sign" means a sign that is designed to be portable and is not permanently attached to any part of a building.

(5) "Projecting sign" means a sign erected on the outside wall of a building and which projects out at an angle there from.

(6) "Roof sign" means a sign erected upon and completely over the roof of any building.

(7) "Wall sign" means a sign integral with the exterior face of an exterior wall of a building, or attached to the wall or parallel with the wall and projecting not more than twelve inches there from.

(8) "Window sign" means a sign painted, attached or affixed to the interior surface of windows or doors of a building or are affixed inside the building within 24" of the interior window surface and visible from the public right of way.

(9) "Awning sign" means a sign painted, attached, embossed or affixed to a fixed or retractable awning.

(10) "Mural signs" means a sign painted on or applied to an exterior wall surface of the of a building.

1329.04 MEASUREMENT STANDARDS.

The size of signs is regulated in this chapter by relating the gross area of signs to the building or use of a lot, or the size of the building unit to which the sign is accessory.

(a) The gross area of signs for a building or use shall include all permanent surfaces visible from a public way and shall be measured for all signs except projecting or pole signs as follows:

(1) The area of the surface, or surfaces of an opaque or translucent panel used or intended for displaying a message; plus

- (2) The area within the smallest rectangle enclosing a sign composed of letters or characters which are individually attached to a building wall or other structural element not designed as a panel; plus
- (3) The area of permanent window and door signs.
- (b) Whenever the gross area of the signs are related to the size of the building or lot: the frontage of a building shall be the width of the façade of the building, business, office, or industrial unit which faces the principal street, or the façade containing the main entrance of a business office, or industrial building.
- (c) Buildings or lots having frontage on a second street or a secondary entrance to a parking area may be permitted additional signs along such secondary streets which shall, however, not exceed twenty-five percent (25%) of the area of the signs permitted along the main facades.
- (d) Projecting or Pole Signs. The area of any double or multi-faced sign shall have only one face, the largest one should the faces differ in size, counted in calculating the area of the sign, and the measurable area shall be the entire area within a single, continuous perimeter composed of square or rectangles which enclose the extreme limits of the advertising message.
- (e) Mural signs. Shall not exceed 100 square feet in area.

1329.05 DESIGN STANDARDS.

Signs, as permitted in all use districts, shall be designed to be compatible in character and style with regard to materials, color and size of the building, other signs designed or located on the same building, and other signs adjoining buildings in order to produce an overall unified effect, and in accordance with the standards set forth in this section. Signs shall be reviewed with respect to each of the provisions of this section and shall require approval by the Board of Building Standards.

- (a) Continuity. Signs shall be considered in relationship to their surrounding environment and, if seen in series, should have a continuity of design.
- (b) Style and Color. The style of a sign shall be generally consistent throughout the particular building or block involved; the color of signs shall be a component of the color of the building façade and the total number of colors on a sign shall be limited to four unless otherwise permitted by the Board of Building standards.
- (c) Lettering. The lettering on a sign shall be large enough to be easily read, but not overly large or out of scale with the building upon which it is placed. An excessive amount of information on signs, where visual clutter could create a potential safety hazard to motorists or pedestrians, shall not be permitted.
- (d) Materials. Signs shall be fabricated on and of materials which are of good quality, good durability and complementary to the building of which they become a part. When noncombustible outdoor signs or display structures are required by this chapter, all parts including the supporting structures shall be of noncombustible material; provided, however, that wood,

approved plaster, or other material not more than combustible than wood or approved plastic shall be permitted in the following locations:

- (1) For small ornamental moldings, caps, nailing strips, individual letters, symbols, figures and insignia.
- (2) On the face of a sign, provided that the aggregate area of such facing for any sign shall not exceed 100 square feet.
- (e) Structural Design. Any graphic, other sign structure, marquee, canopy or awning as defined in this chapter, shall be designed and constructed to withstand a wind pressure of not less than thirty pounds per square foot of net surface area, allowing for wind from any direction, and shall be constructed to withstand loads as required in the American Standards Association Standard A60.1, as amended and as provided herein. Signs shall not be attached to parapets.
- (f) Canopy Signs. A canopy sign is a sign attached to the underside of the canopy at a ninety degree angle to the street, intended for pedestrian visibility. The vertical dimension of the sign shall not exceed twelve inches and the lowest structural member shall be not less than eight feet above sidewalk grade. The location, design, and installation of canopies are subject to the approval of the Board of Building Standards.
- (g) Ground Signs. Shall not extend higher than ten feet above the finished grade. Permanent ground signs shall not be located within the required front and side yards unless approved by the Board of Building Standards. The base of ground sign shall be required to have landscaping as approved by the Board of Building Standards.
- (h) Mural Signs. May be permitted in the C1, C2 and C3 Districts only in cases where innovative design is demonstrated subject to review and approval by the Board of Building Standards.
- (i) Pole Sign. Existing pole signs may be refaced as long as the cabinet, pole or structure is not modified in anyway. Any such modification other than refacing the cabinet requires removal of the pole sign.
- (j) Projection Signs. May be permitted in the C1, C2, C3, MUOD Districts only in cases where innovative design is demonstrated and where no potential safety hazard to motorists or pedestrians is created. Projecting signs shall not project any further than twenty-four inches from a vertical line projected from the curb. No sign projecting over public property shall swing from any bar, crane, swing or other sign.
- (k) Wall or Panel Signs. Shall not Project more than twelve inches from the building wall to which it is attached and shall be set back from the end of the building and party wall lines for a distance of at least eighteen inches and shall not project beyond any corner or above the coping or eaves of any building.
- (l) Vertical Clearance. The lowest member for all signs which project or are supported on posts shall be not less than eight feet above the finished grade of a sidewalk or any other pedestrian way; and, if located over a pavement used for vehicular traffic or within twenty-four inches of the vertical

projection of the edge of such pavement, the lowest member of the signs shall be not less than sixteen feet above the finished pavement.

- (m) Relation to Traffic Devices. Signs shall not be erected so as to obstruct sight lines along any public way, traffic control lights, street name signs at intersections, or street sight lines or signals at railroad grade crossings. Signs visible from the sight lines along a street shall not contain an arrow or words such as "stop", "go", "slow", etc., and the movement, content, coloring or manner of illumination shall not exceed twelve inches.
- (n) Awning Signs. One awning sign shall be permitted. The total area of one face of the sign shall not exceed six square feet and the vertical dimension of the sign shall not exceed twelve inches. The location, design, and installation of awnings are subject to the approval of the Board of Building Standards.
- (o) Changeable Copy Signs/Electronic Reader Boards. Shall comply with all other regulations of this chapter including the design standards in this section, and the provisions for application for permits in Section 1329.12.

When reviewing the proposed sign, the Board of Building Standards shall consider and establish the standards applicable for the changeable copy which may include, but are not limited to: determining the portion of the sign permitted for changeable copy; determining the suitable material and method for making changes and the manner for fastening the new copy; and establishing the color and design criteria. Electronic reader board signs cannot flash, blink, scroll or strobe and are permitted to change copy once per hour. These standards shall be set forth in the sign permit and shall apply for the life of the sign unless otherwise amended by the Board according to Section 1329.12.

- (q) Comprehensive Sign Plan. As part of a comprehensive rehabilitation or redevelopment of a commercially zoned site or building, the Board of Building Standards may approve special sign standards for a property as follows:
 - (1) The proposed sign program applies to all current and future building tenants and standardized the location, size and type of all wall, door and window signs.
 - (2) The proposed sign program is requires high quality materials, innovative design and uses little or no internally illuminated signage.
 - (3) The Board may increase the amount of signage permitted for the property, provided the condition of 1 and 2 above are met, and permit more than the standard square footage allowed per sign without requiring variances for each sign.
 - (4) The proposed sign program approvals assigns the sign criteria for the property all tenants must confirm to those requirements at all times.

1329.06 ILLUMINATION OF SIGNS.

- (a) Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to

cause glare hazardous to pedestrians or motorists or so as to cause reasonable objection from adjacent residential districts.

- (b) All signs in commercial, industrial, and residential districts may be illuminated. Parking lots and automotive sales lots shall be illuminated in accordance with the provisions of this section.
- (c) Flashing or moving illumination shall not be permitted in any district within the City.

1329.07 SIGNS: RESIDENTIAL DISTRICTS.

Accessory signs shall be permitted in the R-1L, R-1M, R-1H, L and R-2 Districts pursuant to the regulations of the Planning and Zoning Code, Chapters 1121, 1123, 1125 and 1127 or the same as shall be amended from time to time.

1329.08 SIGNS: APARTMENT ML AND MH DISTRICTS.

Accessory signs in Apartment ML and MH Districts shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with these regulations. The types of signs permitted as to use, structure, size and number for each building or lot shall be regulated as follows:

- (a) Bulletin Boards. One bulletin board not exceeding twenty square feet in area or five feet in height may be located on the premises of a public, charitable or religious institution but not less than fifteen feet from a street right-of-way line; indirect illumination shall be permitted.
- (b) Development Signs. One development sign not exceeding fifty square feet in area and ten feet in height shall be permitted on the lot which a building is under construction. Signs shall be removed on the issuance of a final occupancy permit or one year after the permit is issued, whichever date occurs first.
- (c) Directional Signs. Two directional signs each not exceeding two square feet in area shall be permitted on any building or lot, but not less than five feet from any lot or street right-of-way line.
- (d) Identification Signs. One wall or ground identification sign not exceeding eight square feet shall be permitted, provided the wall sign is located on the street side of a multiple family building and provided any ground sign located in front of the setback line has received approval from the Board of Building Standards.
- (e) Real Estate Signs. One temporary double face freestanding or wall sign advertising the sale, lease or rental of the premises or part of the premises on which the signs are displayed, not exceeding five square feet in area, shall be permitted for each lot.
- (f) Canopy Signs. One canopy sign shall be permitted. The total area of one face of the sign shall not exceed five square feet and the vertical dimension of the sign shall not exceed twelve inches and the lowest structural member shall not be less than eight feet from the sidewalk grade.

- (g) Awning Signs. One awning sign shall be permitted. The total area of one face of the sign shall not exceed six square feet and the vertical dimension of the sign shall not exceed twelve inches.
- (h) Billboard and Portable and Roof Signs. Billboards, portable signs and roof signs shall not be permitted in the ML and MH zoning districts unless permitted by specific provisions of this chapter.

1329.09 SIGNS: COMMERCIAL, OFFICE C1; COMMERCIAL, RETAIL C2; COMMERCIAL GENERAL BUSINESS C3 DISTRICTS; COMMERCIAL, PUBLIC SCHOOL C4.

Accessory signs in the Commercial, Office C1; Commercial, Retail C2; General Business C3 Districts be designed, erected, altered, moved and maintained, in whole or in part, in accordance with these regulations.

- (a) Functional Types Permitted. Business signs, changeable copy signs, development signs of a temporary nature, directional signs, electronic reader board signs, identification signs, informational signs, nameplates, political signs, real estate signs, temporary signs, mural and bulletin boards on the lots of public or semipublic institutions.
- (b) Structural Types Permitted. Awning, canopy, ground, wall, mural, window signs. Projecting signs may be permitted if approved by the Board of Building Standards.
- (c) Maximum Area and Number Permitted.
- (1) Maximum sign face area. The maximum sign face area of all permanent signs permitted for each separate use occupying a building or unit of a building shall be related to the frontage of the building or unit thereof, as determined by the following formula:

Maximum sign face area = (W x 1.5) square feet, except that the total in all cases shall not exceed 120 square feet.

The elements of such formula being defined as follows:

“Maximum sign face area” means the total area of one surface of a permanent sign as defined in Section 1329.04 (a).

“W” means the frontage of a building as defined in Section 1329.04(b).

- (2) Bulletin boards. One bulletin board not exceeding thirty square feet in area or eight feet in height may be located on the premises of a public charitable, or religious institution, but not less than fifteen feet from a street right-of-way line; indirect illumination shall be permitted.
- (3) Canopy signs. A sign attached to the underside of the canopy at a ninety degree angle to the street, intended for pedestrian visibility. The total area of one face of the sign does not exceed five square feet, the vertical dimension of the sign does not exceed twelve inches, and the lowest structural member is not less than eight feet above the sidewalk grade.
- (4) Development signs. One temporary development sign not exceeding fifty square feet in area and ten feet in height shall be permitted on the lot upon

which a building is under construction. Signs shall be removed on the issuance of a final occupancy permit or one year after the period is issued, whichever date occurs first.

- (5) Directional signs. Two directional signs each not exceeding two square feet in area shall be permitted on any building or lot, but not less than five feet from any lot or street right-of-way line.
 - (6) Ground signs. One ground sign not to exceed forty square feet in area and the top of the sign shall not exceed ten feet in height above the sidewalk grade.
 - (7) Informational signs. One informational ground sign not exceeding six square feet in sign face area may be permitted on any lot, but not less than five feet from any lot or street right-of-way line.
 - (8) Nameplates. One nameplate, not exceeding one square foot in area for each store or office unit in the building, but not exceeding a total of eight nameplates per building, shall be permitted.
 - (9) Real estate signs. One temporary double face freestanding or wall sign advertising the sale, lease or rental of the premises or part of the premises on which the signs are displayed, not exceeding five square feet, shall be permitted.
 - (10) Projecting signs. May be permitted in cases where innovative design is demonstrated and where no potential safety hazard to motorists or pedestrians is created, subject to review and approval by the Board of Building Standards.
 - (11) Awning signs. One awning sign shall be permitted. The total area of one face of the sign shall not exceed six square feet and the vertical dimension of the sign shall not exceed twelve inches.
 - (12) Window signs. All window signage including business identification, merchandise signs, temporary signs shall be equal to or less than 15% of the total storefront window area square footage.
- (d) Supplementary Area and Location Standards.
- (1) Side and rear entrances. In cases where the office or business building has an entrance from the side street of a corner lot or has a back entrance from a parking lot open to the public, additional sign area equal to twenty-five percent (25%) of that permitted on the front of the building may be used over such entrance.
 - (2) Shopping center identification signs. In addition to the sign face area permitted for each individual establishment, one shopping center sign identifying the name and/or logo of a unified shopping area in the C1, C2, C3 Districts may be permitted, subject to review and approval by the Board of Building Standards. Shopping center signs shall not exceed forty square feet in area and may be either a ground or pole signs, subject to the regulations governing such sign.

- (3) Vacant lots. Each vacant lot is permitted a maximum sign area of fifty square feet, limited to a ground sign which shall be located no closer to any street than the required building setback line.
- (4) One sign per building face. Notwithstanding the provision of this section, each business shall be permitted a maximum of one sign on any single building face for the building, or the portion of the building, in which the business is located; provided that this limitation shall not apply to directional signs, nameplates or real estate signs, or to a second noncommercial sign which shall not exceed five square feet
- (e) Portable Signs, Roof Signs, Billboards, Pole Signs, Streamers, Pennants, Lighter-Than-Air-Objects, Off-Premises and Wind Signs. Portable signs, roof signs, billboards, pole signs, streamers, pennants, lighter-than-air objects, off-premises and wind signs, shall not be permitted in the C1, C2, C3 zoning districts unless permitted by specific provisions of this chapter.
- (f) Regulations for Billboards.
 - (1) Existing Billboards may be retained, but only the sign area may be modified. Any change to the structure, frame or support are not permitted. If such a change is necessary, the billboard must be removed and cannot be replaced.

1329.10 SIGNS: INDUSTRIAL I DISTRICT.

Accessory signs in the Industrial I District shall be designed, erected, altered, moved and maintained in whole or in part, in accordance with these regulations. The requirements of the Industrial District shall be the same as the requirements of the C1, C2 and C3 Districts specified in Section 1329.09, except as otherwise stated herein.

- (a) Functional Types Permitted. Development signs of a temporary nature, directional signs, identification signs and real estate signs.
- (b) Structural Types Permitted. Ground, pole and wall signs.
- (c) Maximum Sign Face Area. The maximum sign face area of all permanent signs permitted for each separate use occupying a building or unit of a building shall be related to the frontage of the building or unit thereof, as determined by the following formula:

Maximum sign face area = W x 3 square feet, except that the total in all cases shall not exceed 100 square feet.

The elements of such formula being defined as follows:

“Maximum sign face area” means the total area of one surface of a permanent sign as defined in Section 1329.04(a).

“W” means the frontage of a building as defined in Section 1329.04(b).

- (d) Portable Signs, Roof Signs, Billboards, Pole Signs, Streamers, Pennants, Lighter-Than-Air Objects and Wind Signs. Portable signs, roof signs, billboards, pole signs streamers, pennants, lighter-than-air objects and wind

signs shall not be permitted in the I Zoning districts unless permitted by specific provisions of this chapter.

- (e) Vacant Lots; Signs Permitted. Each vacant lot is permitted a maximum sign area of fifty square feet, limited to a ground sign which shall be located no closer to any street than the required building setback line.

1329.11 SIGN SCHEDULES.

Schedule A

**CITY OF LAKEWOOD
PERMITTED NUMBER, SIGN AREA AND FUNCTIONAL TYPES
BY ZONING DISTRICT**

| | 1329.07 ⁽¹⁾ Residential | 1329.08 ⁽²⁾ Apartment | 1329.09 ⁽³⁾ Commercial | 1329.10 ⁽⁴⁾ Industrial | Height Limit | Setback from ROW | Additional Req. |
|-----------------------------|---------------------------------------|-------------------------------------|--------------------------------------|--------------------------------------|------------------------|---------------------|--|
| Permanent Sign Area (total) | | | (W x 1.5) | (W x 3) | | | 120 sq. ft. max |
| Awning | | (1) 6 sq. ft. | (1) 6 sq. ft. | | | | |
| Billboard | | | (1) 40 sq. ft. | (1) 40 sq. ft. | 16 feet | 50 feet | See Sections 1329.09(f) and 1329.10(f) |
| Bulletin Board | See Zoning Code | (1) 20 sq. ft. | (1) 30 sq. ft. | | 5-8 feet | 15 feet* | |
| Business | | | Formula above | | Below roof | Bldg. face | See sign area formula |
| Canopy | | (1) 5 sq. ft. | (1) 5 sq. ft. | | | | |
| Development | | (1) 50 sq. ft. | (1) 50 sq. ft. | (1) 50 sq. ft. | 10 feet | 15 feet* | Must be temporary |
| Directional | | (2) 2 sq. ft. | (2) 2 sq. ft. | (2) 2 sq. ft. | | 5 feet* | |
| Identification | | (1) 8 sq. ft. | Formula above | Formula above | 10'- grnd 15'- pole | Bldg. face | |
| Informational | | | (1) 6 sq. ft. | | | 5 feet* | |
| Nameplate | See Zoning Code | | (1) 1 per unit | | | Bldg. face* | 8 max in C1, C2, C3 districts |
| Real Estate | See Zoning Code | (1) 5 sq. ft. | (1) 5 sq. ft. | (1) 5 sq. ft. | | 10 feet* | Must be temporary |
| Side Street | | | 25% of front | | Below roof | Bldg. face | |
| Shopping Center | | | (1) 40 sq. ft. | | 10'- grnd 16'- pole | 15 feet* | Special approval. Identification only. |

*Ground and pole signs shall not be located within required front and side yards unless approved by the Board of Building Standards. (Ord. 25-96. Passed 10-7-96.)

- (1) – Residential (R-1L, R-1M, R-1H, R2, Lagoon)
 (2) – Apartment (ML, MH)
 (3) – Commercial (C1, C2, C3, C4)
 (4) – Industrial (I)

Schedule B

**CITY OF LAKEWOOD
PERMITTED STRUCTURAL SIGN TYPES**

**BY FUNCTIONAL TYPES
STRUCTURAL TYPES**

| | Canopy | Ground | Pole | Portable** | Projecting | Roof** | Wall | Window |
|-----------------|--------|--------|------|------------|------------|--------|------|--------|
| Billboard | | | | | | | X | |
| Bulletin Board | | X | | | | X | | |
| Business | X | | | | See note* | | X | X |
| Development | | X | | | | | | |
| Directional | | X | | | | | X | |
| Identification | X | X | X | | See note* | | X | X |
| Informational | | X | | | | | | |
| Nameplate | X | X | | | See note* | | X | X |
| Real Estate | | X | | | | | X | X |
| Side Street | | | | | See note* | | X | |
| Temporary | | | | | | | X | X |
| Shopping Center | | X | X | | | | | |

*Projecting signs require special approval by the Board of Building Standards.
 **Roof signs and portable signs are not permitted in any district.
 (Ord. 52-85. Passed 9-3-85.)

1329.12 APPLICATION FOR PERMITS.

Application for permits to erect, place, paint, illuminate or alter a sign shall be made by the owner or owner's agent of the property for which a sign is proposed. The application shall be submitted on forms furnished by the City and shall be made either separately or with the application for a building permit. The fee for a sign permit shall be established by separate ordinance.

- (a) In all use districts, a sign permit shall be required for all permanent signs which exceed three square feet in area.
- (b) A description of the application procedure and graphic illustration of required information is outlined in the City of Lakewood "Sign Review" handbook. Each application shall be accompanied by drawings to scale and photographs, showing the following:
 - (1) The design and layout proposed, including the total area of signs, the size, height, character, materials, colors and type of lettering or other symbols.
 - (2) Photographs or drawings of the building for which the signs are proposed and photographs of surrounding buildings, signs and uses.
 - (3) The number and types of lamps and lens material to be used in any illuminated signs.
 - (4) The exact location of the sign in relation to the building and property.

- (5) Details and specifications for construction, erection and attachment as may be required by the Building Code.
- (c) A sign permit is applicable only to the specific sign for which it is granted. Once a sign permit is granted, no temporary or permanent signs shall be attached or added to the given sign.
- (d) All signs shall be approved by the Board of Building Standards. However, the Building Commissioner is authorized to issue canopy, wall, window and awning signs, as defined in Section 1329.03(c)(1), (7), (8) and (9), without additional Board approval, for any structure that has been previously reviewed by the Board of Building Standards / Architectural Board of Review, where a building standard for uniform signage has been established for two or more retail, mercantile or other business occupancies and where the new signage is in conformity with the general plan for the building and complies with all other applicable sections of this chapter.
- (e) The Building Commissioner may issue permits for temporary signs, as defined in Section 1329.03(b)(10), not to exceed four permits to an applicant relative to a specific sign per twelve-month period.
- (f) The repainting of existing signs the same color, size and message shall be considered maintenance, and no permit shall be required.

1329.13 MAINTENANCE AND REMOVAL OF SIGNS.

All signs, canopies and awnings shall be kept and maintained in good repair to preserve safe, clean and orderly condition and appearance.

Signs which no longer serve the purpose for which they were intended, or which have been abandoned or are not maintained in accordance with this chapter and other applicable regulations of the City shall be removed by the latest permit holder or by the City at the expense of such permit holder.

Whenever the removal or maintenance of any sign has been ordered by the Building Commissioner, the person, firm or corporation who erected such sign or on whose premises such sign or display structure has been erected, affixed or attached shall remove or maintain such sign within forty-eight hours after receiving such notice. In the event of noncompliance, the Commissioner may remove or cause to be removed or maintain such sign at the expense of the person, firm or corporation who erected such sign or on whose premises it was erected, affixed or attached; each such person, firm or corporation shall be individually and separately liable for the expense incurred in the removal of such sign.

1329.14 GENERAL CONDITIONS AND MATERIALS.

- (a) Allowable Stress. All materials used in structural elements of outdoor signs or display structures, and the allowable stresses for such materials, shall be in conformity with the applicable provisions of this chapter. The allowable stresses in chains, cables and guy rods and their fastenings shall not exceed one-fourth their ultimate strength.
- (b) Noncombustible Signs. When noncombustible outdoor signs or display structures are required by this chapter, all parts including the supporting structure shall be of noncombustible material; provided, however, that

wood, approved plastic or other material not more combustible than wood or approved plastic shall be permitted in the following locations:

- (1) For small ornamental moldings, caps, nailing strips, individual letters, symbols, figures and insignia;
 - (2) On the face of a sign, provided that the aggregate area of such facing for any sign shall not exceed 100 square feet or for a group of signs shall not exceed 200 square feet; and
 - (3) For posts, braces and latticing on ground signs whose total height is not more than twenty feet above grade level and when specifically approved by the Building Official.
- (c) Combustible Signs. No material more flammable or combustible than wood or approved plastic shall be used in any permitted combustible sign. No combustible sign shall be illuminated by other than the reflector method of electric lighting and all parts of reflectors shall be of noncombustible material.
- (d) Tests for Approved Combustible Plastics. Approved combustible plastic is any plastic material more than 0.050 inch thick which when tested for flammability in sheets 0.060 inch thick in accordance with ASTM D 635 does not burn at a rate exceeding two and one-half inches per minute.
- (e) Use of Approved Combustible Plastics. Approved combustible plastics shall not be used in positions where they shall be subject to temperatures in excess of 140° F unless they have been approved for higher temperatures by the Board of Building Standards.
- (f) Glass in Projecting Signs. Glass in projecting signs shall be used only to such extent and in such manner that no hazard shall be created thereby, and then only if specifically approved by the Building Official.
- (g) Attachment of Projecting Signs.
- (1) Materials. All anchorage, chains, cables or rods supporting or bracing projecting signs shall be of a noncorrosive material or protected in a manner acceptable to the Building Official. The dead load and the loads due to wind pressure shall be supported by structural shapes, chains, cables, or guy rods. Lateral supports shall be spaced not more than eight feet apart. Turnbuckles or other approved means of adjustment shall be placed in all chains, cables or rods supporting or bracing projecting signs.
 - (2) Method. Complete information regarding the proposed method of support and attachment or projecting signs shall be submitted with the application for the permit. No staples or nails shall be used to secure any projecting sign to any building or other structure. No part of a projecting sign shall be supported from an unbraced parapet wall.

1329.15 NONCONFORMING SIGNS.

A sign which is nonconforming on the effective date of this chapter which does not conform with the regulations of this or a subsequent amendment, shall be deemed a nonconformity.

- (a) Statement Purpose. The purpose of this chapter, in addition to providing specific standards for the design, construction and erection of every new graphic, sign, marquee, canopy and awning is to cause every graphic or other sign in violation of any provision of this chapter to be removed, altered or replaced so as to conform with the provisions of this chapter.
- (b) Authority to Continue Existing Nonconformities. Any permanent graphic, sign, marquee, canopy or awning, as defined in Section 1329.03, other than a temporary sign, which is deemed to be a nonconformity, which was erected pursuant to a City permit and in place on the effective date of this chapter, and which remains or becomes a nonconformity upon the adoption of this chapter or any subsequent amendment thereto, may be continued only in accordance with the following regulations:
- (1) Repairs. Ordinary repairs and nonstructural alterations may be made to a nonconforming sign. No structural alterations shall be made in, to or upon such nonconforming sign, except those required by law to make the sign conform to the regulations of this chapter.
- (2) Additions and enlargements. A nonconforming sign shall not be added to or enlarged in any manner, except to make the sign conform to the regulation of this chapter.
- (3) Moving. No nonconforming sign shall be moved in whole or in part to any other location unless such sign, and the use thereof, is made to conform to all regulations of this chapter.
- (4) Restoration of damaged nonconforming signs. A nonconforming sign which is destroyed or damaged by fire or other cause to the extent that the cost of restoration will exceed sixty percent (60%) of the original cost of such sign, shall not be restored unless it is made to conform to all the regulations of this chapter, or any subsequent amendment thereto. In the event that such damage or destruction is less than sixty percent (60%) of the original cost of such sign, no repairs or construction shall be made unless such restoration is started within six months from the date of the partial destruction and is diligently pursued to completion.
- (5) Discontinuance of use of nonconforming signs. A nonconforming sign, the use of which is discontinued for a period of thirty days, shall thereafter conform to the regulations of this chapter.
- (6) Change of use of nonconforming signs. Where the business, use or identity associated with the nonconforming sign at the time of the adoption of this chapter, thereafter terminates or changes, such termination or change of use shall require termination of the nonconforming sign, and the use of such sign shall thereafter conform to the regulations of this chapter.
- (7) Conformance date. All graphics, signs, marquees, canopies and awnings rendered nonconforming by the provisions of this chapter and permitted to continue shall be removed, altered or remodeled to conform to the provisions of this chapter no later than January 1, 1985.
- (8) When a structure and/or use is nonconforming and the signage restrictions for the district in which it is located would cause hardship, the regulations of the district most compatible with the current and/or proposed use shall be used.

- (c) Any sign, graphic or numeral display embossed, etched, engraved or otherwise an integral part of the original building's masonry architecture which was in existence prior to the effective date of this subsection (c) may be continued provided such sign, graphic or numeral display is maintained as originally designed and intended.

1329.16 APPEAL PROCEDURE.

A variance from the strict application of the provisions of this chapter may be granted by the Board of Building Standards in regard to an existing nonconforming sign or a new sign to be installed, erected, constructed or painted, if the Board finds that requiring strict compliance with the provisions of this chapter may impose an undue hardship and that the granting of the variance from the provisions of this chapter will not depreciate or damage neighboring property, will not create a safety hazard and will not be contrary to the purposes of this chapter. The procedure for applying for variance and the hearing therein shall be the same as in cases involving zoning variances.

1329.99 PENALTY.

Any person, firm or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars (\$200.00) for each offense. Each day that a sign is erected or maintained in violation of this chapter shall constitute a separate offense.

shall be and is hereby amended to read as follows:

CHAPTER 1329

Signs

1329.01 INTENT.

- (a) Sign regulations, ~~which including provisions to control the type, design, size, location, illumination and maintenance thereof, are established in order to achieve, among others, the following purposes:~~
- (1) ~~To provide reasonable, yet appropriate, conditions for identifying and advertising goods sold or services rendered within the City by relating the size, type and design of signs to the type and size of establishments; to promote attractive and maintain high value residential districts by permitting only nameplates, bulletin boards and signs related to the develop, rental or sale of properties in such districts;~~
 - (2) ~~To provide reasonable, yet appropriate, conditions for identifying and advertising goods sold or services rendered in business districts by relating the size, type and design of signs to the type and size of establishments;~~
 - (3) ~~To provide for appropriate signs for the identification and encouragement of industrial development;~~
 - (42) To control the design of signs so that their appearance will be aesthetically harmonious with their surroundings and an overall urban design for the area;
 - (53) Promote pedestrian and traffic safety by minimizing sign hazards and obstructions;

- (4) ~~To promote attractive and maintain high value residential districts. To eliminate any conflict between advertising (or identification) signs and traffic control signs which would be hazardous to the safety of the motoring public or pedestrian.~~
- (b) In establishing these objectives the City has determined that, clearly articulated regulations and design standards will effectively promote high quality signs that enhance the appearance, function and character of the community. All signs not conforming with the provisions of this chapter are hereby declared a nuisance. It is further declared that the regulations contained in this chapter are the minimum regulation necessary to abate the nuisance and to achieve the purposes of this chapter.

1329.02 ESTABLISHING REGULATIONS.

- (a) ~~Signs shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in this chapter.~~
- (b) The construction, erection, safety and maintenance of all signs shall be in accordance with the City Building Code. The provisions of this chapter shall not amend or in any way interfere with other codes, rules or regulations governing traffic signs within the City.

1329.03 CLASSIFICATION OF SIGNS.

- (a) "Sign" means any display, figure, painting, drawing, placard, poster or other device visible from, or on, a public way which is designed, intended or used to convey a message, inform or direct attention to a person, institution, organization, activity, place, object or product, but does not include show window or interior displays. It may be a structure or part thereof painted on or attached directly or indirectly to a structure.
- (b) Classification by Functional Type.
- (1) ~~"Billboard" means a large sign or flat surface which is primarily intended to convey a message, to direct attention to a specific business, product, service, entertainment or any other activity sold, offered or conducted elsewhere than upon the same lot or premises on which the sign is located and which may, subject to the provisions of this chapter, contain noncommercial message.~~
- (2) ~~"Bulletin board" means a sign which if primarily intended to advertise the name of the business or establishment, the goods or commodities sold and/or brand names thereof, or services rendered on the lot or premises which the sign is located and which may, subject to the provision of this chapter, contain noncommercial messages. The terms "advertising" and "brand names" distinguish business signs from identification signs.~~
- (3) ~~"Business sign" means a sign which is primarily intended to advertise the name of the business establishment, the good or commodities sold and/or brand names thereof, or services rendered on the lot or premises which the sign is located and which may, subject to the provisions this chapter, contain non-commercial messages. The terms "advertising" and "brand names" distinguish business signs from identification signs.~~
- (4) ~~"Development sign" means a sign directing attention to the promotion, development or construction of a building or subdivision on the parcel of land on which the sign is located.~~

- (5) ~~“Directional sign” means a sign indicating the direction to which attention is called either on the lot on which the sign is located or which directs attention to another location.~~
- (6) ~~“Identification sign” means a sign which is primarily intended to indicate the name, owner, manager and/or address of an existing building or business and which may, subject to the provision of this chapter, contain noncommercial messages.~~
- (7) ~~“Informational sign” means a sign which is primarily intended to give general information to the public concerning the location of places for lodging, vehicle service, time, weather, historic sites, areas of natural scenic beauty or outdoor recreation facilities and similar information and which may, subject to the provision of this chapter, contain noncommercial messages.~~
- (8) ~~“Nameplate” means a sign indicating the name, address or profession of the person or persons occupying the lot or part of a building.~~
- (9) ~~“Real estate sign” means a sign directing attention to the promotion, development, construction, rental, sale or lease of property on which it is located.~~
- (124) “Changeable copy sign” means a sign or any portion thereof where the message or graphics is not permanently affixed to the structure, framing or background and may be periodically replaced or covered over, manually or by electronic mechanical devices.
- (123) “Mural sign” means a sign painted or applied to an exterior wall surface of a buildings and used for primary business identification purposes and does not contain any other advertising of products or services.
- (134) “Pennant sign” means any lightweight plastic, fabric, or other material, ~~whether or not containing a message of any kind,~~ suspended from a rope, wire, or string usually in a series, designed to move in the wind.
- (145) “Lighter-than-Air sign” means a sign that is either expanded to its full dimensions, or supported by gasses contained within the sign, or sign parts, at pressure greater than atmospheric pressure.
- (156) “Streamer or Wind sign” means any sign designed to move in the wind that is not specifically a pennant or lighter-than-air sign.
- (167) “Electronic Reader Board sign” means a Sign-sign designed to display a message or graphics electronically produced.
- (c) Classification by Structural Type.
- (1) “Canopy sign” means a sign attached to the underside of the canopy at a ninety degree angle to the street, intended for pedestrian visibility.
- (2) “Ground sign” means a freestanding sign which has a supporting base designed as an integral part of the sign and resting totally or primarily on the ground.
- (3) ~~“Off-Premises sign” means any sign~~ any sign that is not located on the ~~property to property to~~ which it is associated, or located on a property without the consent of the owner of the property.

- (43) "Pole sign" means a sign that is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic there under.
- (54) "Portable sign" means a sign that is designed to be portable and is not permanently attached to any part of a building.
- (65) "Projecting sign" means a sign erected on the outside wall of a building and which projects out at an angle there from.
- (76) "Roof sign" means a sign erected upon and completely over the roof of any building.
- (87) "Wall sign" means a sign integral with the exterior face of an exterior wall of a building, or attached to the wall or parallel with the wall and projecting not more than twelve inches there from.
- (98) "A-Frame" means a self-supporting, portable sign with one or two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured and designed to be placed upon a private sidewalk, plaza or other area where pedestrians walk or gather.
- (10) "~~Temporary sign" means a sign of any type to announce special events or sales, to announce the sale, lease or rental of property and designed to be used for a period of time up to sixty days, but not to include a bulletin board, in which the construction material and support structure is not intended for permanent installation.~~"
- (118) "Window sign" means a sign painted, attached or affixed to the interior surface of windows or doors of a building or are affixed inside the building within 24" of the interior window surface and visible from the public right of way.
- (912) "Awning sign" means a sign painted, attached, embossed or affixed to a fixed or retractable awning.
- (10) "~~Mural signs" means a sign painted on or applied to an exterior wall surface of the of a building.~~"

1329.04 MEASUREMENT STANDARDS.

The size of signs is regulated in this chapter by relating the gross area of signs to the building or use of a lot, or the size of the building unit to which the sign is accessory.

- (a) The gross area of signs for a building or use shall include all permanent surfaces visible from a public way and shall be measured for all signs except projecting or pole signs as follows:
- (1) The area of the surface, or surfaces of an opaque or translucent panel used or intended for displaying a message; plus
 - (2) The area within the smallest rectangle enclosing a sign composed of letters or characters which are individually attached to a building wall or other structural element not designed as a panel; plus
 - (3) The area of permanent window and door signs.

- (b) Whenever the gross area of the signs are related to the size of the building or lot: the frontage of a building shall be the width of the façade of the building, business, office, or industrial unit which faces the principal street, or the façade containing the main entrance of a business office, or industrial building.
- (c) Buildings or lots having frontage on a second street or a secondary entrance to a parking area may be permitted additional signs along such secondary streets which shall, however, not exceed twenty-five percent (25%) of the area of the signs permitted along the main facades.
- (d) Projecting or Pole Signs. The area of any double or multi-faced sign shall have only one face, the largest one should the faces differ in size, counted in calculating the area of the sign, and the measurable area shall be the entire area within a single, continuous perimeter composed of square or rectangles which enclose the extreme limits of the advertising message.
- (e) Mural signs. ~~Shall Mural signs shall~~ not exceed 100 square feet in area.

1329.05 DESIGN STANDARDS.

Signs, as permitted in all use districts, shall be designed to be compatible in character and style with regard to materials, color and size of the building, other signs designed or located on the same building, and other signs adjoining buildings in order to produce an overall unified effect, and in accordance with the standards set forth in this section. Signs shall be reviewed with respect to each of the provisions of this section and shall require approval by the Board of Building Standards.

- (a) Continuity. Signs shall be considered in relationship to their surrounding environment and, if seen in series, should have a continuity of design.
- (b) Style and Color. The style of a sign shall be generally consistent throughout the particular building or block involved; the color of signs shall be a component of the color of the building façade and the total number of colors on a sign shall be limited to four unless otherwise permitted by the Board of Building standards.
- (c) Lettering. The lettering on a sign shall be large enough to be easily read, but not overly large or out of scale with the building upon which it is placed. An excessive amount of information on signs, where visual clutter could create a potential safety hazard to motorists or pedestrians, shall not be permitted.
- (d) Materials. Signs shall be fabricated on and of materials which are of good ~~good~~ high quality, good-high durability and complementary to the building of which they become a part. When noncombustible outdoor signs or display structures are required by this chapter, all parts including the supporting structures shall be of noncombustible material; provided, however, that wood, approved plaster, or other material not more than combustible than wood or approved plastic shall be permitted in the following locations:
 - (1) For small ornamental moldings, caps, nailing strips, individual letters, symbols, figures and insignia.

- (2) On the face of a sign, provided that the aggregate area of such facing for any sign shall not exceed 100 square feet.
- (e) Structural Design. Any graphic, other sign structure, marquee, canopy or awning as defined in this chapter, shall be designed and constructed to withstand a wind pressure of not less than thirty pounds per square foot of net surface area, allowing for wind from any direction, and shall be constructed to withstand loads as required in the American Standards Association Standard A60.1, as amended and as provided herein. Signs shall not be attached to parapets.
- (f) Canopy Signs. A canopy sign is a sign attached to the underside of the canopy at a ninety degree angle to the street, intended for pedestrian visibility. The vertical dimension of the sign shall not exceed twelve inches and the lowest structural member shall be not less than eight feet above sidewalk grade. The location, design, and installation of canopies are subject to the approval of the Board of Building Standards.
- (g) Ground Signs. Shall not extend higher than ten feet above the finished grade. ~~Permanent-g~~Ground signs shall not be located within the required front and side yards unless approved by the Board of Building Standards. The base of ground sign shall be required to have landscaping as approved by the Board of Building Standards.
- (h) Mural Signs. May be permitted in the C1, C2 and C3 Districts only in cases where innovative design is demonstrated subject to review and approval by the Board of Building Standards.
- (i) Pole Sign. Existing pole signs may be refaced as long as the cabinet, pole or structure is not modified in anyway. Any such modification other than refacing the cabinet requires removal of the pole sign.
- (j) Projection Signs. May be permitted in the C1, C2,C3, MUOD Districts only in cases where innovative design is demonstrated and where no potential safety hazard to motorists or pedestrians is created.. Projecting signs shall not project any further than twenty-four inches from a vertical line projected from the curb. No sign projecting over public property shall swing from any bar, crane, swing or other sign, unless approved by the Board of Building Standards.
- (k) Wall or Panel Signs. Shall not Project more than twelve inches from the building wall to which it is attached and shall be set back from the end of the building and party wall lines for a distance of at least eighteen inches and shall not project beyond any corner or above the coping or eaves of any building.
- (l) Vertical Clearance. The lowest member for all signs which project or are supported on posts shall be not less than eight feet above the finished grade of a sidewalk or any other pedestrian way; and, if located over a pavement used for vehicular traffic or within twenty-four inches of the vertical projection of the edge of such pavement, the lowest member of the signs shall be not less than sixteen feet above the finished pavement.
- (m) Relation to Traffic Devices. Signs shall not be erected so as to obstruct sight lines along any public way, traffic control lights, street name signs at intersections, or street sight lines or signals at railroad grade crossings.

Signs visible from the sight lines along a street shall not contain an arrow or words such as "stop", "go", "slow", etc., and the movement, content, coloring or manner of illumination shall not exceed twelve inches.

- (n) Awning Signs. ~~One awning sign shall be permitted.~~ The total area of one face of the sign shall not exceed six square feet and the vertical dimension of the sign shall not exceed twelve inches. The location, design, and installation of awnings are subject to the approval of the Board of Building Standards.
- (o) Changeable Copy Signs. Shall comply with all other regulations of this chapter including the design standards in this section, and the provisions for application for permits in Section 1329.12.

When reviewing the proposed sign, the Board of Building Standards shall consider and establish the standards applicable for the changeable copy which may include, but are not limited to: determining the portion of the sign permitted for changeable copy; determining the suitable material and method for making changes and the manner for fastening the new copy; and establishing the color and design criteria. Changeable copy shall be text only and of a single color. Changeable copy signs may be digital for the purposes of displaying price, time, and/or temperature. The digital copy may not flash or change other than to reflect a change in status.

- (p) Electronic Reader Boards. Shall only be permitted as a part of Comprehensive Sign Plan as defined in 1329.06(q). Shall comply with all other regulations of this chapter including the design standards in this section, and the provisions for application for permits in Section 1329.12. When reviewing the proposed sign, the Board of Building Standards shall consider and establish the standards applicable for the electronic reader boards which may include, but are not limited to: determining the portion of the sign permitted for electronic reader boards; determining the suitable material and method for making changes and the manner for fastening the new copy; and establishing the color and design criteria. Electronic reader board signs cannot flash, blink, scroll or strobe and are permitted to change copy once per hour. The electronic reader board portion of signage must be a subordinate portion of proposed signage. These standards shall be set forth in the sign permit and shall apply for the life of the sign unless otherwise amended by the Board according to Section 1329.12.
- (q) Comprehensive Sign Plan. As part of a comprehensive rehabilitation or redevelopment of a commercially zoned site or building, the Board of Building Standards may approve special sign standards for a property as follows:
- (1) The proposed sign program applies to all current and future building tenants and standardized the location, size and type of all wall, door and window signs.
 - (2) The proposed sign program ~~is~~ requires high quality materials, innovative design and uses little or no internally illuminated signage.
 - (3) The Board may increase the amount of signage permitted for the property, provided the condition of 1 and 2 above are met, and permit more than the standard square footage allowed per sign without requiring variances for each sign.

- (4) The proposed sign program approvals assigns the sign criteria for the property all tenants must confirm to those requirements at all times.
- (r) A-Frame Signs. All signs shall be professionally manufactured, maintained in good repair, and no attachments to the signs are permitted. Construction of the sign shall be of professional quality and made of durable, weather resistant materials such as wood, steel, aluminum and PVC. Signs shall only be permitted on the public sidewalk in front of the business. Illumination is prohibited.

1329.06 ILLUMINATION OF SIGNS.

- (a) Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists or so as to cause reasonable objection from adjacent residential districts.
- (b) All signs in commercial, industrial, and apartment ML and MH residential districts may be illuminated. ~~Parking lots and automotive sales lots shall be illuminated in accordance with the provisions of this section.~~
- (c) Flashing or moving illumination shall not be permitted in any district within the City.

1329.07 SIGNS: RESIDENTIAL DISTRICTS.

Accessory signs shall be permitted in the R-1L, R-1M, R-1H, L and R-2 Districts pursuant to the regulations of the Planning and Zoning Code, Chapters 1121, 1123, 1125 and 1127 or the same as shall be amended from time to time. Signage shall be in accordance with these regulations.

(a) Maximum Sign Area and Location

- (1) No sign shall exceed six (6) square feet in total area.
- ~~(1)(2)~~ No sign shall be displayed on any utility pole, or in any tree lawn or public right-of-way.

(b) Exemptions

- (1) This section does not apply to churches or schools existing as non-conforming uses in R1L, R1H, L, R2, ML, or MH Districts. Chapter 1329 of the Building Code shall govern signs on such premises.
- (2) Flags and signage with a total area that does not exceed one (1) square foot.

(c) Other Regulations

The Director of Public Works may remove any sign(s) posted on any utility pole, or in any tree lawn or public right-of-way. The Director of Public Works may determine the cost of removal and assess such costs to the person(s), business, organization, or entity that posted the sign(s).

1329.08 SIGNS: APARTMENT ML AND MH DISTRICTS.

Accessory signs in Apartment ML and MH Districts shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with these regulations. The types of signs permitted as to use, structure, size and number for each building or lot shall be regulated as follows:

- (a) ~~Bulletin Boards.~~ One bulletin board not exceeding twenty square feet in area or five feet in height may be located on the premises of a public, charitable or religious institution but not less than fifteen feet from a street right-of-way line; indirect illumination shall be permitted.
- (b) ~~Development Signs.~~ One development sign not exceeding fifty square feet in area and ten feet in height shall be permitted on the lot which a building is under construction. Signs shall be removed on the issuance of a final occupancy permit or one year after the permit is issued, whichever date occurs first.
- (c) ~~Directional Signs.~~ Two directional signs each not exceeding two square feet in area shall be permitted on any building or lot, but not less than five feet from any lot or street right-of-way line.
- (d) ~~Identification Signs.~~ One wall or ground identification sign not exceeding eight square feet shall be permitted, provided the wall sign is located on the street side of a multiple family building and provided any ground sign located in front of the setback line has received approval from the Board of Building Standards.
- (e) ~~Real Estate Signs.~~ One temporary double face freestanding or wall sign advertising the sale, lease or rental of the premises or part of the premises on which the signs are displayed, not exceeding five square feet in area, shall be permitted for each lot.
- (fa) ~~Canopy Signs.~~ One canopy sign shall be permitted. The total area of one face of the sign shall not exceed five square feet and the vertical dimension of the sign shall not exceed twelve inches and the lowest structural member shall not be less than eight feet from the sidewalk grade.
- (gb) ~~Awning Signs.~~ One awning sign shall be permitted. The total area of one face of the sign shall not exceed six square feet and the vertical dimension of the sign shall not exceed twelve inches.
- (hc) ~~Billboard and Portable and Roof Signs.~~ Billboards, portable signs and roof signs shall not be permitted in the ML and MH zoning districts unless permitted by specific provisions of this chapter.
- (d) Ground signs. One ground sign not to exceed forty square feet in area and the top of the sign shall not exceed ten feet in height above the sidewalk grade.

1329.09 SIGNS: COMMERCIAL, OFFICE C1; COMMERCIAL, RETAIL C2; COMMERCIAL GENERAL BUSINESS C3 DISTRICTS; COMMERCIAL, PUBLIC SCHOOL C4.

Accessory signs in the Commercial, Office C1; Commercial, Retail C2; General Business C3 Districts be designed, erected, altered, moved and maintained, in whole or in part, in accordance with these regulations.

- (a) Functional Types Permitted. ~~Business signs, changeable~~ Changeable copy signs, ~~development signs of a temporary nature, directional signs, electronic reader board signs, identification signs, informational signs, nameplates, political signs, real estate signs, temporary signs, and mural and signs.~~ bulletin boards on the lots of public or semipublic institutions.

(b) Structural Types Permitted. Awning, canopy, ground, wall, mural, A-Frame and window signs. Projecting signs may be permitted if approved by the Board of Building Standards.

(c) Maximum Area and Number Permitted.

(1) Maximum sign face area. The maximum sign face area of all permanent signs permitted signage for each separate use occupying a building or unit of a building shall be related to the frontage of the building or unit thereof, as determined by the following formula:

Maximum sign face area = (W x 1.5) square feet, except that the total in all cases shall not exceed 420-100 square feet.

The elements of such formula being defined as follows:

“Maximum sign face area” means the total area of one surface of a permanent sign as defined in Section 1329.04 (a).

“W” means the frontage of a building as defined in Section 1329.04(b).

- (2) ~~Bulletin boards.~~ One bulletin board not exceeding thirty square feet in area or eight feet in height may be located on the premises of a public charitable, or religious institution, but not less than fifteen feet from a street right-of-way line; indirect illumination shall be permitted.
- (3) Canopy signs. A sign attached to the underside of the canopy at a ninety degree angle to the street, intended for pedestrian visibility. The total area of one face of the sign does not exceed five square feet, the vertical dimension of the sign does not exceed twelve inches, and the lowest structural member is not less than eight feet above the sidewalk grade.
- (4) ~~Development signs.~~ One temporary development sign not exceeding fifty square feet in area and ten feet in height shall be permitted on the lot upon which a building is under construction. Signs shall be removed on the issuance of a final occupancy permit or one year after the period is issued, whichever date occurs first.
- (5) Directional signs. Two directional signs each not exceeding two square feet in area shall be permitted on any building or lot, but not less than five feet from any lot or street right-of-way line.
- (6) Ground signs. One ground sign not to exceed forty square feet in area and the top of the sign shall not exceed ten feet in height above the sidewalk grade.
- (7) ~~Informational signs.~~ One informational ground sign not exceeding six square feet in sign face area may be permitted on any lot, but not less than five feet from any lot or street right-of-way line.
- (8) Nameplates. One nameplate, not exceeding one square foot in area for each store or office unit in the building, but not exceeding a total of eight nameplates per building, shall be permitted.
- (9) ~~Real estate signs.~~ One temporary double face freestanding or wall sign advertising the sale, lease or rental of the premises or part of the premises on which the signs are displayed, not exceeding five square feet, shall be permitted.
- (10) Projecting signs. May be permitted in cases where innovative design is demonstrated and where no potential safety hazard to motorists or

pedestrians is created, subject to review and approval by the Board of Building Standards.

(415) Awning signs. ~~One awning sign shall be permitted.~~—The total area of one face of the sign shall not exceed six square feet and the vertical dimension of the sign shall not exceed twelve inches.

(426) Window signs. All window signage including business identification, merchandise signs, temporary signs shall be equal to or less than 15% of the total storefront window area square footage.

(437) A-Frame signs. Only one sign per business shall be permitted. Signs must maintain a minimum of five (5) feet of unobstructed sidewalk between the outer edge of the sign and the edge of pavement/curb/building. Signs shall not block or interfere with ADA accessibility nor restrict pedestrian movement. The maximum size of an A-frame sign is 32 inches wide and 36 inches tall. All signs shall be removed from display when the business closes each day.

(d) Supplementary Area and Location Standards.

(1) Side and rear entrances. In cases where the office or business building has an entrance from the side street of a corner lot or has a back entrance from a parking lot open to the public, additional sign area equal to twenty-five percent (25%) of that permitted on the front of the building may be used over such entrance.

(2) ~~Shopping center identification-Multiple tenant signs.~~ In addition to the sign face area permitted for each individual establishment, one ~~shopping center~~multi-tenant sign identifying the name and/or logo of a unified ~~shopping area~~commercial building/center in the C1, C2, C3 Districts may be permitted, subject to review and approval by the Board of Building Standards. ~~Shopping center-Multi-tenant~~ signs shall not exceed forty square feet in area and may be either a ground, wall-or pole-mural signs, subject to the regulations governing such sign.

(3) Vacant lots. Each vacant lot is permitted a maximum sign area of fifty square feet, limited to a ground sign which shall be located no closer to any street than the required building setback line.

(4) One sign per building face. Notwithstanding the provision of this section, each business shall be permitted a maximum of one sign on any single building face for the building, or the portion of the building, in which the business is located; ~~provided that this limitation shall not apply to directional signs, nameplates or real estate signs, or to a second noncommercial sign which shall not exceed five square feet.~~

(e) Portable Signs, Roof Signs, Billboards, Pole Signs, Streamers, Pennants, Lighter-Than-Air-Objects, Off-Premises and Wind Signs. Portable signs, roof signs, billboards, pole signs, streamers, pennants, lighter-than-air objects, off-premises and wind signs, shall not be permitted in the C1, C2, C3 zoning districts unless permitted by specific provisions of this chapter.

(f) Regulations for Billboards.

- (1) Existing Billboards may be retained, but only the sign area may be modified. Any change to the structure, frame or support are not permitted. If such a change is necessary, the billboard must be removed and cannot be replaced.

1329.10 SIGNS: INDUSTRIAL I DISTRICT.

Accessory signs in the Industrial I District shall be designed, erected, altered, moved and maintained in whole or in part, in accordance with these regulations. The requirements of the Industrial District shall be the same as the requirements of the C1, C2 and C3 Districts specified in Section 1329.09, except as otherwise stated herein.

- (a) ~~Functional Types Permitted.~~ Development signs of a temporary nature, directional signs, identification signs and real estate signs.
 (ba) Structural Types Permitted. Ground, pole and wall signs.
 (eb) Maximum Sign Face Area. The maximum sign face area of all permanent signs permitted for each signage for each separate use occupying a building or unit of a building shall be related to the frontage of the building or unit thereof, as determined by the following formula:

$$\text{Maximum sign face area} = W \times 3 \text{ square feet, except that the total in all cases shall not exceed 100 square feet.}$$

The elements of such formula being defined as follows:

“Maximum sign face area” means the total area of one surface of a permanent sign as defined in Section 1329.04(a).

“W” means the frontage of a building as defined in Section 1329.04(b).

- (dc) Portable Signs, Roof Signs, Billboards, Pole Signs, Streamers, Pennants, Lighter-Than-Air Objects and Wind Signs. Portable signs, roof signs, billboards, pole signs streamers, pennants, lighter-than-air objects and wind signs shall not be permitted in the I Zoning districts unless permitted by specific provisions of this chapter.
 (ed) Vacant Lots; Signs Permitted. Each vacant lot is permitted a maximum sign area of fifty square feet, limited to a ground sign which shall be located no closer to any street than the required building setback line.

1329.11 SIGN SCHEDULES.

Schedule A

**CITY OF LAKEWOOD
 PERMITTED NUMBER, SIGN AREA AND FUNCTIONAL TYPES
 BY ZONING DISTRICT**

| | 1329.07 ⁽¹⁾ Residential | 1329.08 ⁽²⁾ Apartment | 1329.09 ⁽³⁾ Commercial | 1329.10 ⁽⁴⁾ Industrial | Height Limit | Setback from ROW | Additional Req. |
|--|---------------------------------------|-------------------------------------|--------------------------------------|--------------------------------------|-----------------|---------------------|-----------------------------------|
| <u>Permanent Permitted Sign Area (total)</u> | | | (W x 1.5) | (W x 3) | | | 120 100 sq. ft. max |

| | | | | | | | |
|------------------------------------|-----------------|----------------|----------------|----------------|----------------------|-------------|--|
| Awning | | (1) 6 sq. ft. | (1) 6 sq. ft. | | | | |
| Billboard | | | (1) 40 sq. ft. | (1) 40 sq. ft. | 16 feet | 50 feet | See Sections 1329.09(f) and 1329.10(f) |
| Bulletin Board | See Zoning Code | (1) 20 sq. ft. | (1) 30 sq. ft. | | 5-8 feet | 15 feet* | |
| Business | | | Formula above | | Below roof | Bldg. face | See sign area formula |
| Canopy | | (1) 5 sq. ft. | (1) 5 sq. ft. | | | | |
| Development | | (1) 50 sq. ft. | (1) 50 sq. ft. | (1) 50 sq. ft. | 10 feet | 15 feet* | Must be temporary |
| Directional | | (2) 2 sq. ft. | (2) 2 sq. ft. | (2) 2 sq. ft. | | 5 feet* | |
| Identification | | (1) 8 sq. ft. | Formula above | Formula above | 10'-grnd 15'-pole | Bldg. face | |
| Informational | | | (1) 6 sq. ft. | | | 5 feet* | |
| Nameplate | See Zoning Code | | (1) 1 per unit | | | Bldg. face* | 8 max in C1, C2, C3 districts |
| Real Estate | See Zoning Code | (1) 5 sq. ft. | (1) 5 sq. ft. | (1) 5 sq. ft. | | 10 feet* | Must be temporary |
| Side Street | | | 25% of front | | Below roof | Bldg. face | |
| Shopping Center/Multi-Tenant Signs | | | (1) 40 sq. ft. | | 10'-grnd 16'-pole | 15 feet* | Special approval. Identification only. |

*Ground and pole signs shall not be located within required front and side yards unless approved by the Board of Building Standards.

- (1) - Residential (R-1L, R-1M, R-1H, R2, Lagoon)
(2) - Apartment (ML, MH)
(3) - Commercial (C1, C2, C3, C4)
(4) - Industrial (I)

Schedule B

CITY OF LAKEWOOD PERMITTED STRUCTURAL SIGN TYPES BY FUNCTIONAL TYPES STRUCTURAL TYPES

| | Canopy | Ground | Pole | Portable** | Projecting | Roof** | Wall | Window |
|----------------|--------|--------|------|------------|-----------------------|--------|------|--------|
| Billboard | | | | | | | X | |
| Bulletin Board | | X | | | | X | | |
| Business | X | | | | See note ^a | | X | X |
| Development | | X | | | | | | |
| Directional | | X | | | | | X | |
| Identification | X | X | X | | See note ^a | | X | X |
| Informational | | X | | | | | | |

| | | | | | | | | |
|------------------------------------|---|---|---|--|-----------|--|---|---|
| Nameplate | X | X | | | See note* | | X | X |
| Real Estate | | X | | | | | X | X |
| Side Street | | | | | See note* | | X | |
| Temporary | | | | | | | X | X |
| Shopping Center/Multi-Tenant Signs | | X | X | | | | | |

*Projecting signs require special approval by the Board of Building Standards.
 **Roof signs and portable signs are not permitted in any district.

1329.12 APPLICATION FOR PERMITS.

Application for permits to erect, place, paint, illuminate or alter a sign shall be made by the owner or owner's agent of the property for which a sign is proposed. The application shall be submitted on forms furnished by the City and shall be made either separately or with the application for a building permit. The fee for a sign permit shall be established by separate ordinance.

- (a) In all use districts, a sign permit shall be required for all permanent signs which exceed three square feet in area.
- (b) A description of the application procedure and graphic illustration of required information is outlined in the City of Lakewood sign guidelines or similar adopted guidelines"Sign Review"-handbook. Each application shall be accompanied by drawings to scale and photographs, showing the following:
 - (1) The design and layout proposed, including the total area of signs, the size, height, character, materials, colors and type of lettering or other symbols.
 - (2) Photographs or drawings of the building for which the signs are proposed and photographs of surrounding buildings, signs and uses.
 - (3) The number and types of lamps and lens material to be used in any illuminated signs.
 - (4) The exact location of the sign in relation to the building and property.
 - (5) Details and specifications for construction, erection and attachment as may be required by the Building Code.
- (c) A sign permit is applicable only to the specific sign for which it is granted. Once a sign permit is granted, no temporary or permanent signs shall be attached or added to the given sign.
- (d) All signs shall be approved by the Board of Building Standards. However, the Building Commissioner is authorized to issue canopy, wall, window and awning signs, as defined in Section 1329.03(c)(1), (7), (8) and (9), without additional Board approval, for any structure that has been previously reviewed by the Board of Building Standards / Architectural Board of Review, where a building standard for uniform signage has been established for two or more retail, mercantile or other business occupancies

and where the new signage is in conformity with the general plan for the building and complies with all other applicable sections of this chapter.

- (e) The Building Commissioner may issue permits for temporary signs, as defined in Section 1329.03(b)(10), not to exceed four permits to an applicant relative to a specific sign per twelve-month period.
- (f) The repainting of existing signs the same color, size and message shall be considered maintenance, and no permit shall be required.

1329.13 MAINTENANCE AND REMOVAL OF SIGNS.

All signs, canopies and awnings shall be kept and maintained in good repair to preserve safe, clean and orderly condition and appearance.

Signs which no longer serve the purpose for which they were intended, or which have been abandoned or are not maintained in accordance with this chapter and other applicable regulations of the City shall be removed by the latest permit holder or by the City at the expense of such permit holder.

Whenever the removal or maintenance of any sign has been ordered by the Building Commissioner, the person, firm or corporation who erected such sign or on whose premises such sign or display structure has been erected, affixed or attached shall remove or maintain such sign within forty-eight hours after receiving such notice. In the event of noncompliance, the Commissioner may remove or cause to be removed or maintain such sign at the expense of the person, firm or corporation who erected such sign or on whose premises it was erected, affixed or attached; each such person, firm or corporation shall be individually and separately liable for the expense incurred in the removal of such sign.

1329.14 GENERAL CONDITIONS AND MATERIALS.

- (a) Allowable Stress. All materials used in structural elements of outdoor signs or display structures, and the allowable stresses for such materials, shall be in conformity with the applicable provisions of this chapter. The allowable stresses in chains, cables and guy rods and their fastenings shall not exceed one-fourth their ultimate strength.
- (b) Noncombustible Signs. When noncombustible outdoor signs or display structures are required by this chapter, all parts including the supporting structure shall be of noncombustible material; provided, however, that wood, approved plastic or other material not more combustible than wood or approved plastic shall be permitted in the following locations:
 - (1) For small ornamental moldings, caps, nailing strips, individual letters, symbols, figures and insignia;
 - (2) On the face of a sign, provided that the aggregate area of such facing for any sign shall not exceed 100 square feet or for a group of signs shall not exceed 200 square feet; and
 - (3) For posts, braces and latticing on ground signs whose total height is not more than twenty feet above grade level and when specifically approved by the Building Official.

- (c) Combustible Signs. No material more flammable or combustible than wood or approved plastic shall be used in any permitted combustible sign. No combustible sign shall be illuminated by other than the reflector method of electric lighting and all parts of reflectors shall be of noncombustible material.
- (d) Tests for Approved Combustible Plastics. Approved combustible plastic is any plastic material more than 0.050 inch thick which when tested for flammability in sheets 0.060 inch thick in accordance with ASTM D 635 does not burn at a rate exceeding two and one-half inches per minute.
- (e) Use of Approved Combustible Plastics. Approved combustible plastics shall not be used in positions where they shall be subject to temperatures in excess of 140° F unless they have been approved for higher temperatures by the Board of Building Standards.
- (f) Glass in Projecting Signs. Glass in projecting signs shall be used only to such extent and in such manner that no hazard shall be created thereby, and then only if specifically approved by the Building Official.
- (g) Attachment of Projecting Signs.
 - (1) Materials. All anchorage, chains, cables or rods supporting or bracing projecting signs shall be of a noncorrosive material or protected in a manner acceptable to the Building Official. The dead load and the loads due to wind pressure shall be supported by structural shapes, chains, cables, or guy rods. Lateral supports shall be spaced not more than eight feet apart. Turnbuckles or other approved means of adjustment shall be placed in all chains, cables or rods supporting or bracing projecting signs.
 - (2) Method. Complete information regarding the proposed method of support and attachment or projecting signs shall be submitted with the application for the permit. No staples or nails shall be used to secure any projecting sign to any building or other structure. No part of a projecting sign shall be supported from an unbraced parapet wall.

1329.15 NONCONFORMING SIGNS.

A sign which is nonconforming on the effective date of this chapter which does not conform with the regulations of this or a subsequent amendment, shall be deemed a nonconformity.

- (a) Statement Purpose. The purpose of this chapter, in addition to providing specific standards for the design, construction and erection of every new graphic, sign, marquee, canopy and awning is to cause every graphic or other sign in violation of any provision of this chapter to be removed, altered or replaced so as to conform with the provisions of this chapter.
- (b) Authority to Continue Existing Nonconformities. Any permanent graphic, sign, marquee, canopy or awning, as defined in Section 1329.03, other than a temporary sign, which is deemed to be a nonconformity, which was erected pursuant to a City permit and in place on the effective date of this chapter, and which remains or becomes a nonconformity upon the adoption of this chapter or any subsequent amendment thereto, may be continued only in accordance with the following regulations:

- (1) Repairs. Ordinary repairs and nonstructural alterations may be made to a nonconforming sign. No structural alterations shall be made in, to or upon such nonconforming sign, except those required by law to make the sign conform to the regulations of this chapter.
- (2) Additions and enlargements. A nonconforming sign shall not be added to or enlarged in any manner, except to make the sign conform to the regulation of this chapter.
- (3) Moving. No nonconforming sign shall be moved in whole or in part to any other location unless such sign, and the use thereof, is made to conform to all regulations of this chapter.
- (4) Restoration of damaged nonconforming signs. A nonconforming sign which is destroyed or damaged by fire or other cause to the extent that the cost of restoration will exceed sixty percent (60%) of the original cost of such sign, shall not be restored unless it is made to conform to all the regulations of this chapter, or any subsequent amendment thereto. In the event that such damage or destruction is less than sixty percent (60%) of the original cost of such sign, no repairs or construction shall be made unless such restoration is started within six months from the date of the partial destruction and is diligently pursued to completion.
- (5) Discontinuance of use of nonconforming signs. A nonconforming sign, the use of which is discontinued for a period of thirty days, shall thereafter conform to the regulations of this chapter.
- (6) Change of use of nonconforming signs. Where the business, use or identity associated with the nonconforming sign at the time of the adoption of this chapter, thereafter terminates or changes, such termination or change of use shall require termination of the nonconforming sign, and the use of such sign shall thereafter conform to the regulations of this chapter.
- (7) Conformance date. All graphics, signs, marquees, canopies and awnings rendered nonconforming by the provisions of this chapter and permitted to continue shall be removed, altered or remodeled to conform to the provisions of this chapter no later than January 1, 1985.
- (8) When a structure and/or use is nonconforming and the signage restrictions for the district in which it is located would cause hardship, the regulations of the district most compatible with the current and/or proposed use shall be used.
- (c) Any sign, graphic or numeral display embossed, etched, engraved or otherwise an integral part of the original building's masonry architecture which was in existence prior to the effective date of this subsection (c) may be continued provided such sign, graphic or numeral display is maintained as originally designed and intended.

1329.16 WIRELESS TELECOMMUNICATION FACILITIES.

Signs incidental to wireless telecommunication facilities are regulated by Sections 1159.05(i)(2) and 1159.05(j).

1329.46-17 APPEAL PROCEDURE.

A variance from the strict application of the provisions of this chapter may be granted by the Board of Building Standards in regard to an existing nonconforming sign or a new sign to be installed, erected, constructed or painted, if the Board finds that requiring strict compliance with the provisions of this chapter may impose an undue hardship and that the granting of the variance from the provisions of this chapter will not depreciate or damage neighboring property, will not create a safety hazard and will not be contrary to the purposes of this chapter. The procedure for applying for variance and the hearing therein shall be the same as in cases involving zoning variances.

1329.99 PENALTY.

Any person, firm or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars (\$200.00) for each offense. Each day that a sign is erected or maintained in violation of this chapter shall constitute a separate offense.

Section 2. Chapter 1151, Signs in Residential Districts, currently reading as follows:

1151.01 DEFINITIONS.

As used in this Section, "sign" means any display, figure, painting, drawing, placard, poster, or other device visible from or on a public way, which is designed, intended, or used to convey a message, inform, or direct attention to a person, institution, organization, activity, place, object, or product. "Sign" does not include flags, personal name plates or family names with a total area of one (1) square foot or less mounted on a decorative light pole or the dwelling, holiday decorations or displays, or premises information signs (e.g.: security systems, "beware of dog," "keep off the grass," block watch, etc.) with a total area of one (1) square foot or less. The sign may be a structure or part thereof, or painted on or attached directly or indirectly to a structure.

1151.02 REGULATIONS.

- (a) Commercial signs shall not be permitted in R1L, R1M, R1H, L, R2, ML, or MH Districts except where authorized elsewhere by these Ordinances; with the exception that a single, double-sided real estate sign not exceeding five (5) square feet of area per side advertising the property on which it is located for sale or rent shall be permitted.
- (b) Non-commercial signs shall be permitted in R1L, R1M, R1H, L, R2, ML, or MH Districts, subject to the following regulations:
 - (1) No sign shall exceed six (6) square feet in total area.
 - (2) No sign shall be displayed on any utility pole, or in any tree lawn or public right-of-way.
 - A. The Director of Public Works may remove any sign(s) posted on any utility pole, or in any tree lawn or public right-of-way.
 - B. The Director of Public Works may determine the cost of removal and assess such costs to the person(s), business, organization, or entity that posted the sign(s).

1151.03 EXEMPTIONS.

This chapter does not apply to churches or schools existing as non-conforming uses in R1L, R1H, L, R2, ML, or MH Districts. Chapter 1329 of the Building Code shall govern signs on such premises.

1151.04 WIRELESS TELECOMMUNICATION FACILITIES.

As regulated by Sections 1159.05(i)(2) and 1159.05(j).

shall be and hereby is repealed.

Section 3. Section 541.08, Billposting, currently reading as follows:

541.08 BILLPOSTING.

- (a) No person shall affix any advertisement, poster, sign, handbill, garland, placard or object of any kind or description upon any telegraph, telephone, railway, electric light pole, street sign or other permanent fixture in the streets or alleys within the City, or place or affix in any manner any advertisement, poster, sign, handbill, garland, placard or object of any kind or description, upon any voting booth, public building or sidewalk, or within the street lines of the City, or over which the City, or Council thereof has the care, custody or control, unless and until such person first obtains a permit from the Director of Public Safety.

Application for such permit shall be made to the Director of Public Safety upon forms prepared by him and shall set forth:

- (1) The name and address of the applicant.
- (2) The period of time that such advertisement, poster, sign, handbill, garland, placard or object of any kind or description is to be displayed.
- (3) The area within which such advertisement, poster, sign, handbill, garland, placard or object of any kind or description shall be attached or displayed.

Each application shall be submitted by the Director of Public Safety to the Chief of Police for his recommendation. The Director of Public Safety may issue a permit for the purposes herein provided, if he shall find that the issuance of such permit does not interfere with the general welfare of the citizens of the City, provided that the applicant shall first have furnished bond or policy of insurance in form and amount satisfactory to the Director of Law, indemnifying and saving harmless the City from any and all liability by reason of or arising out of the issuance of such permit.

No permit shall be issued hereunder unless the applicant agrees thereon that:

- A. No advertisement, poster, handbill, garland, placard or object of any kind or description, other than those set forth in the application, shall be used.

- B. No advertisement, poster, sign, handbill, garland, placard or object of any kind or description shall be so placed as to obstruct or interfere with any sign erected and maintained under requirements of law or ordinance.
- C. No advertisement, poster, sign, handbill, garland, placard or object of any kind or description shall be erected and maintained except in conformity to the permit and to the approval of the Director of Public Safety.
- D. No commercial advertising shall be permitted on any advertisement, poster, sign, handbill, garland, placard or object of any kind or description.
- E. All advertisements, posters, signs, handbills, garlands, placards or objects of any kind or description shall be removed promptly upon expiration of the permit.

The section shall not apply to any advertisement, poster, sign, handbill, garland, placard or object of any kind or description required by the laws of the State, or by the ordinances of this City.

- (b) Whoever violates this section is guilty of a minor misdemeanor.

shall be and is hereby amended to read as follows:

541.08 BILLPOSTING.

- (a) No person shall affix any advertisement, poster, sign, handbill, garland, placard or object of any kind or description upon any telegraph, telephone, railway, electric light pole, street sign or other permanent fixture in the streets or alleys within the City, or place or affix in any manner any advertisement, poster, sign, handbill, garland, placard or object of any kind or description, upon any voting booth, public building or sidewalk, or within the street lines of the City, or over which the City, or Council thereof has the care, custody or control, unless and until such person first obtains a permit from the Director of Public Safety.

...

- (c) The Director of Public Works or any member of the Division of Police may remove any sign(s) posted in violation of this section and may determine the cost of removal and assess such costs to the person(s), business, organization, or entity that posted the sign(s).

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

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR

ORDINANCE NO. 36-15A

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 36-15, adopted December 21, 2015, 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 2016 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law.

WHEREAS, this Council desires to provide the authorization to the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2016 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law, and

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

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1 of Ordinance 36-15, adopted December 21, 2015 currently reading as follows:

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 2016 Budget are as follows:

- 1) Legal Services.....750,000
- 2) Recodification of Ordinances 12,500

| | |
|--|--------------------|
| 3) Financial Audit | 75,000 |
| 4) Hospitalization and Health Care Benefit Consulting Services..... | 45,000 |
| 5) Consultant for Workers Compensation..... | 30,000 |
| 6) Risk Management Consulting Services..... | 13,000 |
| 7) Healthcare, Physicals, Drug & Alcohol Testing..... | 25,000 |
| 8) Employee Assistance Program | 13,000 |
| 9) Supervisor / Manager / Employee Training..... | 125,000 |
| 10) Exams for Classified Positions | 75,000 |
| 11) Housing and Building Plans Examinations..... | 45,000 |
| 12) Lakewood Jail Medical Services | 75,000 |
| 13) Band Concerts..... | 15,000 |
| 14) Municipal Engineering Consultant..... | 60,000 |
| 15) Debt Issuance Costs | 225,000 |
| 16) Forensic Services | 10,000 |
| 17) Long Term Control Plan and Storm Water Professional Services | 100,000 |
| 18) Administrative Professional Services..... | 300,000 |
| Sub-Total | \$1,993,000 |

Services contracts included in the 2016 Budget are as follows:

| | |
|--|-----------|
| 1) Government Agreements (WEB)..... | 105,000 |
| 2) Government Agreements (Bd of Ed/ Pools) | 210,000 |
| 3) Financial Institution Service Charges | 50,000 |
| 4) Electronic Payment Services | 200,000 |
| 5) Property & Liability Insurance Contracts | 450,000 |
| 6) Workers' Comp Stop Loss Insurance | 85,000 |
| 7) Life Insurance | 20,000 |
| 8) Hospitalization and Health Care Benefit Services | 7,000,000 |
| 9) Medical Claims Billing Service..... | 100,000 |
| 10) Sentenced Prisoners Full Jail Service | 300,000 |
| 11) Home Delivered Meals | 45,000 |
| 12) Distribution System Leak Survey | 40,000 |
| 13) Disposal of Screenings and Grit (WWTP) | 15,000 |
| 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 | 95,000 |
| 18) Biosolids Disposal..... | 90,000 |
| 19) Roll-Off Box for Construction Debris | 60,000 |
| 20) Lab Analysis Service | 25,000 |
| 21) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts | 350,000 |
| 22) Communications Services..... | 50,000 |
| 23) Water Meter Program Maintenance..... | 50,000 |
| 24) Telephone Service | 150,000 |
| 25) Cellular Phone Service | 85,000 |
| 26) Laundry Service-Police Department..... | 12,000 |
| 27) HVAC Maintenance | 75,000 |
| 28) Elevator Maintenance | 25,000 |
| 29) Fire Alarm Maintenance..... | 60,000 |
| 30) Copier Maintenance Service..... | 25,000 |
| 31) Postage, Mailing Services, Equipment Lease/Maintenance..... | 250,000 |
| 32) Rental and Laundry of Uniforms | 15,000 |
| 33) Advertising | 30,000 |
| 34) Printing Services..... | 115,000 |
| 35) CRIS/LEADS Fees | 35,000 |
| 36) Parking Citation Billing Service..... | 50,000 |
| 37) Fireworks Display..... | 35,000 |

| | |
|-----------------------------------|---------------------|
| 38) Transportation Services | 35,000 |
| Sub-Total | \$11,387,000 |

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

| | |
|---|---------------------|
| 1) Sand and Aggregate | 30,000 |
| 2) Concrete Supplies | 50,000 |
| 3) Asphalt Materials | 50,000 |
| 4) Asphalt Cold Patch | 25,000 |
| 5) Crack Sealant | 40,000 |
| 6) Road Salt (Sodium Chloride) | 450,000 |
| 7) Fire Hydrants, Sewer and Water Appurtenances | 100,000 |
| 8) Water Meter Supplies & Materials | 150,000 |
| 9) Sign Shop-Supplies, Blanks & Reflective Material | 100,000 |
| 10) Polymer Flocculants | 25,000 |
| 11) Wastewater Treatment Chemicals | 120,000 |
| 12) Tires and Road Service | 80,000 |
| 13) Automotive Repairs, Parts and Supplies | 600,000 |
| 14) Oil and Lubricants | 45,000 |
| 15) Fuel (Gasoline and Diesel) | 500,000 |
| 16) Purchase of Uniforms and Gear | 40,000 |
| 17) Electrical Supplies | 50,000 |
| 18) Hardware Supplies | 35,000 |
| 19) Janitorial Supplies | 45,000 |
| 20) Landscape Materials | 25,000 |
| 21) Lumber Supplies | 90,000 |
| 22) Plumbing Supplies | 40,000 |
| 23) Pool Supplies – Chemicals | 45,000 |
| 24) Small Tools and Equipment | 110,000 |
| 25) Prisoner Food Supplies | 40,000 |
| 26) Purchase Uniforms & Gear – Safety Forces | 60,000 |
| 27) Ammunition | 25,000 |
| 28) Office Supplies | 35,000 |
| 29) Computer Supplies | 10,000 |
| 30) Computer Software | 10,000 |
| 31) Communications Equipment | 75,000 |
| 32) Paper Supplies | 15,000 |
| 33) Lease Copier Equipment | 37,000 |
| 34) Subscriptions/Publications | 35,000 |
| 35) Reforestation | 130,000 |
| 36) Police Operating Equipment | 200,000 |
| 37) Fire/EMS Operating Equipment | 200,000 |
| 38) Waste Water Treatment Plant Operating Equipment | 150,000 |
| Sub-Total | \$3,867,000 |
| Total | \$17,247,500 |

be and hereby is amended to read as follows:

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 2016 Budget are as follows:

| | |
|--|--------------------|
| 1) Legal Services..... | 750,000 |
| 2) Recodification of Ordinances | 12,500 |
| 3) Financial Audit | 75,000 |
| 4) Hospitalization and Health Care Benefit Consulting Services..... | 45,000 |
| 5) Consultant for Workers Compensation..... | 30,000 |
| 6) Risk Management Consulting Services..... | 13,000 |
| 7) Healthcare, Physicals, Drug & Alcohol Testing..... | 25,000 |
| 8) Employee Assistance Program | 13,000 |
| 9) Supervisor / Manager / Employee Training..... | 125,000 |
| 10) Exams for Classified Positions | 75,000 |
| 11) Housing and Building Plans Examinations..... | 45,000 |
| 12) Lakewood Jail Medical Services | 75,000 |
| 13) Band Concerts..... | 15,000 |
| 14) Municipal Engineering Consultant..... | 60,000 |
| 15) Debt Issuance Costs | 225,000 |
| 16) Forensic Services | 10,000 |
| 17) Long Term Control Plan and Storm Water Professional Services | 100,000 |
| 18) Administrative Professional Services..... | 300,000 |
| Sub-Total | \$1,993,000 |

Services contracts included in the 2016 Budget are as follows:

| | |
|--|-----------|
| 1) Government Agreements (WEB)..... | 105,000 |
| 2) Government Agreements (Bd of Ed/Pools) | 210,000 |
| 3) Financial Institution Service Charges | 50,000 |
| 4) Electronic Payment Services | 200,000 |
| 5) Property & Liability Insurance Contracts | 450,000 |
| 6) Workers' Comp Stop Loss Insurance | 85,000 |
| 8) Life Insurance | 20,000 |
| 8) Hospitalization and Health Care Benefit Services..... | 7,000,000 |
| 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 | 40,000 |
| 13) Disposal of Screenings and Grit (WWTP) | 15,000 |
| 14) Excavation Spoils Removal..... | 100,000 |
| 15) Roll of Box for Street Sweeping..... | 50,000 |
| 16) Solid Waste Disposal Site..... | 900,000 |
| 17) Organic Waste Disposal..... | 30,000 |
| 18) Waste Collections – Condominiums | 95,000 |
| 19) Biosolids Disposal | 100,000 |
| 20) Roll-Off Box for Construction Debris | 60,000 |
| 21) Lab Analysis Service | 25,000 |
| 22) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts | 350,000 |
| 23) Communications Services..... | 50,000 |
| 24) Water Meter Program Maintenance..... | 50,000 |
| 25) Telephone Service | 150,000 |
| 26) Cellular Phone Service | 85,000 |
| 27) Laundry Service-Police Department..... | 12,000 |
| 28) HVAC Maintenance | 75,000 |
| 29) Elevator Maintenance | 25,000 |
| 30) Fire Alarm Maintenance | 60,000 |
| 31) Copier Maintenance Service..... | 25,000 |
| 32) Postage, Mailing Services, Equipment Lease/Maintenance..... | 250,000 |
| 33) Rental and Laundry of Uniforms | 15,000 |
| 34) Advertising | 30,000 |
| 35) Printing Services..... | 115,000 |

| | |
|--|---------------------|
| 36) CRIS/LEADS Fees | 35,000 |
| 37) Parking Citation Billing Service | 50,000 |
| 38) Fireworks Display..... | 35,000 |
| 39) Transportation Services | 35,000 |
| Sub-Total | \$11,427,000 |

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

| | |
|---|---------------------|
| 1) Sand and Aggregate..... | 30,000 |
| 2) Concrete Supplies..... | 50,000 |
| 3) Asphalt Materials..... | 50,000 |
| 4) Asphalt Cold Patch..... | 25,000 |
| 5) Crack Sealant..... | 40,000 |
| 6) Road Salt (Sodium Chloride)..... | 450,000 |
| 7) Fire Hydrants, Sewer and Water Appurtenances | 100,000 |
| 8) Water Meter Supplies & Materials | 150,000 |
| 9) Sign Shop-Supplies, Blanks & Reflective Material | 100,000 |
| 10) Polymer Flocculants | 25,000 |
| 11) Wastewater Treatment Chemicals | 120,000 |
| 12) Tires and Road Service..... | 80,000 |
| 13) Automotive Repairs, Parts and Supplies..... | 600,000 |
| 14) Oil and Lubricants | 45,000 |
| 15) Fuel (Gasoline and Diesel) | 500,000 |
| 16) Purchase of Uniforms and Gear..... | 40,000 |
| 17) Electrical Supplies | 50,000 |
| 18) Hardware Supplies..... | 35,000 |
| 19) Janitorial Supplies | 45,000 |
| 20) Landscape Materials | 25,000 |
| 21) Lumber Supplies..... | 90,000 |
| 22) Plumbing Supplies..... | 40,000 |
| 23) Pool Supplies – Chemicals | 45,000 |
| 24) Small Tools and Equipment..... | 110,000 |
| 25) Prisoner Food Supplies..... | 40,000 |
| 26) Purchase Uniforms & Gear – Safety Forces | 60,000 |
| 27) Ammunition..... | 25,000 |
| 28) Office Supplies | 35,000 |
| 29) Computer Supplies | 10,000 |
| 30) Computer Software..... | 10,000 |
| 31) Communications Equipment..... | 75,000 |
| 32) Paper Supplies | 15,000 |
| 33) Lease Copier Equipment..... | 37,000 |
| 34) Subscriptions/Publications..... | 35,000 |
| 35) Reforestation..... | 130,000 |
| 36) Police Operating Equipment..... | 200,000 |
| 37) Fire/EMS Operating Equipment | 200,000 |
| 38) Waste Water Treatment Plant Operating Equipment..... | 150,000 |
| Sub-Total | \$3,867,000 |
| Total | \$17,287,500 |

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

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

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

Adopted: _____

President

Clerk

Approved: _____

Mayor

ORDINANCE NO. 4-16

BY:

AN ORDINANCE amending the Code to provide for the impounding and disposition of certain animals, and establishing related charges.

WHEREAS, Section 505.03 of the Codified Ordinances stands to be amended to permit the impounding and disposition of certain animals abandoned by their owners and to establish related charges; and

WHEREAS, pursuant to the Constitution of the State of Ohio, the Ohio Revised Code and the Second Amended Charter of the City of Lakewood, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality, and to provide for local self-government; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 505.03, Impounding and Disposition; Records, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

505.03 IMPOUNDING AND DISPOSITION; RECORDS.

A police officer or the Animal Control Officer shall impound every dog and the Animal Control Officer shall impound every cat found in violation of Section 505.02.

- (a) If the impounded dog is not wearing a valid registration tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dogs. If the dog is wearing a valid registration tag or the identity of the owner or harbinger is otherwise established, notice shall be given prior to or on the next working day to such owner or harbinger that the dog has been impounded. Notice may be by telephone or by residence service to the last known address of such owner or harbinger. The dog shall not be released except upon the payment of the following charges: for impounding any dog, ten dollars (\$10.00); for giving notice, ten dollars (\$10.00); for keeping any dog, ten dollars (\$10.00) per day. Any dog not redeemed by the regular business day after notice, as herein provided, is given to the owner or harbinger, or the next regular business day following the date it is seized or impounded if the owner or harbinger cannot be found, may be sold or otherwise disposed of as provided in Ohio R.C. 955.16.
- (b) If the impounded cat is wearing an identification tag or the identity of the owner or harbinger is otherwise established, notice shall be given on the next regular business day to such owner or harbinger that the cat has been impounded. Notice may be by telephone or by residence service to the last known address of such owner or harbinger. The cat shall not be released except upon the payment of the following charges: for impounding any cat, ten dollars (\$10.00); for keeping any cat, ten dollars (\$10.00) per day. Any

cat not redeemed by the next regular business day after notice is given to the owner or harbored as provided herein, or the next regular business day following the date such cat is seized or impounded, if the owner or harbored cannot be found, may be sold or otherwise disposed of in a humane manner as shall be determined by the Animal Control Officer or Animal Shelter Coordinator.

- (c) A record of all dogs and cats impounded, the disposition of the same, the owner's name and address, if known, and a statement of any costs or receipts involving such dog or cat shall be kept.

be and is hereby amended to read as follows:

505.03 IMPOUNDING AND DISPOSITION; RECORDS.

A police officer or the Animal Control Officer shall impound every dog and the Animal Control Officer shall impound every cat found in violation of Section 505.02, or shall impound such animals otherwise in accordance with this section.

- (a) If the impounded dog is not wearing a valid registration tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dogs. If the dog is wearing a valid registration tag or the identity of the owner or harbored is otherwise established, notice shall be given prior to or on the next working day to such owner or harbored that the dog has been impounded. Notice may be by telephone or by residence service to the last known address of such owner or harbored. The dog shall not be released except upon the payment of the following charges established by Council: for impounding any dog, ten dollars (\$10.00); for giving notice, ten dollars (\$10.00); for keeping any dog, ten dollars (\$10.00) per day. Any dog not redeemed by the regular business day after notice, as herein provided, is given to the owner or harbored, or the next regular business day following the date it is seized or impounded if the owner or harbored cannot be found, may be sold or otherwise disposed of as provided in Ohio R.C. 955.16.
- (b) If the impounded cat is wearing an identification tag or the identity of the owner or harbored is otherwise established, notice shall be given on the next regular business day to such owner or harbored that the cat has been impounded. Notice may be by telephone or by residence service to the last known address of such owner or harbored. The cat shall not be released except upon the payment of the following charges established by Council: for impounding any cat, ten dollars (\$10.00); for keeping any cat, ten dollars (\$10.00) per day. Any cat not redeemed by the next regular business day after notice is given to the owner or harbored as provided herein, or the next regular business day following the date such cat is seized or impounded, if the owner or harbored cannot be found, may be sold or otherwise disposed of in a humane manner as shall be determined by the Animal Control Officer or Animal Shelter Coordinator.
- (c) In the event an animal is removed from a residence by the City because its owner is incarcerated, evicted, deceased, not found or otherwise unable to care for the animal on a daily basis, the animal may be impounded by an officer charged by law with the custody and disposal of such animals for a period of at least 72 hours, in which period the owner may claim the animal.

The animal shall not be released except upon the payment of charges established by Council. The City shall leave notice at the residence of the impounding of the animal and may make other reasonable attempts to provide such notice. If the owner or the owner's designee fails to claim the animal within the 72-hour period, the animal will be considered abandoned and the City may sell or otherwise dispose of the animal in a humane manner as determined by an officer charged by law with the custody and disposal of such animal.

(ed) A record of all dogs and cats impounded, the disposition of the same, the owner's name and address, if known, and a statement of any costs or receipts involving such dog or cat shall be kept.

Section 2. The charges required by Sections 505.03(a), 505.03(b) and 505.03(c) of the Codified Ordinances shall be \$10.00 per calendar day for impounding any animal, plus the actual costs of the provision of any notice and the disposal of any animal made pursuant to that section.

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

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.onelakewood.com
Lakewood City Council
Sam O'Leary, PRESIDENT
David Anderson, 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
JOHN LITTEN, WARD 3
DAN O'MALLEY, WARD 4

February 1, 2016

Dear Colleagues,

Twelve months have passed since the backyard hen keeping pilot program began its 18 month tenure. Now is the time for Council and the Administration to begin a conversation on the merits and/or pitfalls of backyard hen keeping in Lakewood. Members of Council, members of the administration that are impacted by the work involved with overseeing permits and regulations and families participating in the pilot program should be included in our conversation so we can make responsible decisions regarding the future of this program in Lakewood.

Thank you for your consideration.

Sincerely,

Cindy Marx

Councilmember At-Large



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Ward Council
DAVID W. ANDERSON, WARD 1
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JOHN LITTEN, WARD 3
DAN O'MALLEY, WARD 4

February 1, 2016

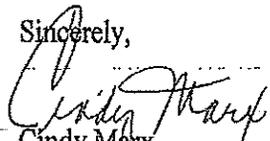
Dear Colleagues,

The Animal Safety and Welfare Advisory Board seeks Council's permission to meet this year to finalize educational material regarding responsible pet ownership for distribution at appropriate venues in Lakewood. The Board also hopes to work on a partnership this year with Pet Fix who is willing to work with Lakewood pet owners to bring low cost spay/neuter services to our residents.

The Board also seeks Council's appointments before a meeting schedule can be posted and quorum reached for meetings.

Thank you for your consideration.

Sincerely,


Cindy Marx
Councilmember At-Large



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CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
JOHN LITTEN, WARD 3
DANIEL J. O'MALLEY, WARD 4

January 27, 2016

Lakewood City Council
Lakewood, OH 44107

Re: Scott Koons to Lakewood Citizens' Advisory Committee

Dear Colleagues:

I write today to appoint Scott Koons to Lakewood's Citizens' Advisory Committee.

I have come to know Scott as an engaged Lakewood neighbor, who is highly qualified for and committed to the goals of this vital committee. I am sure that he will serve all of Lakewood well in this position.

As such, I ask for Council's favorable consideration of this nomination.

Yours in service,

John Litten
Member of Council, Ward 3
216-302-8333



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Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
JOHN LITTEN, WARD 3
DANIEL J. O'MALLEY, WARD 4

February 1, 2016

Lakewood City Council
Lakewood, OH 44107

Re: Lakewood Water Quality

Dear Members of Council:

In 2013 the water system in Toledo was shut down for two days due to toxins attributed to harmful algae blooms in Lake Erie. Recent news stories from Flint, Michigan and closer to home in Sebring, Ohio raise serious concerns about lead found in drinking water. In light of these and other issues now is an appropriate time to highlight how Lakewood earns high marks in water quality and explore any measures that may need to be taken to ensure we retain such high standards.

The administration already posts extensive information online which includes the 2014 Lakewood Water Quality Report at: <http://www.onelakewood.com/pdf/2014WaterQualityReport.pdf>. The link to the City of Cleveland Water Quality Report for 2015 is posted at: <http://www.clevelandwater.com/2014WQR.pdf>. I have been informed too that the 2015 Water Quality Report should be out in the next month or two.

Further information provided by the Administration includes the following:

Lakewood tests tap water from 30 sites throughout the city (inside homes). Testing is done monthly, quarterly, bi-annually and tri-annually for various particles and contaminants. Lead and Mercury are included in this testing and the results are in the report (at the link above). The EPA requires tri-annual testing for lead and 2015 was a lead testing year.

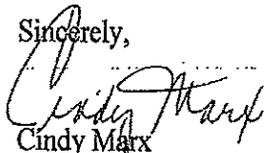
The EPA evaluates/surveys the City of Cleveland and the City of Lakewood drinking water program annually.

Lakewood City Council
February 1, 2016
PAGE TWO

Attached are selected pages from a Cleveland Water publication that contain relevant information on water quality applicable to Lakewood.

It is my hope that an in-depth discussion of this issue in one of Council's committees will help assure Lakewood residents that the City is meeting every and all safety requirements in protecting this precious resource.

Sincerely,



Cindy Marx
Councilmember At-Large

Attachments



Commissioner's Corner

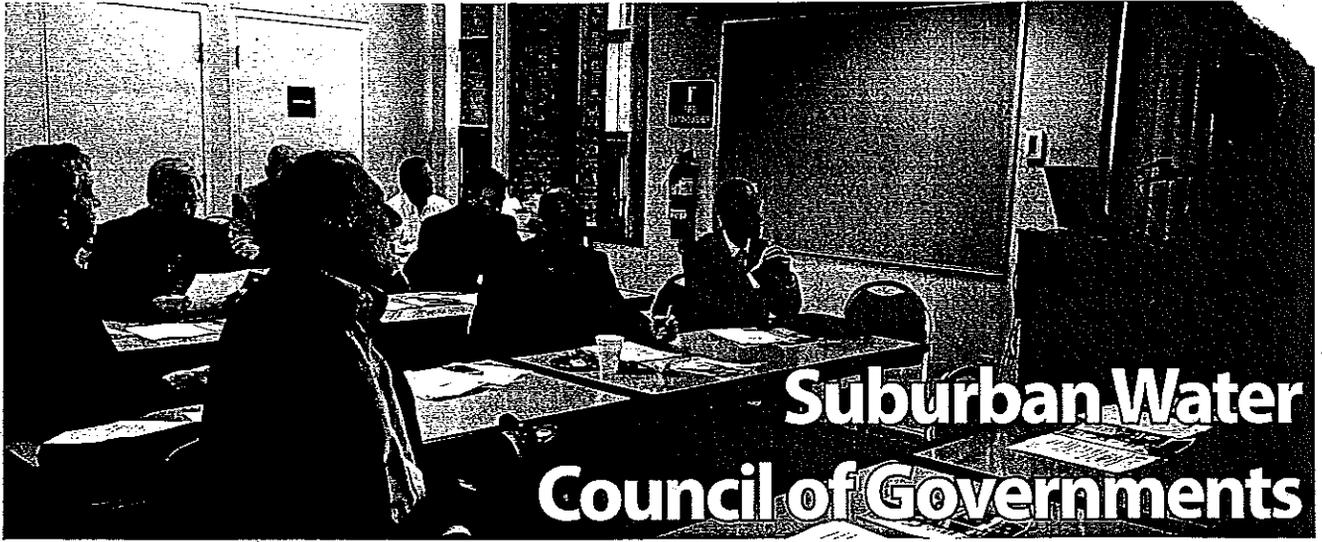
Alex Margevicius, Interim Commissioner

AS PART OF its 100th Anniversary, the Cleveland Chapter of the American Society of Civil Engineers named Cleveland Water as one of the "Ten Civil Engineering Projects That Have Shaped the Cleveland Region." Earlier this year, I had the honor of presenting the history of Cleveland Water to that group of engineers, weaving into the speech current water issues, both local and national. As I was preparing my talk, it struck me that we really do have a jewel of a water system in Cleveland.

This realization was amplified by several events from past winters. Last year, a number of nearby Lake Erie water systems suffered frozen lake intakes, in some cases for the second winter in a row. Cleveland has been fortunate enough to avoid frozen intakes due to the deep water where our intakes are located. Cleveland's lake intakes are about 45 feet below the surface of the lake, whereas the intakes of other Lake Erie systems in the area are in 23 feet of water or less.

In addition to precautions to prevent freezing, our system of four lake intakes are set 2.5 to 3.7 miles from shore, far from the effects of onshore activity that might pollute the water source. Many water systems in the region have intakes that are a mere half mile or less from shore. Additionally, four intakes located up to 15 miles from each other allow us to shut any one of them down should contamination reach it. Our strongly interconnected distribution grid would then allow us to supply water to all customers from the remaining three water treatment plants. This high degree of reliability is reassuring whether you are thinking about bad weather, algal toxins or someone with bad intentions.

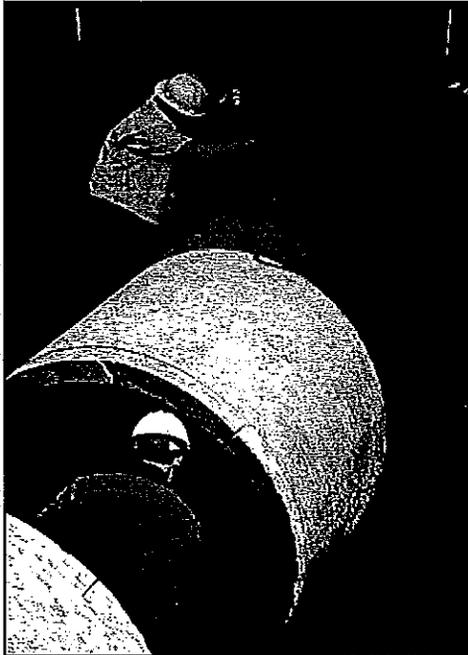
At Cleveland Water, we take our role as stewards of this great water system seriously, and consider it an honor to bring safe drinking water to 1.4 million people in the area. We proudly work hard to enhance this great legacy that has been handed to us from previous generations. ♦



SWCOG meeting in November 2015 at Garrett Morgan Water Treatment Plant

THE SUBURBAN WATER COUNCIL OF GOVERNMENTS (SWCOG) holds quarterly meetings with Cleveland Water staff and officials to help keep our suburban communities up to date on the happenings of Cleveland Water. Instead of their regular fall quarterly meeting, the SWCOG met at the Garrett Morgan Water Treatment Plant in early November where they received updates on Cleveland Water's proposed water rates, the AMR project which is over 90% complete, the Suburban Water Main Renewal Program, and took a guided tour of Garrett Morgan to learn about the water system and to see the state-of-the-art facilities in the Cleveland Water system. ♦

Investing in Our Communities



Cleveland Water crews work to replace a large water main

CLEVELAND WATER PROVIDES a reliable supply of water to 80 communities across parts of 5 counties. To do so requires regular maintenance of over 5,200 miles of underground pipeline. While Cleveland Water owns and maintains all of the water treatment plants, storage facilities, pumping stations, and trunk or transmission mains (water pipes over 20 inches in diameter), municipalities have historically owned and maintained the distribution mains (pipes under 20 inches in diameter).

In 2007, Cleveland Water partnered with the Suburban Water Council of Governments (SWCOG) to craft a new model for repairing failing suburban water infrastructure – the Suburban Water Main Renewal Program (SWMR).

To date, 31 communities – most recently, Lyndhurst, Brecksville, Maple Heights, Brooklyn Heights, and Fairview Park – have signed the amended Water Service Agreement which transfers the ownership and the responsibility of all water mains in the suburb to Cleveland Water. Through the SWMR Program, more than \$78 million has been invested back into our communities to date through replacement of 300,000 plus feet of water mains. ♦

Safe, Plentiful Water Attracts Business

By Scott Moegling, Water Quality Manager

“Cleveland Water understands our vital role in supporting our local economy and attracting business to Northeast Ohio.”

AS THE COLD WEATHER SEASON APPROACHES, communities prepare for winter festivities and the holiday season. The Greater Cleveland area has been abuzz with all kinds of wonderful events and projects throughout the summer and fall seasons. Excitement is in the air as Cleveland continues the transformation of Public Square and we are all preparing for the upcoming Republican National Convention. Throughout the summer, we have seen a lot of activity in the renewed East Bank of the Flats with the opening of various restaurants, breweries and a boardwalk right along the Cuyahoga River. With this exciting revitalization we tend to see an increase in water usage.

Cleveland Water understands our vital role in supporting our local economy and attracting business to Northeast Ohio. We remain committed to you, our customer, as an economic partner and a protector of public health and welfare and we know that during these exciting times, a reliable supply of safe drinking water is critical.

As we saw in Toledo last summer, the loss of safe, potable water presents a significant challenge for the families, businesses and communities that count on it. Over the past 15 years, Cleveland Water has taken numerous proactive steps to help ensure this type of health and safety emergency – as well as many other potential problems – does not occur in the Greater Cleveland area. These include, but are not limited to:

For more information on the water treatment process or to view our 2014

OnTap



Cleveland

- 💧 Investing \$650 million to modernize our four interconnected water treatment plants.
- 💧 Testing the interconnections between all four plants that allow a plant to be taken offline without disrupting service to customers if a problem develops.
- 💧 Regularly checking Lake Erie water quality conditions through daily raw water monitoring for key parameters to be able to react quickly with necessary water treatment changes. We can, and sometimes need to, increase or change chemical feeds quickly to make sure our finished water meets standards and tastes great.
- 💧 Partnering with numerous entities, including the National Oceanic and Atmospheric Administration (NOAA), U.S. EPA, Ohio EPA, universities, research organizations, and Lake Erie water systems to share data and expertise. Good data is critical for treating Lake Erie water to meet stringent Ohio EPA rules and standards. By partnering with other organizations, Cleveland Water can get far more information than we could get on our own. Much of the information we get from partnering organizations comes from monitoring stations in other parts of Lake Erie, research institutions that pay to get data access for research and prediction needs, and even drones or satellite images from high above Lake Erie.
- 💧 Improving lab equipment, lake monitoring sensors, and technical expertise in an effort to recognize and react to potential algal bloom conditions.
- 💧 Partnering with regulatory and environmental organizations to protect Lake Erie by opposing the open lake disposal of Cuyahoga River dredging material by the U.S. Army Corp of Engineers.
- 💧 Installing back-up power systems at each plant and at critical infrastructure points to ensure continuous service even in the event of a catastrophic power failure, similar to the black-out in 2003.

Buy Report, visit

OAWWA Conference 2015



THIS PAST SEPTEMBER, Cleveland hosted the 77th Annual Ohio Section American Water Works Association conference. More than 800 representatives from different parts of Ohio came to Cleveland to discuss important issues facing water utilities. With the threat of algal blooms lurking, the issue was a major topic of discussion. The conference provided a great opportunity for some of the best and brightest water industry experts to share ideas on the water treatment and distribution processes.

During the week, attendees had a full schedule of activities that kept them busy, including daily workshops and technical sessions on Distribution; Water Treatment; Customer Service; and Utility Management, to meet and greet,

water treatment plant and sewer treatment plant tours, and luncheons and award dinners.

Some of the most anticipated events of the conference was the annual Men's and Women's Tapping, the Top Ops, Best of the Best Water Tasting, and Meter Madness competitions. Teams consisted of men and women from water utilities all over Ohio. The winners from each competition will go on to represent the Ohio Section at the 2016 AWWA conference in Chicago, Illinois. Cleveland Water had a strong showing with representatives in each contest, challenging the other teams to perform at the highest level. Congratulations to all of the competitors for their hard work and success. ♣



tap into CLEVELAND WATER

**MANAGE
YOUR
ACCOUNT
FROM ANY
DEVICE**

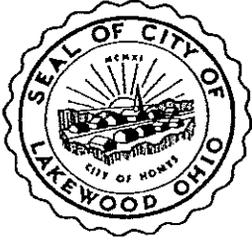
**INTRODUCING NEW ONLINE SERVICES.
TAP INTO CLEVELANDWATER.COM FOR:**

- Payments without any fees
- Paperless billing
- Automatic Payments
- Text and email alerts
- Account history
- Usage data*
- One time payments

*Usage data, including water usage by the day or by the hour, and leak detection alerts are available to customers using Cleveland Water's Clear Reads automated meter reading technology only. Contact Customer Service for additional information at 216-664-3130

did you know?

You can also tap into Cleveland Water's free automated phone payment system available 24 hours a day by calling **216-446-6834**



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

Jennifer R. Pae
Director of Finance

February 1, 2016

Lakewood City Council
Lakewood, OH 44107

Re: 2016 General Obligation Bonds, Refunding Bonds, and Bond Anticipation Notes in an amount not to exceed \$55.144 million

Dear Members of Council,

Attached please find the Ordinances and Fiscal Officer's Certificates relating to the issuance of various purpose general obligation bonds and bond anticipation notes in the amount not to exceed \$55.144 million used to finance capital improvement projects.

The City will be refunding the 2011-2015 issued one year Bond Anticipation Notes (BANs) into a long-term General Obligation (GO) Bond in an amount not to exceed \$18.0 million.

Also, the City will be refunding the 2004 taxable Rockport Bonds, the 2005 GO Bonds, and the 2006 Water and Sewer Revenue Bonds into GO Bonds in an amount not to exceed \$26.5 million in order to take advantage of favorable interest rates.

The \$9.940 million in new notes corresponds to an amount not to exceed for the City's 2016 capital improvement program paid via GO BANs entailing:

1. \$4,845,000 for Sewer Projects
2. \$1,640,000 for Water Line Projects
3. \$1,500,000 for Street Improvements
4. \$750,000 for Parks Improvements
5. \$650,000 for Sidewalk Improvements
6. \$355,000 for Traffic Signal Replacements
7. \$200,000 for Building and Facility Improvements

Finally, the City is issuing \$704,000 in GO BANs to assist in the construction of a revetment for shoreline protection of the Meridian Condominium with the intent to be repaid via special assessments of the property owners.

I respectfully request that this legislation be placed on first reading and referred to the Finance Committee for further review and discussion.

Sincerely,

Jennifer R. Pae
Director of Finance

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

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

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

(I) (A) the City's West End Sewer Separation project, together with all necessary appurtenances thereto, (B) resurfacing various streets in the City, (C) improving parks within the City, including Lakewood Park, Wagar Park and the Lakewood Park State House, together with all necessary appurtenances thereto, (D) improving sidewalks within the City and (E) replacing or improving the roofs of City Hall, City Hall Annex, Winterhurst Ice Rink and the City's service garage and (II) retiring the City's Various Purpose Improvement Notes, Series 2014, which were issued to pay costs of (A) improving Madison Avenue by providing new traffic signalization; (B) improving and renovating the refuse facility; (C) replacing the roof on City Hall; (D) resurfacing various streets in the City; (E) improving Detroit Avenue, Franklin Street, Hilliard Street and Madison Avenue by providing new and upgraded traffic signalization and pedestrian signals; (F) improving the municipal garage ventilation system; (G) improving parks within the City, including Lakewood Park, Wagar Park and the Lakewood Park Skate House, together with all necessary appurtenances thereto; (viii) reconstructing Madison Avenue; (H) constructing a sheet pile bulkhead, docks and a parking area, together with all necessary appurtenances thereto; (I) improving sidewalks within the City, (J) replacing a salt storage facility and (K) improving the sewer system in the City by constructing the West End Sewer Separation project and a new sanitary sewer and improvements and renovations to the existing sanitary sewers and storm water sewers along Edgewater Drive, together with all necessary appurtenances thereto.

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

- A. Improving the sewer system in the City by constructing the West End Sewer Separation project and a new sanitary sewer and improvements and renovations to the existing sanitary sewers and storm water sewers along Edgewater Drive, together with all necessary appurtenances thereto; 40 years
- B. (I) The City's West End Sewer Separation project, together with all necessary appurtenances thereto, (II) replacing the roof on City Hall, (III) improving Madison Avenue by providing new traffic signalization, (IV) improving and renovating the refuse facility, (V) improving Detroit Avenue, Franklin Street, Hilliard Street and Madison Avenue by providing new and upgraded traffic signalization and pedestrian signals, (VI) improving the municipal garage ventilation system, (VII) reconstructing Madison Avenue and (VIII) replacing a salt storage facility; 20 years
- C. Constructing a sheet pile bulkhead, docks and a parking area, together with all necessary appurtenances thereto; 16 years

- D. (I) resurfacing various streets in the City, (II) improving sidewalks within the City and (III) improving parks within the City, including Lakewood Park, Wagar Park and the Lakewood Park Skate House, together with all necessary appurtenances thereto; 15 years
 - E. Replacing or improving the roofs of City Hall, City Hall Annex, Winterhurst Ice Rink and the City's service garage; 11 years
 - F. (I) Improving parks within the City, including Lakewood Park, Wagar Park and the Lakewood Park State House, together with all necessary appurtenances thereto and (II) improving sidewalks within the City; 10 years
 - D. Constructing and equipping a radio tower and other safety related improvements for municipal purposes, with related site improvements and appurtenances thereto; 30 years
 - E. Acquiring refuse and recycling containers for municipal purposes; 10 years
3. The weighted average of said maturities is 24 years, therefore the maximum maturity of a single issue of bonds proposed to be issued to pay the cost of such permanent improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 24 years.

Dated: February 1, 2016



Director of Finance
City of Lakewood, Ohio

ORDINANCE NO.

By:

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$18,000,000 OF BONDS FOR THE PURPOSE OF CURRENTLY REFUNDING NOTES ISSUED FOR THE PURPOSE OF (I) (A) THE CITY'S WEST END SEWER SEPARATION PROJECT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, (B) RESURFACING VARIOUS STREETS IN THE CITY, (C) IMPROVING PARKS WITHIN THE CITY, INCLUDING LAKEWOOD PARK, WAGAR PARK AND THE LAKEWOOD PARK STATE HOUSE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, (D) IMPROVING SIDEWALKS WITHIN THE CITY AND (E) REPLACING OR IMPROVING THE ROOFS OF CITY HALL, CITY HALL ANNEX, WINTERHURST ICE RINK AND THE CITY'S SERVICE GARAGE AND (II) RETIRING THE CITY'S VARIOUS PURPOSE IMPROVEMENT NOTES, SERIES 2014, WHICH WERE ISSUED TO PAY COSTS OF (A) IMPROVING MADISON AVENUE BY PROVIDING NEW TRAFFIC SIGNALIZATION; (B) IMPROVING AND RENOVATING THE REFUSE FACILITY; (C) REPLACING THE ROOF ON CITY HALL; (D) RESURFACING VARIOUS STREETS IN THE CITY; (E) IMPROVING DETROIT AVENUE, FRANKLIN STREET, HILLIARD STREET AND MADISON AVENUE BY PROVIDING NEW AND UPGRADED TRAFFIC SIGNALIZATION AND PEDESTRIAN SIGNALS; (F) IMPROVING THE MUNICIPAL GARAGE VENTILATION SYSTEM; (G) IMPROVING PARKS WITHIN THE CITY, INCLUDING LAKEWOOD PARK, WAGAR PARK AND THE LAKEWOOD PARK SKATE HOUSE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; (VIII) RECONSTRUCTING MADISON AVENUE; (H) CONSTRUCTING A SHEET PILE BULKHEAD, DOCKS AND A PARKING AREA, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; (I) IMPROVING SIDEWALKS WITHIN THE CITY, (J) REPLACING A SALT STORAGE FACILITY AND (K) IMPROVING THE SEWER SYSTEM IN THE CITY BY CONSTRUCTING THE WEST END SEWER SEPARATION PROJECT AND A NEW SANITARY SEWER AND IMPROVEMENTS AND RENOVATIONS TO THE EXISTING SANITARY SEWERS AND STORM WATER SEWERS ALONG EDGEWATER DRIVE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City (the "Council") issued Various Purpose Improvement Notes, Series 2015, dated April 9, 2015, in the original principal amount of \$17,375,000 (the "Outstanding Notes"), in anticipation of the issuance of bonds described herein, for the purpose stated in the title of this Ordinance; and

WHEREAS, it appears advisable to retire the Outstanding Notes; and

WHEREAS, the Director of Finance of the City (the "Director of Finance") has certified to this Council that the estimated life of the improvements stated in the title of this ordinance (the "Project"), which is to be constructed from the proceeds of the bonds herein authorized cannot exceed the maximum maturity 24 years; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$18,000,000 of such bonds under authority of the general laws of the State of Ohio, including Chapter 133, Ohio Revised Code, and in particular Section 133.23 thereof, for the purpose stated in the title of this Ordinance;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKEWOOD, OHIO:

Section 1. Issuance of the Bonds. It is hereby declared necessary to issue bonds of the City in the principal sum of not to exceed \$18,000,000, or such lesser amount as shall be determined by the Director of Finance and certified to this Council, which bonds shall be designated "City of Lakewood, Ohio Various Purpose Improvement Bonds, Series 2016," or as otherwise determined by the Director of Finance (the "Bonds"), for the purpose described in the title of this Ordinance. The Bonds may be issued in one or more series.

Section 2. Combining Bonds for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Bonds with other limited tax general obligation bonds of the City authorized by separate ordinance of this Council. The Bonds and such other bonds shall be jointly referred to herein as the "Combined Bonds." As used in this Ordinance, the term "Bonds" shall also mean the Combined Bonds, where appropriate.

Section 3. Terms of the Bonds. The Bonds shall be issued as fully registered bonds in book-entry form only, in denominations of \$5,000 or any integral multiple thereof; shall be numbered consecutively from R-1 upward, as determined by the Director of Finance; shall be dated the date determined by the Director of Finance and set forth in the Certificate of Fiscal Officer provided for hereinbelow; and shall bear interest, payable semiannually on such dates as shall be determined by the Director of Finance and set forth in the Certificate of Fiscal Officer, until the principal sum is paid or provision has been duly made therefor. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months.

Section 4. Certificate of Fiscal Officer Relating to Terms of Bonds. The Director of Finance is hereby authorized and directed to execute of behalf of the City a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") setting forth the aggregate principal amount and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Ordinance, shall be as determined by the Director of Finance. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the "Interest Payment Date"), the purchase price for the Bonds (which shall be not less than 97% of the face value thereof), the maturity schedule for the Bonds, the interest rates for the Bonds (provided that the true interest cost for all Bonds in the aggregate shall not exceed 5.00% per annum, the optional and mandatory redemption provisions, if any, and such other terms not inconsistent with this Ordinance as the Director of Finance shall deem appropriate.

Section 5. Redemption Provisions of the Bonds. The Bonds shall be subject to optional and mandatory redemption prior to stated maturity, as provided in the Certificate of Fiscal Officer. If optional redemption of the Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Bonds of the same maturity will take place, the Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined hereinbelow) prior to the selection of the Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select Bonds or portions thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected will be in the amount of \$5,000 or any integral multiple thereof.

The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Bonds (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of Bonds to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice of any defect therein shall not affect the validity of the proceedings for the redemption of any Bond.

Section 6. Form and Execution of the Bonds. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance; and shall be executed by the Director of Finance and the Mayor of the City (the "Mayor"), in their official capacities, provided that either or both of their signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Bond, is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Director of Finance on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

Section 7. Payment of the Bonds. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the principal office of the Bond Registrar. Each Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Bondholder, at such Bondholder's address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8. Appointment of Bond Registrar. The Director of Finance is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent for the Bonds (the "Bond Registrar") or to execute on behalf of the Council a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Director of Finance and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Bond Registrar for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Director of Finance in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Director of Finance may, and is hereby authorized and directed to enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the City shall cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of hereinabove, the person in whose name any Bond shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Bond shall be made only to or upon the order of that person. Neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

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

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

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

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

debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

Section 9. Book-entry System. For purposes of this Ordinance, the following terms shall have the following meanings:

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

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

All or any portion of the Bonds may be initially issued to a Depository for use in a book-entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance; (i) there shall be a single Bond of each maturity, (ii) those Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds in book-entry form shall be shown by book-entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book-entry; and (v) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Bond service charges on Bonds in book-entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

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

The Director of Finance and the Mayor of the City are authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the Bond Registrar and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book-entry system in substantially the form submitted to this Council.

The City may decide to discontinue use of the book-entry system through the Depository. In that event, Bond certificates will be printed and delivered to the Depository.

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

Section 10. Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution; provided, however, that in each year to the extent that funds are available from other sources and are lawfully appropriated for the payment of the Bonds, the amount of the Debt Service Levy shall be reduced by the amount of such funds so available and appropriated.

The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the interest and principal of the Bonds when and as the same falls due.

Section 11. Sale of the Bonds. The Bonds shall be sold at private sale to KeyBanc Capital Markets Inc., Cleveland, Ohio (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer, plus interest accrued to the date of delivery of the Bonds to the Original Purchaser. The Director of Finance and the Mayor of the City, or either of them individually, are authorized and directed to execute on behalf of the City a Bond Purchase Agreement with the Original Purchaser, setting forth the conditions under which the Bonds are to be sold and delivered, which Bond Purchase Agreement shall be in such form, not inconsistent with this Ordinance, as the Director of Finance shall determine.

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

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

reasonable expectations at the time the Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

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

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

Section 13. Municipal Bond Insurance. The Director of Finance, or any other officer, including the Mayor, is authorized to make appropriate arrangements, if such officer deems it in the best interest of the City, for the issuance of a municipal bond insurance policy with respect to all or any portion of the Bonds, including executing and delivering a commitment therefor and certificates and other documents in connection therewith. All additional provisions required to be authorized by this Council for the issuance of a municipal bond insurance policy shall be contained in the Certificate of Fiscal Officer.

Section 14. Official Statement. The distribution of an Official Statement of the City, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized, and the Mayor and the Director of Finance are hereby authorized and directed to negotiate, prepare and execute, on behalf of the City and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as they deem necessary or appropriate to protect the interests of the City. The Mayor, Director of Finance and the Director of Law, are each authorized to execute and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Section 15. Obtaining of Rating for the Bonds. The obtaining or updating of a rating or ratings on the Bonds and the City is hereby authorized if the Director of Finance determines that it is necessary or advisable in connection with the original issuance of the Bonds. If the Director of Finance

so determines, then the Director of Finance and this Council are hereby authorized and directed to take all steps necessary to obtain such rating or ratings.

Section 16. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a non-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

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

Section 17. Satisfaction of Conditions for Bond Issuance. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Section 18. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 19. Filing of Bond Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Fiscal Officer of Cuyahoga County, Ohio.

Section 20. Emergency Measure. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this Ordinance is required to be immediately effective in order to issue and promptly sell the Bonds in order to refund the Outstanding Notes and maximize interest costs savings in a fluctuating bond market and to combine the Bonds with other bonds to be issued by the City into a consolidated bond issue and obtain savings in the issuance of the Bonds; and provided it receives the affirmative vote of at least five of this Council, this Ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Passed: _____, 2016

President of Council

Clerk of Council

Approved: _____, 2016

Mayor

**RECEIPT OF COUNTY FISCAL OFFICER
FOR LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS**

I, Dennis G. Kennedy, the duly elected, qualified, and acting County Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of Ordinance No. _____ duly adopted by the City Council of the City of Lakewood, Ohio on _____, 2016 providing for the issuance of general obligation bonds designated City of Lakewood, Ohio Various Purpose Improvement Bonds, Series 2016, in the amount of not to exceed \$ _____, was filed in this office on _____, 2016.

WITNESS my hand and official seal at Cleveland, Ohio on _____, 2016.

[SEAL]

County Fiscal Officer
Cuyahoga County, Ohio

CERTIFICATE OF MAXIMUM MATURITY

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

The undersigned Director of Finance of the City of Lakewood, Ohio (the "City") as the fiscal officer of the City, hereby certifies as follows with respect to the Refunding Bonds, Series 2016, of the City, in the principal sum of not to exceed \$26,500,000 (the "Bonds"), that are to be used to currently refund a portion of the bonds of the City described below, and the maximum maturity of the Bonds cannot exceed the last maturity permitted by law for the bonds to be refunded, in accordance with Section 133.34, Ohio Revised Code, to wit:

- (i) Rockport Square Improvement General Obligation Bonds, Series 2004 (Limited Tax Obligation) (Taxable), dated August 11, 2004, originally issued in the aggregate principal amount of \$4,265,000 for the purpose of paying the costs of public improvements for the Rockport Square Project, including land acquisition, environmental remediation, and certain public infrastructure improvements, including sidewalks and street improvements and public plazas; and the last maturity permitted by law is December 1, 2029 (the "Outstanding 2004 Bonds");
- (ii) Various Purpose General Obligation Bonds, Series 2005 (Limited Tax Obligation), dated May 26, 2005, originally issued in the aggregate principal amount of \$21,210,000 in part for the purpose of (a) improving Hilliard Road and Lakewood Heights Boulevard by replacement of the base as required and resurfacing with asphalt, including replacement of curbs, aprons and sidewalks as required, together with all necessary appurtenances thereto; (b) making site improvements to Lakewood Park; (c) renovating, furnishing and equipping municipal buildings and properties and improving sites; (d) improving Hilliard Road/Franklin Boulevard from Lakeland Avenue to Bunts Road by resurfacing and reconstructing sidewalks, curbs and drive aprons as necessary; (e) improving certain streets designated by council by resurfacing with deep grind and overlay and reconstructing curbs as necessary; (f) improving sanitary sewers and the city's wastewater treatment plant; (g) renovating, improving, furnishing and equipping municipal buildings; (1) improving Sloane Avenue by replacement of the base and replacement of curbs, aprons and sidewalks as required, together with all necessary appurtenances thereto; (h) improving certain streets designated by council by resurfacing with deep grind and overlay and reconstructing curbs as necessary; (i) improving the municipal water system; (j) improving the city's wastewater and storm water collection system; (k) improving the municipal sewer system; and (l) public improvements for the Vedda Printing Project, including site preparation, environmental remediation, related soft costs; and the last maturity permitted by law is December 1, 2025 (the "Outstanding 2005 Bonds");
- (iii) Sewer System Revenue Bonds, Series 2006, dated August 30, 2006, originally issued in the aggregate principal amount of \$14,320,000 for the purpose of (i) the reconstruction of sewer lines and connections, together with the necessary appurtenances and work incidental thereto, and certain improvements and repairs to the wastewater treatment facilities of the City, together with the necessary appurtenances and work incidental thereto, including, without limitation, filter presses installation, thermophilic digestion upgrade, emergency generator upgrade and cleaning sludge and grit-out digestion in the sludge storage tanks; (ii)

refunding the portion of the Various Purpose General Obligation Bond Anticipation Notes, Series 2006B of the City related to the improvement of the City's sewer system; and (iii) paying certain costs of issuance; and the last maturity permitted by law is July 1, 2046 (the "Outstanding 2006 Sewer Bonds"); and

- (iv) Water System Revenue Bonds, Series 2006, dated August 30, 2006, originally issued in the aggregate principal amount of \$10,285,000 for the purpose of (i) the reconstruction of water mains and water service connections, together with the necessary appurtenances and work incidental thereto, in various streets during 2006 and thereafter; (ii) refunding a portion of the Various Purpose General Obligation Bond Anticipation Notes, Series 2006B related to the improvement of water lines; and (iii) paying financing costs of issuance; and the last maturity permitted by law is July 1, 2046 (the "Outstanding 2006 Water Bonds").

Therefore, the maximum maturity of the portion of the Bonds issued to refund the respective prior issue cannot be later than December 1 of the year of the final maturity of each such issue.

Dated: February 1, 2016



Director of Finance
City of Lakewood, Ohio

ORDINANCE NO.

By:

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$26,500,000 OF BONDS FOR THE PURPOSE OF CURRENTLY REFUNDING THE CITY'S ROCKPORT SQUARE IMPROVEMENT GENERAL OBLIGATION BONDS, SERIES 2004 (LIMITED TAX OBLIGATION) (TAXABLE), DATED AUGUST 11, 2004; VARIOUS PURPOSE GENERAL OBLIGATION BONDS, SERIES 2005, DATED MAY 26, 2005; SEWER SYSTEM REVENUE BONDS, SERIES 2006, DATED AUGUST 30, 2006 AND WATERSYSTEM REVENUE BONDS, SERIES 2006, DATED AUGUST 30, 2006; APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City (the "Council") issued Rockport Square Improvement General Obligation Bonds, Series 2004 (Taxable), dated August 11, 2004, in the original principal amount of \$4,265,000 (the "Outstanding 2004 Bonds") for the purpose stated in the (I) of title of this Ordinance; and

WHEREAS, the Council issued Various Purpose General Obligation Bonds, Series 2005, dated May 26, 2005, in the original principal amount of \$21,210,000 (the "Outstanding 2005 Bonds") for the purpose stated in the (II) of title of this Ordinance; and

WHEREAS, the Council issued Sewer System Revenue Bonds, Series 2006, dated August 30, 2006, in the original principal amount of \$14,320,000 (the "Outstanding 2006 Sewer Bonds") for the purpose stated in the (III) of title of this Ordinance; and

WHEREAS, the Council issued Water System Revenue Bonds, Series 2006, dated August 30, 2006, in the original principal amount of \$10,285,000 (the "Outstanding 2006 Water Bonds", and together with the Outstanding 2004 Bonds, the Outstanding 2005 Bonds and the Outstanding 2006 Sewer Bonds, the "Outstanding Bonds") for the purpose stated in the (IV) of title of this Ordinance; and

WHEREAS, in view of currently prevailing lower interest rates, the Council has determined that it is advisable and in the best interest of the City to issue refunding bonds of the City to currently refund certain maturities of the Outstanding Bonds (the "Refunded Bonds"); and

WHEREAS, because the Outstanding 2004 Bonds included as part of the Refunded Bonds (the "Taxable Refunding Portion") were issued as taxable bonds of the City, the Taxable Refunding Portion (the

"Taxable Bonds") must be issued as bonds that the interest thereon is not excluded from gross income for federal income tax purposes; and

WHEREAS, the Director of Finance of the City (the "Director of Finance") has certified to this Council that the maximum maturity and authorized principal amount of the bonds herein authorized cannot exceed the maximum maturity and principal amount of the Refunded Bonds; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$26,500,000 of such bonds under authority of the general laws of the State of Ohio, including Chapter 133, Ohio Revised Code, and in particular Section 133.34 thereof, for the purpose stated in the title of this Ordinance;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKEWOOD, OHIO:

Section 1. Issuance of the Bonds. It is hereby declared necessary to issue bonds of the City in the principal sum of not to exceed \$26,500,000, or such lesser amount as shall be determined by the Director of Finance and certified to this Council, which bonds shall be designated "City of Lakewood, Ohio Refunding Bonds, Series 2016," or as otherwise determined by the Director of Finance (the "Bonds"), for the purpose described in the title of this Ordinance. The Bonds may be issued in one or more series, and any Taxable Bonds shall be issued in a separate series from Bonds that the interest thereon is excluded from gross income for federal income tax purposes pursuant to Section 12 herein (the "Tax-Exempt Bonds").

Section 1. Combining Bonds for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Bonds with other limited tax general obligation bonds of the City authorized by separate ordinance of this Council. The Bonds and such other bonds shall be jointly referred to herein as the "Combined Bonds." As used in this Ordinance, the term "Bonds" shall also mean the Combined Bonds, where appropriate.

Section 2. Terms of the Bonds. The Bonds shall be issued as fully registered bonds in book-entry form only, in denominations of \$5,000 or any integral multiple thereof; shall be numbered consecutively from R-1 upward, as determined by the Director of Finance; shall be dated the date determined by the Director of Finance and set forth in the Certificate of Fiscal Officer provided for hereinbelow; and shall bear interest, payable semiannually on such dates as shall be determined by the Director of Finance and set forth in the Certificate of Fiscal Officer, until the principal sum is paid or provision has been duly made therefor. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months.

Section 3. Certificate of Fiscal Officer Relating to Terms of Bonds. The Director of Finance is hereby authorized and directed to execute on behalf of the City a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") setting forth the aggregate principal amount and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Ordinance, shall be as determined by the Director of Finance. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the "Interest Payment Date"), the purchase price for the Bonds (which shall be not less than 97% of the face value thereof), the maturity schedule for the Bonds, the interest rates for the Bonds (provided that the true interest cost for all Bonds in the aggregate shall not exceed 5.00% per annum, the optional and mandatory

redemption provisions, if any, and such other terms not inconsistent with this Ordinance as the Director of Finance shall deem appropriate.

Section 4. Redemption Provisions of the Bonds. The Bonds shall be subject to optional and mandatory redemption prior to stated maturity, as provided in the Certificate of Fiscal Officer. If optional redemption of the Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Bonds of the same maturity will take place, the Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined hereinbelow) prior to the selection of the Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select Bonds or portions thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected will be in the amount of \$5,000 or any integral multiple thereof.

The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Bonds (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of Bonds to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice of any defect therein shall not affect the validity of the proceedings for the redemption of any Bond.

Section 5. Form and Execution of the Bonds. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance; and shall be executed by the Director of Finance and the Mayor of the City (the "Mayor"), in their official capacities, provided that either or both of their signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Bond, is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Director of Finance on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

Section 6. Payment of the Bonds. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the principal office of the Bond Registrar. Each Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted

Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Bondholder, at such Bondholder's address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 7. Appointment of Bond Registrar. The Director of Finance is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent for the Bonds (the "Bond Registrar") or to execute on behalf of the Council a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Director of Finance and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Bond Registrar for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Director of Finance in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Director of Finance may, and is hereby authorized and directed to enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the City shall cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of hereinabove, the person in whose name any Bond shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Bond shall be made only to or upon the order of that person. Neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

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

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

The City and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of

Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part, following the date of such mailing.

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

Section 8. Book-entry System. For purposes of this Ordinance, the following terms shall have the following meanings:

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

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

All or any portion of the Bonds may be initially issued to a Depository for use in a book-entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance; (i) there shall be a single Bond of each maturity, (ii) those Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds in book-entry form shall be shown by book-entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book-entry; and (v) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Bond service charges on Bonds in book-entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

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

other paying agents for Bonds and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The Director of Finance and the Mayor of the City are authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the Bond Registrar and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book-entry system in substantially the form submitted to this Council.

The City may decide to discontinue use of the book-entry system through the Depository. In that event, Bond certificates will be printed and delivered to the Depository.

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

Section 9. Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution; provided, however, that in each year to the extent that funds are available from other sources and are lawfully appropriated for the payment of the Bonds, the amount of the Debt Service Levy shall be reduced by the amount of such funds so available and appropriated.

The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the interest and principal of the Bonds when and as the same falls due.

Section 10. Sale of the Bonds. The Bonds shall be sold at private sale to KeyBanc Capital Markets Inc., Cleveland, Ohio (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer, plus interest accrued to the date of delivery of the Bonds to the Original Purchaser. The Director of Finance and the Mayor of the City, or either of them individually, are authorized and directed to execute on behalf of the City a Bond Purchase Agreement with the Original Purchaser, setting forth the conditions under which the Bonds are to be sold and delivered, which Bond Purchase Agreement shall be in such form, not inconsistent with this Ordinance, as the Director of Finance shall determine.

Section 11. Establishment of Escrow Fund; Escrow Trustee. There is hereby created and established, as an account within the Bond Retirement Fund of the City, a trust fund to be designated "City

of Lakewood, Ohio – Refunding Bonds, Series 2016 – Escrow Fund” (the “Escrow Fund”) or as otherwise designated by the Treasurer, which account may be in the custody of a bank or trust company as an escrow trustee, if desired. The proceeds from the sale of the Bonds, except the accrued interest and premium thereon (if any), shall be deposited in the Escrow Fund. Such moneys deposited in the Escrow Fund may be (i) held as cash or (ii) used to purchase direct obligations of or obligations guaranteed as to payment by the United States of America of such maturities and interest payment dates and bearing interest at such rates as will, as certified by such independent public accounting firm as shall be acceptable to the Director of Finance and the Original Purchaser without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, be sufficient to pay the interest on, and the redemption price (including any redemption premium) of, the Refunded Bonds on the earliest optional redemption date for the Refunded Bonds. The Director of Finance is also authorized, if necessary or desirable to facilitate the refunding of the Refunded Bonds, to engage a consultant to verify the sufficiency of the cash or other obligations held in the Escrow Fund to refund the Refunded Bonds on such redemption date.

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

The Director of Finance is hereby authorized to execute on behalf of the City an Escrow Agreement (the “Escrow Agreement”) with a bank or trust company to be selected by the Director of Finance (the “Escrow Trustee”), setting forth the terms by which the Escrow Fund shall be held and disbursed, if the Director of Finance determines that an Escrow Agreement is necessary or beneficial to facilitate the refunding of the Refunded Bonds. Such an Escrow Agreement shall be in such form, not inconsistent with this Resolution, as the Director of Finance shall determine.

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

The Director of Finance, or any other officer, including the Mayor, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Tax-Exempt Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Tax-Exempt Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of Finance, which action shall be in writing and signed by the Director of Finance, or any other officer, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-

Exempt Bonds; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with Sections 141 through 150 of the Code and the Regulations.

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

Section 13. Municipal Bond Insurance. The Director of Finance, or any other officer, including the Mayor, is authorized to make appropriate arrangements, if such officer deems it in the best interest of the City, for the issuance of a municipal bond insurance policy with respect to all or any portion of the Bonds, including executing and delivering a commitment therefor and certificates and other documents in connection therewith. All additional provisions required to be authorized by this Council for the issuance of a municipal bond insurance policy shall be contained in the Certificate of Fiscal Officer.

Section 14. Official Statement. The distribution of an Official Statement of the City, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized, and the Mayor and the Director of Finance are hereby authorized and directed to negotiate, prepare and execute, on behalf of the City and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as they deem necessary or appropriate to protect the interests of the City. The Mayor, Director of Finance and the Director of Law, are each authorized to execute and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Section 15. Obtaining of Rating for the Bonds. The obtaining or updating of a rating or ratings on the Bonds and the City is hereby authorized if the Director of Finance determines that it is necessary or advisable in connection with the original issuance of the Bonds. If the Director of Finance so determines, then the Director of Finance and this Council are hereby authorized and directed to take all steps necessary to obtain such rating or ratings.

Section 16. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a non-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Director of Finance is hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents

as may be in his discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as he in his discretion shall deem necessary or appropriate.

Section 17. Satisfaction of Conditions for Bond Issuance. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Section 18. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 19. Filing of Bond Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Fiscal Officer of Cuyahoga County, Ohio.

Section 20. Emergency Measure. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds to enable the City to take advantage of present interest rates and to refund the Refunded Bonds and maximize interest costs savings in a fluctuating bond market and to combine the Bonds with other bonds to be issued by the City into a consolidated bond issue and obtain savings in the issuance of the Bonds; and provided it receives the affirmative vote of at least five of this Council, this Ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Passed: _____, 2016

President of Council

Clerk of Council

Approved: _____, 2016

Mayor

**RECEIPT OF COUNTY FISCAL OFFICER
FOR LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS**

I, Dennis G. Kennedy, the duly elected, qualified, and acting County Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of Ordinance No. _____ duly adopted by the City Council of the City of Lakewood, Ohio on _____, 2016 providing for the issuance of general obligation bonds designated City of Lakewood, Ohio Refunding Bonds, Series 2016, in the amount of not to exceed \$ _____, was filed in this office on _____, 2016.

WITNESS my hand and official seal at Cleveland, Ohio on _____, 2016.

[SEAL]

County Fiscal Officer
Cuyahoga County, Ohio

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

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

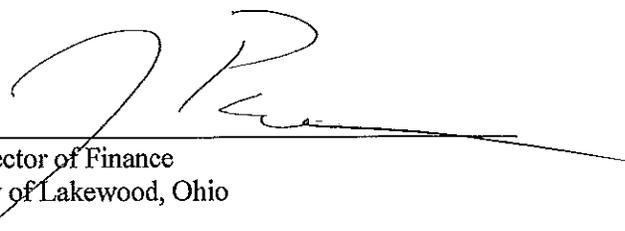
The undersigned Director of Finance of the City of Lakewood, Ohio as the fiscal officer of said City, hereby certifies as follows:

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

To pay costs of designing, engineering and constructing sewer improvements, together with all necessary appurtenances thereto

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

Dated: February 1, 2016



Director of Finance
City of Lakewood, Ohio

ORDINANCE NO.

By:

AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$4,845,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF DESIGNING, ENGINEERING AND CONSTRUCTING SEWER IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY

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

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

BE IT ORDAINED by the City of Lakewood, Ohio, that:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$4,845,000, for the purpose of paying the cost of the Project.

Section 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 40 annual installments.

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

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this Ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$4,845,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such denominations as shall be determined by the Director of Finance, but not exceeding the principal amount

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

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

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

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

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

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

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

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

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

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

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

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

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

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

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

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

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

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

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

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this Ordinance.

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

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

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

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

The Director of Finance, or any other officer of the City, including the Mayor, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth

the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

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

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

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

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

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

Section 16. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

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

Passed: _____, 2016

President of Council

Clerk of Council

Approved: _____, 2016

Mayor

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. ____ duly adopted by the Council of the City of Lakewood, Ohio on _____, 2016 and that a true copy thereof was certified to the County Fiscal Officer of Cuyahoga County, Ohio.

Clerk of Council
City of Lakewood, Ohio

**RECEIPT OF COUNTY FISCAL OFFICER FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES**

I, Dennis G. Kennedy, the duly elected, qualified, and acting County Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of the ordinance duly adopted by the City Council of the City of Lakewood, Ohio on _____, 2016, providing for the issuance of general obligation notes designated City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016, or as otherwise determined by the Director of Finance, in the amount of not to exceed \$4,845,000 was filed in this office on _____, 2016.

WITNESS my hand and official seal at Cleveland, Ohio on _____, 2016.

[SEAL]

County Fiscal Officer
Cuyahoga County, Ohio

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

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

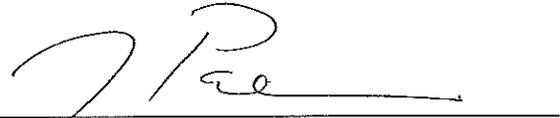
The undersigned Director of Finance of the City of Lakewood, Ohio as the fiscal officer of said City, hereby certifies as follows:

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

To pay costs of designing, engineering and constructing water improvements, together with all necessary appurtenances thereto

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 25 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 20 years.

Dated: February 1, 2016



Director of Finance
City of Lakewood, Ohio

ORDINANCE NO.

By:

AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$1,640,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF designing, ENGINEERING AND CONSTRUCTING WATER IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY

WHEREAS, the Director of Finance (the "Director of Finance") of the City of Lakewood, Ohio (the "City") has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 25 years and notes being 20 years;

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

BE IT ORDAINED by the City of Lakewood, Ohio, that:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$1,640,000, for the purpose of paying the cost of the Project.

Section 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 25 annual installments.

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

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this Ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$1,640,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such denominations as shall be determined by the Director of Finance, but not exceeding the principal amount

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

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

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

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

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

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

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

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

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

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

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

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

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

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

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

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

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

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

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

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this Ordinance.

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

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

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

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

The Director of Finance, or any other officer of the City, including the Mayor, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth

the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

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

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

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

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

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

Section 16. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

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

Passed: _____, 2016

President of Council

Clerk of Council

Approved: _____, 2016

Mayor

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. ____ duly adopted by the Council of the City of Lakewood, Ohio on _____, 2016 and that a true copy thereof was certified to the County Fiscal Officer of Cuyahoga County, Ohio.

Clerk of Council
City of Lakewood, Ohio

**RECEIPT OF COUNTY FISCAL OFFICER FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES**

I, Dennis G. Kennedy, the duly elected, qualified, and acting County Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of the ordinance duly adopted by the City Council of the City of Lakewood, Ohio on _____, 2016, providing for the issuance of general obligation notes designated City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016, or as otherwise determined by the Director of Finance, in the amount of not to exceed \$1,640,000 was filed in this office on _____, 2016.

WITNESS my hand and official seal at Cleveland, Ohio on _____, 2016.

[SEAL]

County Fiscal Officer
Cuyahoga County, Ohio

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

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

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

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

To pay costs of improving Andrews Avenue, Athens Avenue, Chesterland Avenue, Concord Drive, Delaware Avenue, Erie Cliff Drive, Hall Avenue, Lake Point Drive, Leedale Avenue, Leonard Avenue, Mars Avenue, McKinley Avenue, Northwood Avenue, Richland Avenue, Shaw Avenue and West 117th Street, and other streets located within the City, between certain termini, by resurfacing and replacing concrete, together with all necessary appurtenances thereto

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

Dated: February 1, 2016



Director of Finance
City of Lakewood, Ohio

ORDINANCE NO.

By:

AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$1,500,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF IMPROVING ANDREWS AVENUE, ATHENS AVENUE, CHESTERLAND AVENUE, CONCORD DRIVE, DELAWARE AVENUE, ERIE CLIFF DRIVE, HALL AVENUE, LAKE POINT DRIVE, LEEDALE AVENUE, LEONARD AVENUE, MARS AVENUE, MCKINLEY AVENUE, NORTHWOOD AVENUE, RICHLAND AVENUE, SHAW AVENUE AND WEST 117TH STREET, AND OTHER STREETS LOCATED WITHIN THE CITY, BETWEEN CERTAIN TERMINI, BY RESURFACING AND REPLACING CONCRETE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY

WHEREAS, the Director of Finance (the "Director of Finance") of the City of Lakewood, Ohio (the "City") has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 15 years and notes being 20 years;

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

BE IT ORDAINED by the City of Lakewood, Ohio, that:

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

Section 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 15 annual installments.

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

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this Ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$1,500,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such denominations as shall be determined by the Director of Finance, but not exceeding the principal amount of Notes maturing on any one date and shall be numbered as determined by the Director of Finance. The Notes shall be issued as fully registered notes in book-entry form in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

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

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

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

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

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

The Director of Finance is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of

delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose.

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

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

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

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

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

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

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

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

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

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

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

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

shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this Ordinance.

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

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

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

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

The Director of Finance, or any other officer of the City, including the Mayor, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any

excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

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

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

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

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

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

Section 16. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were

adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

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

Passed: _____, 2016

President of Council

Clerk of Council

Approved: _____, 2016

Mayor

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. _____ duly adopted by the Council of the City of Lakewood, Ohio on _____, 2016 and that a true copy thereof was certified to the County Fiscal Officer of Cuyahoga County, Ohio.

Clerk of Council
City of Lakewood, Ohio

**RECEIPT OF COUNTY FISCAL OFFICER FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES**

I, Dennis G. Kennedy, the duly elected, qualified, and acting County Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of the ordinance duly adopted by the City Council of the City of Lakewood, Ohio on _____, 2016, providing for the issuance of general obligation notes designated City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016, or as otherwise determined by the Director of Finance, in the amount of not to exceed \$1,500,000 was filed in this office on _____, 2016.

WITNESS my hand and official seal at Cleveland, Ohio on _____, 2016.

[SEAL]

County Fiscal Officer
Cuyahoga County, Ohio

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

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

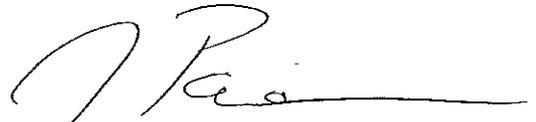
The undersigned Director of Finance of the City of Lakewood, Ohio as the fiscal officer of said City, hereby certifies as follows:

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

To pay the costs of improving parks within the City, including Kids Cove Playground, together with all necessary appurtenances thereto

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

Dated: February 1, 2016



Director of Finance
City of Lakewood, Ohio

ORDINANCE NO.

By:

AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$750,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY THE COSTS OF IMPROVING PARKS WITHIN THE CITY, INCLUDING KIDS COVE PLAYGROUND, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY

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

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

BE IT ORDAINED by the City of Lakewood, Ohio, that:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$750,000, for the purpose of paying the cost of the Project.

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

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

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this Ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$750,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such

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

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

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

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

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

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

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

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

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

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

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

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

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

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

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

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

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

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

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

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this Ordinance.

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

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

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

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

The Director of Finance, or any other officer of the City, including the Mayor, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth

the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

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

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

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

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

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

Section 16. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

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

Passed: _____, 2016

President of Council

Clerk of Council

Approved: _____, 2016

Mayor

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. ____ duly adopted by the Council of the City of Lakewood, Ohio on _____, 2016 and that a true copy thereof was certified to the County Fiscal Officer of Cuyahoga County, Ohio.

Clerk of Council
City of Lakewood, Ohio

**RECEIPT OF COUNTY FISCAL OFFICER FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES**

I, Dennis G. Kennedy, the duly elected, qualified, and acting County Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of the ordinance duly adopted by the City Council of the City of Lakewood, Ohio on _____, 2016, providing for the issuance of general obligation notes designated City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016, or as otherwise determined by the Director of Finance, in the amount of not to exceed \$750,000 was filed in this office on _____, 2016.

WITNESS my hand and official seal at Cleveland, Ohio on _____, 2016.

[SEAL]

County Fiscal Officer
Cuyahoga County, Ohio

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

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

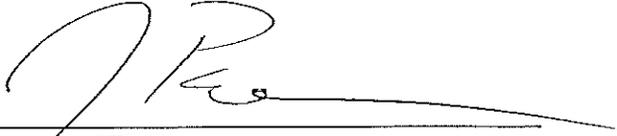
The undersigned Director of Finance of the City of Lakewood, Ohio as the fiscal officer of said City, hereby certifies as follows:

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

To pay costs of improving sidewalks within the City

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

Dated: February 1, 2016



Director of Finance
City of Lakewood, Ohio

ORDINANCE NO.

By:

AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$650,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF IMPROVING SIDEWALKS WITHIN THE CITY; AND DECLARING AN EMERGENCY

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

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

BE IT ORDAINED by the City of Lakewood, Ohio, that:

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

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

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

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this Ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance.

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

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

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

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

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

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

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

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

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

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

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

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

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

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person

authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

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

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

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

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

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

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this Ordinance.

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the

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

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

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

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

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

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

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

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

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

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

Section 16. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

Section 18. Emergency Measure. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this Ordinance is

required to be immediately effective in order to issue and sell the Notes to enable the City to combine the Notes with other notes to be issued by the City into a consolidated note issue and obtain savings in the issuance of the Notes; and provided it receives the affirmative vote of at least five of this Council, this Ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Passed: _____, 2016

President of Council

Clerk of Council

Approved: _____, 2016

Mayor

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. ____ duly adopted by the Council of the City of Lakewood, Ohio on _____, 2016 and that a true copy thereof was certified to the County Fiscal Officer of Cuyahoga County, Ohio.

Clerk of Council
City of Lakewood, Ohio

**RECEIPT OF COUNTY FISCAL OFFICER FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES**

I, Dennis G. Kennedy, the duly elected, qualified, and acting County Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of the ordinance duly adopted by the City Council of the City of Lakewood, Ohio on _____, 2016, providing for the issuance of general obligation notes designated City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016, or as otherwise determined by the Director of Finance, in the amount of not to exceed \$650,000 was filed in this office on _____, 2016.

WITNESS my hand and official seal at Cleveland, Ohio on _____, 2016.

[SEAL]

County Fiscal Officer
Cuyahoga County, Ohio

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

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

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

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

To pay costs of improving Franklin Avenue and Hilliard Road, between certain termini, by providing new traffic signalization, together with all necessary

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

Dated: February 1, 2016



Director of Finance
City of Lakewood, Ohio

ORDINANCE NO.

By:

AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$355,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF OF IMPROVING FRANKLIN AVENUE AND HILLIARD ROAD, BETWEEN CERTAIN TERMINI, BY PROVIDING NEW TRAFFIC SIGNALIZATION, TOGETHER WITH ALL NECESSARY; AND DECLARING AN EMERGENCY

WHEREAS, the Director of Finance (the "Director of Finance") of the City of Lakewood, Ohio (the "City") has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 15 years and notes being 20 years;

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

BE IT ORDAINED by the City of Lakewood, Ohio, that:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$355,000, for the purpose of paying the cost of the Project.

Section 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 15 annual installments.

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

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this Ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$355,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such denominations as shall be determined by the Director of Finance, but not exceeding the principal amount

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

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

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

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

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

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

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

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

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

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

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

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

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

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

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

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

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

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

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

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this Ordinance.

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

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

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

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

The Director of Finance, or any other officer of the City, including the Mayor, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth

the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

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

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

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

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

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

Section 16. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

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

Passed: _____, 2016

President of Council

Clerk of Council

Approved: _____, 2016

Mayor

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. ____ duly adopted by the Council of the City of Lakewood, Ohio on _____, 2016 and that a true copy thereof was certified to the County Fiscal Officer of Cuyahoga County, Ohio.

Clerk of Council
City of Lakewood, Ohio

**RECEIPT OF COUNTY FISCAL OFFICER FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES**

I, Dennis G. Kennedy, the duly elected, qualified, and acting County Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of the ordinance duly adopted by the City Council of the City of Lakewood, Ohio on _____, 2016, providing for the issuance of general obligation notes designated City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016, or as otherwise determined by the Director of Finance, in the amount of not to exceed \$355,000 was filed in this office on _____, 2016.

WITNESS my hand and official seal at Cleveland, Ohio on _____, 2016.

[SEAL]

County Fiscal Officer
Cuyahoga County, Ohio

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

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

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

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

To pay the costs of replacing or improving roofs of the Fire Station and Winterhurst Ice Rink, together with all necessary appurtenances thereto

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 14 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 19 years.

Dated: February 1, 2016



Director of Finance
City of Lakewood, Ohio

ORDINANCE NO.

By:

AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$200,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY THE COSTS OF REPLACING OR IMPROVING ROOFS OF THE FIRE STATION AND WINTERHURST ICE RINK, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY

WHEREAS, the Director of Finance (the "Director of Finance") of the City of Lakewood, Ohio (the "City") has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 14 years and notes being 19 years;

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

BE IT ORDAINED by the City of Lakewood, Ohio, that:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$200,000, for the purpose of paying the cost of the Project.

Section 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 14 annual installments.

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

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this Ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$200,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such

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

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

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

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

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

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

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

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

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

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

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

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

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

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

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

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

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

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

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

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this Ordinance.

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

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

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

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

The Director of Finance, or any other officer of the City, including the Mayor, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth

the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

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

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

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the Mayor and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

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

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

Section 16. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

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

Passed: _____, 2016

President of Council

Clerk of Council

Approved: _____, 2016

Mayor

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. ____ duly adopted by the Council of the City of Lakewood, Ohio on _____, 2016 and that a true copy thereof was certified to the County Fiscal Officer of Cuyahoga County, Ohio.

Clerk of Council
City of Lakewood, Ohio

**RECEIPT OF COUNTY FISCAL OFFICER FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES**

I, Dennis G. Kennedy, the duly elected, qualified, and acting County Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of the ordinance duly adopted by the City Council of the City of Lakewood, Ohio on _____, 2016, providing for the issuance of general obligation notes designated City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016, or as otherwise determined by the Director of Finance, in the amount of not to exceed \$200,000 was filed in this office on _____, 2016.

WITNESS my hand and official seal at Cleveland, Ohio on _____, 2016.

[SEAL]

County Fiscal Officer
Cuyahoga County, Ohio

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

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

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

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

To pay costs of providing, constructing and installing a reventment on the northerly property line of the Meridian Condominium to protect the Meridian Condominium's westerly property line with Lake Erie, eastward to the intersection of Meridian Condominium's easterly property line with Lake Erie

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 20 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes, calculated in accordance with Section 133.17, Ohio Revised Code, is five years.

Dated: February 1, 2016



Director of Finance
City of Lakewood, Ohio

ORDINANCE NO.

By:

AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$704,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS; TO PAY COSTS OF PROVIDING, CONSTRUCTING AND INSTALLING A REVENTMENT ON THE NORTHERLY PROPERTY LINE OF THE MERIDIAN CONDOMINIUM TO PROTECT THE MERIDIAN CONDOMINIUM'S WESTERLY PROPERTY LINE WITH LAKE ERIE, EASTWARD TO THE INTERSECTION OF MERIDIAN CONDOMINIUM'S EASTERLY PROPERTY LNE WITH LAKE ERIE; AND DECLARING AN EMERGENCY

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

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

BE IT ORDAINED by the City of Lakewood, Ohio, that:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$704,000, for the purpose of paying the cost of the Project.

Section 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 20 annual installments.

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

Section 4. Combining Notes for Purposes of Issuance and Sale. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this Ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance.

Section 5. Assessment of Costs of the Project. After said improvements are completed and the costs thereof ascertained, Council shall by ordinance assess upon the benefited property, in the manner provided in the legislation referring to said improvements and heretofore adopted by this Council, the entire cost and expense thereof, except the portion to be paid by the City in accordance with the applicable provisions of the Ohio Revised Code and the City Charter, and shall authorize the issuance of the Bonds under the applicable provisions of the Ohio Revised Code and the City Charter.

All assessments collected for the improvements and the unexpended balances remaining in the special improvement fund after the cost and expense of the improvements have been paid, shall be applied to the payment of principal of and interest on the Notes, and then to the payment of principal of and interest on the Bonds.

Section 6. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$704,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such denominations as shall be determined by the Director of Finance, but not exceeding the principal amount of Notes maturing on any one date and shall be numbered as determined by the Director of Finance. The Notes shall be issued as fully registered notes in book-entry form in denominations of \$100,000 or any integral multiple of \$1,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

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

Section 7. General Obligation Pledge. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose. The Notes may be issued in one or more series.

Section 8. Debt Service Levy. In the event that the special assessments are not levied or the Bonds are not issued to provide a fund for the payment of the Notes at maturity, there shall be levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be

irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same falls due; provided, however, that in each year to the extent that funds from the collection of the special assessments referred to in Section 5 hereof or other sources are lawfully available for the payment of the Notes and Bonds, and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such funds so available and appropriated.

Section 9. Sale of the Notes. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Director of Finance and certified to this Council, provided that such rate shall not exceed 5.00% per annum. The Notes shall be, and hereby are, awarded and sold at private sale to KeyBanc Capital Markets Inc., Cleveland, Ohio (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer.

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

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

Section 10. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that any and all of such signatures may be a facsimile, shall be designated "City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016," or as otherwise determined by the Director of Finance, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

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

Section 11. Appointment of Note Registrar. The Director of Finance is authorized and directed to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Director of Finance and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as authenticating agent, note registrar, transfer agent, and paying agent (the "Note Registrar") for the Notes. Interest shall be payable at maturity by check or draft mailed to the Registered Owner hereof, as shown on the registration books of the City maintained by the Note Registrar. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Director of Finance in such officer's discretion shall determine that it would be in the best interest of

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

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

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

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

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

Section 12. Book Entry System. For purposes of this Ordinance, the following terms shall have the following meanings:

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

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

The Notes may initially be issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this Ordinance.

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

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

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

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

Section 13. Federal Tax Law Compliance. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

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

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

Section 14. Appointment of Bond Counsel. The Director of Finance, on behalf of this Council, is hereby authorized to appoint the law firm of Bricker & Eckler LLP to serve as bond counsel for the Notes. The fees to be paid to such firm shall be subject to review and approval of the Director of Finance, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Notes.

Section 15. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript

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

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

Section 16. Satisfaction of Conditions for Note Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 17. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 18. Filing of Bond Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Fiscal Officer of Cuyahoga County, Ohio.

Section 19. Emergency Measure. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to combine the Notes with other notes to be issued by the City into a consolidated note issue and obtain savings in the issuance of the Notes; and provided it receives the affirmative vote of at least five of this Council, this Ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Passed: _____, 2016

President of Council

Clerk of Council

Approved: _____, 2016

Mayor

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. ____ duly adopted by the Council of the City of Lakewood, Ohio on _____, 2016 and that a true copy thereof was certified to the County Fiscal Officer of Cuyahoga County, Ohio.

Clerk of Council
City of Lakewood, Ohio

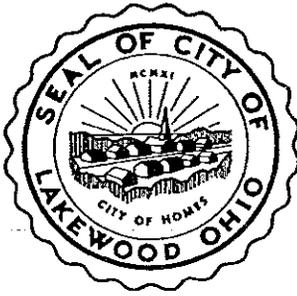
**RECEIPT OF COUNTY FISCAL OFFICER FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES**

I, Dennis G. Kennedy, the duly elected, qualified, and acting County Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of the ordinance duly adopted by the City Council of the City of Lakewood, Ohio on _____, 2016, providing for the issuance of general obligation notes designated City of Lakewood, Ohio Various Purpose Improvement Notes, Series 2016, or as otherwise determined by the Director of Finance, in the amount of not to exceed \$704,000 was filed in this office on _____, 2016.

WITNESS my hand and official seal at Cleveland, Ohio on _____, 2016.

[SEAL]

County Fiscal Officer
Cuyahoga County, Ohio



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

MICHAEL SUMMERS
MAYOR

January 28, 2016

Lakewood City Council Members
Lakewood, Ohio 44107

Re: Amendment to Chapter 557 – Parade & Special Events

Council Members –

The current provision in Chapter 557 of the Codified Ordinances implies that a Special Event applicant may be entitled to a refund of a portion of the \$300.00 application fee. Over time, the administrative cost of processing the special event permit applications and providing city personnel, services and equipment for the events has increased. The requested changes reflected in the proposed amendment to Chapter 557.05 would remove the language indicating that any portion of the \$300.00 would be refunded. The \$300.00 would be a non-refundable application fee.

I respectfully request that this matter be referred to the appropriate committee for further discussion.

Very truly yours,

Michael P. Summers, Mayor

ORDINANCE NO.

BY:

AN ORDINANCE amending Section 557.05, Fees of the Codified Ordinances of the City of Lakewood to reflect that the application fee shall not be refundable as the City's actual costs in accepting and processing any permit application along with the minimal services required for any special event permit exceed the application fee.

WHEREAS, overtime the administrative cost of processing an application has risen; and

WHEREAS, applications have to be reviewed by police, fire, public works and the Mayor's office prior to approval; and

WHEREAS, nearly every permit requires minimal services such as the provision of access to electrical outlets or placement of road blocks which requires the time of additional city personnel and use of city equipment and vehicles; and

WHEREAS, the current provision implies that an applicant may be entitled to a refund of a portion of the fee; and

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

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That Section 557.05, Fees, of the Lakewood Codified Ordinances, currently reading as follows:

557.05 FEES.

Each permit application, except those submitted by the Lakewood Board of Education, shall be accompanied by the application fee of three hundred dollars (\$300.00) to reimburse the City for its administrative costs, including set-up and inspections, the application fee shall be refunded only if no permit is issued. After the parade or special event and all direct and indirect costs have been calculated, the applicant will either be billed for or refunded the difference.

is hereby amended to read as follows:

557.05 FEES.

Each permit application, except those submitted by the Lakewood Board of Education, shall be accompanied by the application fee of three hundred dollars (\$300.00) to reimburse the City for its administrative costs, including set-up and inspections, the application fee shall be refunded only if no permit is

issued. After the parade or special event and all direct and indirect costs have been calculated, the applicant will ~~either be billed for or refunded~~ the difference.

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

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR



DEPARTMENT OF PLANNING & DEVELOPMENT
DRU SILEY, DIRECTOR

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

January 27, 2016

Lakewood City Council
Lakewood, OH 44107

RE: Zoning Code Chapter 1143 – Error of Omission

Dear Members of Council:

During the re-write of our parking code, we inadvertently omitted a section in the Schedule of Uses chart that addresses limitations of parking in front yards on residential properties.

The modification to Chapter 1143 is included in the following ordinance.

Please refer the matter to the appropriate committee for a review and recommendation.

Sincerely,

Dru Siley
Director

ORDINANCE NO.

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to amend Section 1143.05, Schedule of Uses and Space Requirements, of the Codified Ordinances of the City of Lakewood.

WHEREAS, revisions were made to the Zoning Code in 2015 in order to update the parking provisions; and

WHEREAS, an important provision which prohibits front yard parking in most residential districts was inadvertently deleted from the code; and

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

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect 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 relevant provisions of the parking schedule were inadvertently omitted with a previous code update; now therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Chapter 1143.05, Schedule of Uses and Space Requirements, of the Zoning Code within the Codified Ordinances of the City of Lakewood, currently reading as follows:

1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS.

The required number of off-street parking spaces for a use category described in Section 1143.04 shall be as set forth in Schedule 1143.05 following this Chapter. Parking in accordance with the schedule is required.

The Director is hereby authorized to determine the required off-street parking requirements for uses not specifically listed in this Ordinance, based on the most similar use(s) that are listed. Such determination by the Director shall be in writing and shall be appealable to Planning Commission, per Section 1173.03.

| 1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS | |
|--|---|
| Uses | Parking Space Requirement |
| Residential | |
| Single-, Two-, Three-Family | Min 1/Dwelling Unit; No Max; One (1) required space shall be in a garage. |
| Type B Home Occupation | Minimum is same for residential use; Max of 3, in addition to requirement for residential use |
| Bed & Breakfast | Minimum is same for residential use; Max 1/Guest Room, in addition to requirement for residential use |
| Multi-Family, Studio, 1 Bedroom, 2+Bedroom | Min of 1/Dwelling Unit; Max of 2/Dwelling Unit |
| Sleeping Rooms | Min of .5/Roomer; Max of 1/Roomer |
| Senior Housing | Min of .5/employee; Max of 1/employee or .25/Dwelling Unit |
| Group/Nursing/Convalescent/Assisted Living Home | Min of .5/employee; Max of 1/employee or 1 space/bed |
| Day Care | Min of .5/employee plus 4 drop off spaces; Max of 1/employee plus 8 drop off spaces |
| Commercial | |
| Retail* | Min 1 for each 1,000 sq ft GFA; Max 2.5 for each 1,000 sq ft GFA |
| Office* | Min 2 for each 1,000 sq ft GFA; Max 3.5 for each 1,000 sq ft GFA |
| Car Wash | No Min; Max of 1/Employee |
| Storage/Warehouse | Min of 1/Employee; Max of 1.5/Employee |
| Commercial Lodging | Min of .5/Room; Max of 1/Room |
| *Businesses occupying existing buildings or tenant spaces under 2,500 sq ft are not required to provide off street parking | |
| Industrial | |
| Any use described in Section 1131.02 | Min .25/Employee; Max 1.5/Employee |
| Wireless Telecommunication Facilities - Any use described in Section 1159.05(l) | No min; Max 1/Facility |
| Institutional | |
| Elementary, Secondary and High Schools, College, Trade School | As required by the Planning Commission per Section 1143.09 |
| Church | As required by the Planning Commission per Section 1143.09 |
| Hospital | As required by the Planning Commission per Section 1143.09 |
| Public Recreation | As required by the Planning Commission per Section 1143.09 |
| Other | |
| Public Assembly | As required by the Planning Commission per Section 1143. |
| Wireless Telecommunication Facilities | Pursuant to Section 1159.05(l) |
| Sexually Oriented Businesses | Pursuant to Section 1163.06 |
| Mixed Use Overlay District | Pursuant to Section 1135.03(b) |
| Planned Development | Pursuant to Section 1156.05(e) |

shall be and is hereby amended to read as follows:

1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS.

The required number of off-street parking spaces for a use category described in Section 1143.04 shall be as set forth in Schedule 1143.05 following this Chapter. Parking in accordance with the schedule is required.

The Director is hereby authorized to determine the required off-street parking requirements for uses not specifically listed in this Ordinance, based on the most similar use(s) that are listed. Such determination by the Director shall be in writing and shall be appealable to Planning Commission, per Section 1173.03.

| 1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS | |
|--|---|
| Uses | Parking Space Requirement |
| Residential | |
| Single-, Two-, Three-Family | Min 1/Dwelling Unit; No Max; One (1) required space shall be in a garage. <u>The front yard shall not be used for off-street parking except in the Lagoon District.</u> |
| Type B Home Occupation | Minimum is same for residential use; Max of 3, in addition to requirement for residential use |
| Bed & Breakfast | Minimum is same for residential use; Max 1/Guest Room, in addition to requirement for residential use |
| Multi-Family, Studio, 1 Bedroom, 2+Bedroom | Min of 1/Dwelling Unit; Max of 2/Dwelling Unit |
| Sleeping Rooms | Min of .5/Roomer; Max of 1/Roomer |
| Senior Housing | Min of .5/employee; Max of 1/employee or .25/Dwelling Unit |
| Group/Nursing/Convalescent/Assisted Living Home | Min of .5/employee; Max of 1/employee or 1 space/bed |
| Day Care | Min of .5/employee plus 4 drop off spaces; Max of 1/employee plus 8 drop off spaces |
| Commercial | |
| Retail* | Min 1 for each 1,000 sq ft GFA; Max 2.5 for each 1,000 sq ft GFA |
| Office* | Min 2 for each 1,000 sq ft GFA; Max 3.5 for each 1,000 sq ft GFA |
| Car Wash | No Min; Max of 1/Employee |
| Storage/Warehouse | Min of 1/Employee; Max of 1.5/Employee |
| Commercial Lodging | Min of .5/Room; Max of 1/Room |
| *Businesses occupying existing buildings or tenant spaces under 2,500 sq ft are not required to provide off street parking | |
| Industrial | |
| Any use described in Section 1131.02 | Min .25/Employee; Max 1.5/Employee |
| Wireless Telecommunication Facilities - Any use described in Section 1159.05(l) | No min; Max 1/Facility |
| Institutional | |
| Elementary, Secondary and High Schools, College, Trade School | As required by the Planning Commission per Section 1143.09 |
| Church | As required by the Planning Commission per Section 1143.09 |
| Hospital | As required by the Planning Commission per Section 1143.09 |
| Public Recreation | As required by the Planning Commission per Section 1143.09 |
| Other | |
| Public Assembly | As required by the Planning Commission per Section 1143. |
| Wireless Telecommunication Facilities | Pursuant to Section 1159.05(l) |
| Sexually Oriented Businesses | Pursuant to Section 1163.06 |

| | |
|----------------------------|--------------------------------|
| Mixed Use Overlay District | Pursuant to Section 1135.03(b) |
| Planned Development | Pursuant to Section 1156.05(e) |

Section 2. 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, or otherwise shall take effect and be in force after the earliest period allowed by law.

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 deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



DEPARTMENT OF PLANNING & DEVELOPMENT
DRU SILEY, DIRECTOR

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

January 27, 2016

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

RE: Leasing of space in the Community Health Center

Dear Members of Council:

The attached resolution authorizes the City of Lakewood to enter into a lease agreement with Geriatric Center at the Community Health Center. The Geriatric Center is currently a tenant in the Community Health Center, but is operating under a month to month lease.

The initial term of the proposed lease is 2 years. This is the last tenant in Community Health Center on a month to month lease. We support converting this lease into a long term lease because it provides financial stability to the building.

I look forward to answering any questions you may have on this process.

Sincerely,

Dru Siley, Director
Planning & Development

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 the Mayor to enter into a lease agreement with Lakewood Hospital Association for the lease of the real property located at 1450 Belle Avenue, Ste. 220 also known as the Community Health Center.

WHEREAS, the City is the owner of real property located at 1450 Belle Avenue, known as the Community Healthcare Center; and

WHEREAS, Suite 220 of that property is currently occupied subject to a month to month lease as the long term lease for that suite has expired; and

WHEREAS, this Council has determined it is in the best interest of the City to renew its leasehold relationship with Lakewood Hospital Association to further the interest of the City and its residents; and

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

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor is hereby authorized, on behalf of the City, to enter into a lease agreement with Lakewood Hospital Association for the lease of the real property located at 1450 Belle Avenue, Ste. 220 also known as the Community Health Center, in substantially the same form as Exhibit A.

Section 2. All provisions of the Codified Ordinances with respect to the sale or lease of City-owned property are deemed to have been met or superseded by this ordinance inasmuch as those provisions apply to the lease of real property contemplated in the agreement.

Section 3. To the extent that this resolution is inconsistent with any other ordinance or resolution previously adapted by Council with respect to the purchase of property by the city or the sale or lease of property owned by the City, this ordinance is meant to and shall supersede such previously-adopted legislation.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and 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 5. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved _____

Mayor

Exhibit A

(To be provided)



KEVIN M. BUTLER
DIRECTOR OF LAW

PAMELA L. ROESSNER
CHIEF PROSECUTOR

JENNIFER L. SWALLOW
CHIEF ASSISTANT
LAW DIRECTOR

**LAW DEPARTMENT
OFFICE OF PROSECUTION**

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(216) 529-6030 | Fax (216) 228-2514
www.onelakewood.com
law@lakewoodoh.net

Direct dial: (216) 529-6034
kevin.butler@lakewoodoh.net

January 19, 2016

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: Northeast Ohio Regional Sewer District Stormwater Service Agreement

Dear Members of Council:

Attached please find a resolution that, if adopted, would permit the Mayor to enter into an agreement with the Northeast Ohio Regional Sewer District governing the city's rights and obligations related to the district's now-fully-approved regional stormwater management program. NEORS'D's program, which had been the subject of years-long litigation finally culminating in the Ohio Supreme Court late last year, is designed to help the district address flooding and overflows related to surface water throughout its territory, which covers a very small portion of Lakewood's southeast corner.

The affected property owners, under the program, will pay a stormwater fee to the district based on the total impervious pavement surface area on the owners' land, and a 25-percent share of those fees will be returned to the city for its use under the service agreement. I encourage your approval of the resolution and the agreement following deliberation in a committee of your choosing.

Very truly yours,

Kevin M. Butler

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 the Mayor to enter into a Stormwater Service Agreement with the Northeast Ohio Regional Sewer District.

WHEREAS, in order to maximize the benefit to the Lakewood property owners impacted by the Northeast Ohio Regional Sewer District's Regional Stormwater Management Program, which has now been authorized by the Ohio Supreme Court, the City wishes to authorize its entry into a Stormwater Service Agreement with the sewer district; and

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

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor is hereby authorized, on behalf of the City, to enter into a Stormwater Service Agreement with the Northeast Ohio Regional Sewer District in substantially the same form as Exhibit 1.

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: _____

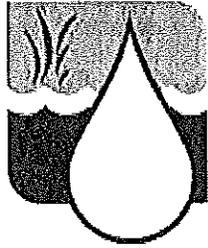
President

Clerk

Approved _____

Mayor

NORTHEAST OHIO REGIONAL SEWER DISTRICT



REGIONAL
STORMWATER
MANAGEMENT
PROGRAM

REGIONAL STORMWATER MANAGEMENT PROGRAM

SERVICE AGREEMENT

BY AND BETWEEN

THE NORTHEAST OHIO REGIONAL SEWER DISTRICT

AND

CITY OF LAKEWOOD

This Agreement is made and entered into this _____ day of _____, 20___, by and between the Northeast Ohio Regional Sewer District (District) acting pursuant to Resolution No. 54-13, adopted by the Board of Trustees of the District on March 21, 2013 (Exhibit "A"), and the City of Lakewood (City) acting pursuant to Ordinance No. _____, adopted on _____, 20___ (Exhibit "B").

WHEREAS, the District, pursuant to the authority of Ohio Revised Code Chapter 6119, and Title V of the District's Stormwater Management Code (Title V) is authorized to provide overall Stormwater Management of the Regional Stormwater System, including planning, financing, design, improvement, construction, inspection, monitoring, maintenance, operation, and regulation for the proper handling of stormwater runoff and the development and provision of technical support information and services to Member Communities; and

WHEREAS, the District has been established as a regional governmental entity mandated to operate and maintain a Regional Stormwater System in the general area encompassing fully or partially the City of Lakewood; and

WHEREAS, flooding is a significant threat to public and private property, streambank erosion is a significant threat to public and private property, water quality, wildlife, and aquatic and terrestrial habitats; and inadequate stormwater management practices damage the water resources of Northeast Ohio, impairing the ability of these waters to sustain ecological and aquatic systems; and

WHEREAS, there is a manifest need for a watershed-based approach to stormwater management to effectively and efficiently plan, design, construct, and maintain long-term solutions to stormwater problems; and

WHEREAS, to ensure the consistent and coordinated delivery of District Regional Stormwater Management Program services within the City, a Service Agreement between the District and the City is required.

NOW, THEREFORE, for the reasons set forth above, and in consideration of the mutual promises contained in this Agreement, the District and the City agree to the following:

Article 1
Definitions

1.01 **Emergency** shall mean the following: 1) a serious, unexpected, and/or potentially dangerous situation or event requiring immediate action by the District, as determined by the District's Chief Executive Officer, including but not limited to, the potential for personal injury, damage to property of the District or any other party, or damage to the environment; or 2) a situation or event affecting the District Chief Executive Officer's

ability to properly carry out his or her responsibilities relative to the operation of the District's Stormwater Management Program.

- 1.02 Local Stormwater System shall mean the entire system of watercourses, stormwater conveyance structures, or Stormwater Control Measures owned and/or operated by a private entity or a unit of local government other than the District. The Local Stormwater System shall include those watercourses, stormwater conveyance structures, or Stormwater Control Measures not designated as part of the Regional Stormwater System.
- 1.03 Member Community shall mean any city, village, or township wholly or partly within the District's stormwater service area.
- 1.04 Regional Stormwater System shall mean the entire system of watercourses, stormwater conveyance structures, and Stormwater Control Measures in the District's stormwater service area that are owned and/or operated by the District or over which the District has right of use for the management of stormwater, including both naturally occurring and constructed facilities. The Regional Stormwater System shall generally include those watercourses, stormwater conveyance structures, and Stormwater Control Measures receiving drainage from three hundred (300) acres of land or more. The District shall maintain a map of the Regional Stormwater System that shall serve as the official delineation of such system.
- 1.05 Stormwater Service Area shall mean all of the District's service area, excluding non-Member Communities and including those non-Member Communities with which the District has entered into an agreement for stormwater-only services as detailed in Section 5.0103 of Title V.
- 1.06 Stormwater Control Measure (SCM) shall mean an activity, measure, structure, device, or facility that helps to achieve stormwater management objectives, including, but not limited to, schedule or activities, prohibitions of practices, operation and maintenance procedures, treatment requirements, and other practices to prevent or reduce the pollution of water resources, to control stormwater volume and/or rate, or to otherwise limit impacts to the Regional Stormwater System. Stormwater control measures shall be designed to minimize maintenance and reduce the potential for failure.
- 1.07 Stormwater Management Plan shall mean the written documents and plans that set forth the stormwater management for a particular site, parcel, or area which meet the requirements of a Member Community's stormwater management regulation.
- 1.08 Stormwater Master Plan shall mean the District's plans for protecting and managing the Regional Stormwater System within a watershed.

- 1.09 Stormwater Construction Plan shall mean the District's plans for the construction of physical improvements to the Regional Stormwater System and District owned or operated Stormwater Control Measures.

Article 2

Stormwater Service Area and Regional Stormwater System

- 2.01 It is agreed that the Stormwater Service Area is located within the territorial boundaries of the City as set forth in the map and description attached as Exhibit "C." It is expressly understood that all territories annexed by the City during the term of this Agreement shall be automatically and immediately included within the District Stormwater Service Area and depicted on an amended map as Exhibit "C." The City shall notify the District within ninety (90) days of all territories annexed to the Stormwater Service Area.
- 2.02 It is agreed that the Regional Stormwater System within the territorial boundaries of the City are set forth in the map attached as Exhibit "C" that shall serve as the official delineation of such system.

Article 3

Regional Stormwater Management Services Performed By District

- 3.01 The District shall be responsible for and shall bear the expense of operating and maintaining the Regional Stormwater System, as the District deems necessary, in its sole discretion, except as otherwise provided herein. The cost of such operation and maintenance shall be included as part of the stormwater fee on a system-wide basis. The District shall provide the following inspection, operation, maintenance and monitoring activities along the Regional Stormwater System, as described more fully in the District's Stormwater Management Program Inspection and Maintenance Policy, attached hereto as Exhibit "D", and as may be updated from time to time.
- 3.01.01 The District shall have the right to perform inspections of the Regional Stormwater System and the Local Stormwater System that affects the Regional Stormwater System. Such inspections may include the following:
- i. Inspections in response to reports of problems or issues by account holders or the City, or related to problems or issues discovered by the District;
 - ii. Preventive maintenance inspections, defined as routine inspections on the Regional Stormwater System to ensure continued operation; and
 - iii. Base-line inspections and survey activities, defined as a systematic inspection of the Regional Stormwater System.
- 3.01.02 The District shall have the right to provide, at its own cost and expense, the planning, engineering, purchasing, construction, installation, inspection,

operation, maintenance, and monitoring activities along the Regional Stormwater System that the District, in its sole discretion, deems necessary or conducive to the proper and efficient functioning of the Regional Stormwater System, unless otherwise provided in this Agreement.

3.01.02.01 The District shall have the right to use the easements, streets, and other public ways and places of the City to the extent the City has such rights, for the purpose of inspection, operation, maintenance, and monitoring activities of the District as the District deems to be necessary for the operation of the Regional Stormwater System. After the District performs maintenance activities for the Regional Stormwater System, the surface easements and streets impacted by the District's maintenance activities shall be restored to previous condition at the District's expense, unless otherwise agreed to in writing between the Parties.

3.01.02.02 The District shall pay for the restoration of areas in which maintenance and construction is undertaken, shall pay for any property taken for such maintenance and construction and to the extent allowed by law, hold the City harmless from all damages or claims for damages to person or property arising from the performance of the District or its agents of any work to maintain Stormwater Control Measures unless otherwise provided in this Agreement. The City reserves the right to require its own inspectors, where it deems necessary, for work performed within its boundaries. The cost of any such inspections shall be borne by the City.

3.01.02.03 The District may coordinate work performed under this Agreement with projects performed by or at the request of the City. In such case, the Parties shall enter into a separate project agreement, setting forth the responsibilities of each party as to the components of the project, such as payment for utility relocations and betterments, scheduling, and site restoration requirements.

3.02 The District may undertake Emergency response activities to maintain areas of the Regional Stormwater System.

3.02.01 Emergency response activities may include the following:

- i. Damage assessments related to any hazard event;

- ii. Coordination activities with local, state, and federal agencies, including fire and service departments, local hazmat teams, Ohio EPA, U.S. Coast Guard, and Emergency Management agencies;
- iii. Responding to chemical or petroleum discharges;
- iv. Identification of the sources of spilled/illicitly discharged materials;
- v. Remedying or facilitating the remediation of spilled/illicitly discharged materials;
- vi. Evaluating facility performance during and following wet weather events;
- vii. Remediation of major blockages; and
- viii. Dissemination of public information related to an Emergency event.

3.02.02 The Parties shall designate the following individuals to serve as the primary and secondary points of contact in the event of any Emergency:

DISTRICT

Primary: Customer Service Department
(216) 881-8247

CITY

Primary: [TITLE]
[Phone]

Secondary: [TITLE]
[Phone]

3.03 The District shall develop and implement a Stormwater Construction Plan for the construction of physical improvements to the Regional Stormwater System and District-owned or -operated stormwater control measures. Projects included in the Stormwater Construction Plan shall be related to the proper function of the Regional Stormwater System and may require separate project agreements setting forth the responsibilities of the District and the City. The Stormwater Construction Plan shall be reviewed annually and updated as reasonable and necessary as new needs are identified. The District shall not undertake these activities without having the appropriate legal agreements with applicable property owners and obtaining clearance from applicable local, state, and federal agencies.

3.04 The District shall facilitate, coordinate, integrate, and maintain other stormwater related services, programs, and initiatives, generally on a watershed basis. Such services, programs, and initiatives shall be supportive of District and Member Community goals and objectives, including clean water, stream stability, flood control, education, account-holder service, and development of additional funding for Member Community stormwater management priorities.

3.04.01 The District shall provide support to the City with the Ohio Environmental Protection Agency's National Pollutant Discharge Eliminations System

(NPDES) General Permit for Municipal Separate Storm Sewer Systems requirements ("Phase II Stormwater NPDES Permit"), as Regional Stormwater Management Program funds are available and at the District's discretion. The City is responsible for all of its NPDES Permits, and any and all regulatory actions arising therefrom.

3.04.01.01 For Phase II Stormwater NPDES Permit Minimum Control Measure (MCM) #1 Public Education and Outreach, and MCM #2 Public Participation and Involvement, at the City's request, the District shall provide funding to the Cuyahoga County Soil and Water Conservation District (SWCD) for services agreed upon between the Cuyahoga County SWCD and the District.

3.04.01.02 For Phase II Stormwater NPDES Permit MCM #3 Illicit Discharge Detection and Elimination and MCM #6 Pollution Prevention and Good Housekeeping, at the City's request, the District shall provide funding to the Cuyahoga County Board of Health for services agreed upon between Cuyahoga County Board of Health and the District.

3.04.02 The District shall provide the City with Community Cost Share of 25% from funds derived from revenues collected from the City from the Stormwater Fee through a District-established application process. Member Communities may apply to the District for Community Cost Share revenues any time such funds are available, the project meets the Community Cost Share requirements, and is approved by the District. The Community Cost Share Program requirements, project application and approval process are detailed in the *Community Cost Share Policy* attached hereto as Exhibit "E." The *Community Cost Share Policy* may be revised or updated without formal need to modify this agreement.

3.05 The District shall establish Watershed Advisory Committees for those portions of the Rocky River, Cuyahoga River, Lake Erie Direct Tributaries, and Chagrin River watersheds within the District's stormwater service area. Per Section 5.0401 of Title V, the District shall establish rules, policies, and procedures for the membership and administration of the Watershed Advisory Committees and these shall be available for the City review and comment. The City shall annually appoint one (1) representative to participate in the Rocky River and Lake Erie Direct Tributaries Watershed Advisory Committees. The Watershed Advisory Committees will convene at least two (2) times per year. The District Watershed Advisory Committee roles and responsibilities are detailed in the District's *Watershed Advisory Committee Policy* attached hereto as Exhibit "F." The *Watershed Advisory Committee Policy* may be revised or updated without entering into a written modification to this agreement.

- 3.06 The District shall develop Stormwater Master Plans for portions of the Rocky River and Lake Erie Direct Tributaries Watersheds within the District's stormwater service area. The plans shall address both the needs of the Regional Stormwater System and of the watersheds. The District shall consider input from the City.
- 3.07 The District shall review proposed Stormwater Management Plans for any project regulated by the City by ordinance or resolution and located wholly within the District's stormwater service area. The Stormwater Management Plan submission process is detailed in the *Review of Separate Stormwater Management Plans Submitted by Member Communities Policy*. The *Review of Separate Stormwater Management Plans Submitted by Member Communities Policy* is attached hereto as Exhibit "G." The *Review of Separate Stormwater Management Plans Submitted by Member Communities Policy* may be revised or updated without entering into a written modification to this agreement. This requirement does not apply to Stormwater Management Plans for new development or redevelopment in the combined sewer system. These Stormwater Management Plans shall be submitted to the District and reviewed by the District pursuant to the requirements set forth in *Title IV: Combined Sewer Use Code*.
- 3.08 The District shall cooperate with all applicable federal, state, and local authorities to obtain permits and comply with applicable requirements to conduct activities described in Section 3.

Article 4
Obligations of City to the District

- 4.01 The City shall remain in compliance at all times with Title V.
- 4.02 The City shall provide access to the Regional Stormwater System accessible through public rights of way and assist with private property access for the activities described in Article 3 of this Agreement.
- 4.03 The City shall provide the District with available or applicable data and information on the Regional Stormwater System and the Local Stormwater System to assist the District in the development of the Stormwater Construction Plan and Stormwater Master Plans as described in Sections 3.03 and 3.06 of this Agreement.
- 4.04 The City shall provide representation for the District's Watershed Advisory Committee described in Section 3.05 of this Agreement. The City roles and responsibilities on the Watershed Advisory Committee are detailed in the District's *Watershed Advisory Committee Policy attached hereto*. The *Watershed Advisory Committee Policy* may be revised or updated without formal need to modify this agreement.
- 4.05 The City shall cooperate with and assist the District in obtaining the City permits, easements, rights-of-way, access, traffic control, and other rights and privileges

necessary to facilitate the District's work in an expeditious manner. The City shall not unreasonably withhold any necessary approvals, or interfere with the District's acquisition of the above items. The City shall not charge the District for any permits in connection with the District's work.

4.05.01 The City designates its *{Insert Title}* to serve as the District's primary contact for the purpose of assisting the District in obtaining permits, access to rights-of-way, and traffic control.

4.06 The City shall provide the District copies of the proposed Stormwater Management Plan for any project that is regulated by the City's local stormwater management ordinance or resolution and that is located within the District's Stormwater Service Area. Copies shall be submitted in hard copy and/or electronic format to the District within seven (7) business days of the submission of such plans to the City. The Stormwater Management Plan submission process is detailed in the *Review of Separate Stormwater Management Plans Submitted by Member Community's Policy*. The *Review of Separate Stormwater Management Plans Submitted by Member Community's Policy* is attached hereto. The *Review of Separate Stormwater Management Plans Submitted by Member Community's Policy* may be revised or updated without formal need to modify this agreement. This requirement does not apply to Stormwater Management Plans for new development or redevelopment in the combined sewer system. These Stormwater Management Plans shall be submitted to the District and reviewed by the District pursuant to the requirements set forth in the District's *Title IV: Combined Sewer Use Code*.

4.07 The City agrees to make no claim against the District on account of any damage to person or property or to any regional facility in any public street, highway, or easement, which claim arises before the District has notice of the condition causing such damage and before the District has had a reasonable period of time to respond to such condition after such notice is received.

Article 5

District's Authority to Enter Property

5.01 Nothing in this Agreement or Title V shall be construed to impair the District's emergency powers or restrict any powers the District may have to operate the Regional Stormwater System, including the right to enter upon property to perform inspections and exercise other rights and obligations contained in Chapter 6119 of the Ohio Revised Code.

5.02 The District shall not undertake the activities described in Section 3.03 of this Agreement without having the appropriate legal agreements with applicable property owners, and/or following the appropriate legal processes, and obtaining clearance from applicable local, state, and federal agencies.

Article 6
General Conditions

- 6.01 The City shall have a cause of action against the District if the City is damaged as the direct result of the District's breach of any term of this Agreement.
- 6.02 The District may provide additional service(s) or expand the stormwater service area to the City beyond what is provided in this Agreement and under the Regional Stormwater Management Program, upon request by the City.
 - 6.02.01 When the City requests the District provide service(s) or perform work outside the scope of this Agreement and under the Regional Stormwater Management Program, and the District agrees to provide such additional services or work, the Parties shall enter into a separate project agreement to memorialize the understanding of the Parties with respect to such additional services.
 - 6.02.02 When the City requests the District expand the stormwater service area to the City beyond the area included within the Regional Stormwater Management Program, and the District agrees to such expansion, the Parties shall enter into an amendment to this Agreement or a new Stormwater Management Program Service Agreement, setting forth the expanded service area and fee structure.
- 6.03 This Agreement shall at all times be governed in accordance with Title V of the District's Stormwater Management Code, including any future modifications thereto.

Article 7
Dispute Resolution

- 7.01 The Parties shall continue the performance of their obligations under this Agreement notwithstanding the existence of a dispute.
- 7.02 The Parties shall first try to resolve the dispute at the level of the designated representatives as follows:

| | |
|---------------------------------------|-----------------------------------|
| District Representative | City Representative |
| Deputy Director of Watershed Programs | <i>{Insert Representative(s)}</i> |

If the Parties are unable to resolve the dispute at that level within ten (10) working days, the Parties shall escalate the dispute to the following level to resolve the dispute:

| | |
|--------------------------------|-----------------------------------|
| District Representative | City Representative |
| Director of Watershed Programs | <i>{Insert Representative(s)}</i> |

7.03 If the Parties remain unable to resolve the dispute within ten (10) working days, the Parties shall proceed to mediation upon request by either party. The mediator shall review all documents and written statements, in order to accurately and effectively resolve the dispute. The mediator shall call a meeting between the Parties within ten (10) working days after mediator appointment, which meeting shall be attended by at least the respective representatives listed in paragraph 7.02 above. The Parties shall attempt in good faith to resolve the dispute. The Parties agree to follow the Uniform Mediation Act, Chapter 2710 of the Ohio Revised Code. The Parties shall share the cost of the mediator equally.

7.04 Such mediation shall be non-binding between the Parties and, to the extent permitted by law, shall be kept confidential. If the dispute is resolved and settled through the mediation process, the decision will be implemented by a written agreement signed by both Parties. If the dispute is unable to be resolved through mediation, the Parties agree to submit the dispute to the appropriate jurisdiction as per Article 9, Remedies, below.

Article 8
Term

8.01 This Agreement shall begin as of the date first-above written and shall continue for the duration of the District's Regional Stormwater Management Program.

Article 9
Remedies

9.01 The Parties agree that, after exhausting the dispute resolution process outlined above, all claims, counter-claims, disputes and other matters in question between the Parties arising out of or relating to this Agreement, or the breach thereof, will be decided at law. This Agreement shall be governed by and interpreted according to the law of the State of Ohio.

Article 10
Counterpart Signatures

10.01 This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which counterparts when taken together shall constitute one Agreement.

Article 11
Governing Law

11.01 The terms and provisions of this Agreement shall be construed under and governed by the laws of Ohio (to which all Parties hereto consent to venue and jurisdiction).

Article 12

Disclaimer of Joint Venture

12.01 This Agreement is not intended to create a joint venture, partnership or agency relationship between the Parties, and such joint venture, partnership, or agency relationship is specifically hereby disclaimed.

Article 13

Authority to Execute

13.01 Each person executing this Agreement represents and warrants that it is duly authorized to execute this Agreement by the party on whose behalf it is so executing.

Article 14

Exhibits

The following exhibits are attached hereto and incorporated herein:

Exhibit "A" – NEORSD Resolution

Exhibit "B" – City Ordinance

Exhibit "C" – Stormwater Service Area

Exhibit "D" – Stormwater Management Program Inspection and Maintenance Policy

Exhibit "E" – Community Cost Share Policy

Exhibit "F" – Watershed Advisory Committee Policy

Exhibit "G" - Review of Separate Stormwater Management Plans Submitted by Member Communities Policy

The Parties hereto have executed and delivered this Agreement as of the date first above written.

NORTHEAST OHIO REGIONAL SEWER DISTRICT

By: _____
Julius Ciaccia
Chief Executive Officer

AND: _____
Darnell Brown, President
Board of Trustees

CITY OF LAKEWOOD

By: _____

Title: _____

The legal form and correctness
of this instrument is approved.

NORTHEAST OHIO REGIONAL SEWER DISTRICT

By: _____
Chief Legal Officer

Date: _____

The legal form and correctness
of this instrument is approved.

CITY OF LAKEWOOD

By: _____
Director of Law

Date: _____

This Instrument Prepared By:
Katarina K. Waag
Assistant General Counsel
Northeast Ohio Regional Sewer District

Each party agrees that this Agreement may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Agreement shall have the same legal effect as if such signatures were in their originally written format.

EXHIBIT A

NORTHEAST OHIO REGIONAL SEWER DISTRICT
RESOLUTION NO. 54-13

Authorizing the Executive Director to enter into Stormwater Management
Program Service Agreements with Member Communities for
Implementation of the Regional Stormwater Management Program.

WHEREAS, the Northeast Ohio Regional Sewer District has developed a Stormwater Management Program Service Agreement for the purpose of detailing services and responsibilities of the District and Member Communities under the Regional Stormwater Management Program; and

WHEREAS, the District is seeking authority to distribute the Stormwater Management Program Service Agreement to Member Communities and to enter into a Stormwater Management Program Service Agreement with each Member Community to memorialize the rights and responsibilities of the District and the Member Community regarding the performance of the stormwater projects under the Regional Stormwater Management Program;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

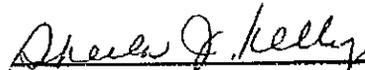
Section 1. That this Board finds that for the reasons stated in the preamble hereof it is in the best interests of the District to enter into Stormwater Management Program Service Agreements with Member Communities for implementation of the Regional Stormwater Management Program.

Section 2. That this Board hereby authorizes and approves the Executive Director to enter into Stormwater Management Program Service Agreements with Member Communities for implementation of the Regional Stormwater Management Program.

Section 3. That this Board authorizes the Executive Director to execute all documents and do all things necessary to effect the terms and conditions of the Stormwater Management Program Service Agreements with Member Communities.

Section 4. That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Mayor DeGeeter seconded by Ms. Kelly, the foregoing resolution was unanimously adopted on March 21, 2013.



Sheila J. Kelly, Secretary

Board of Trustees

Northeast Ohio Regional Sewer District

EXHIBIT B

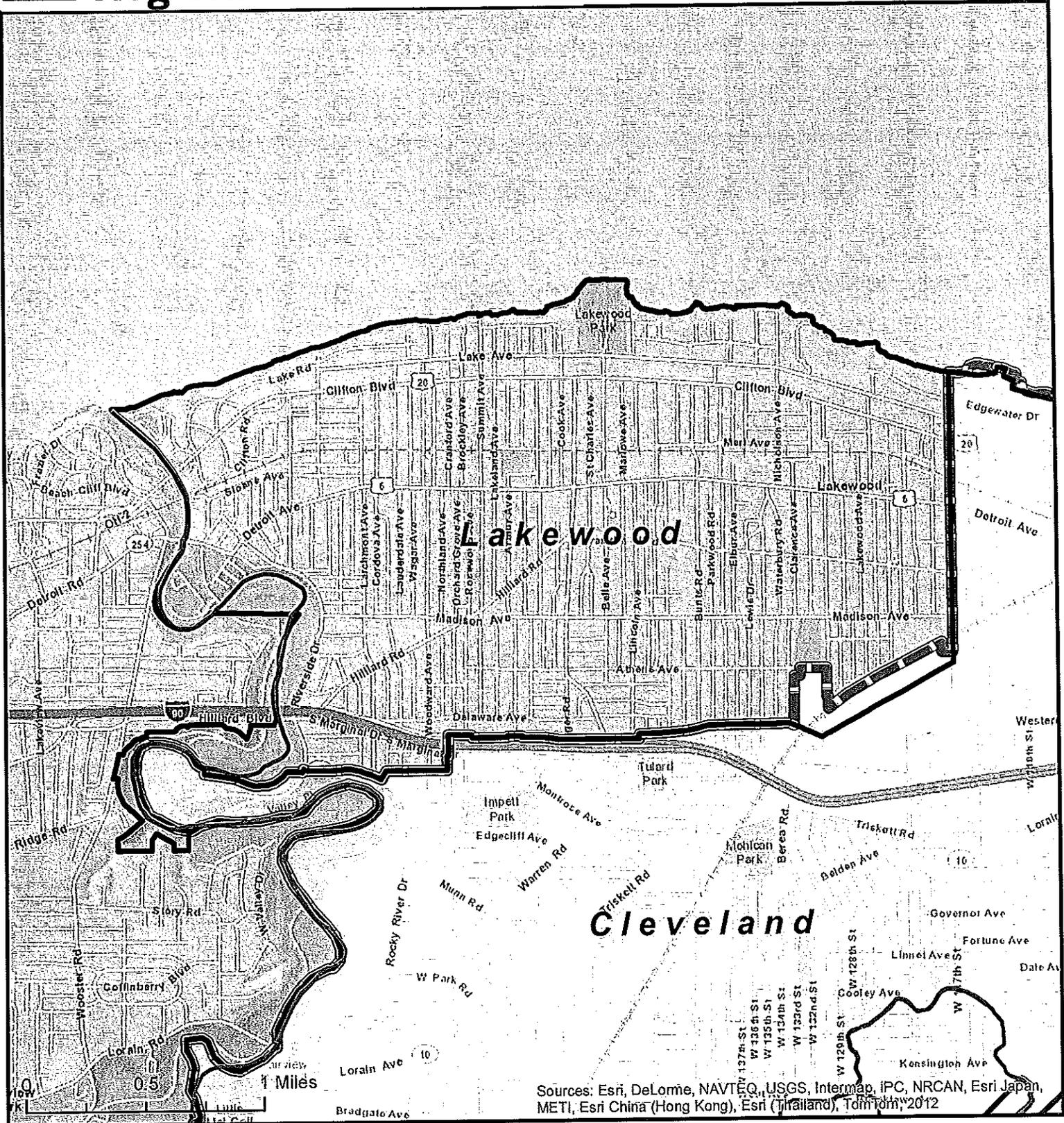
EXHIBIT B

Insert community
ordinance/resolution

EXHIBIT C



Northeast Ohio Regional Sewer District



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, IPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2012

- Regional Stream Inside Service Area
- Regional Stream Outside Service Area
- NEORS D Stormwater Service Area Boundary
- Community Boundary
- Outside NEORS D Stormwater Service Area

Lakewood Regional Stormwater System

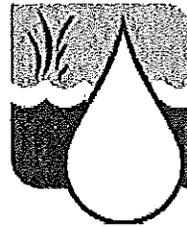
Northeast Ohio
Regional Sewer District



EXHIBIT D

Stormwater Management Program Inspection & Maintenance Policy

NORTHEAST OHIO REGIONAL SEWER DISTRICT



REGIONAL
STORMWATER
MANAGEMENT
PROGRAM

Revised: March 28, 2013

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I. Definitions

Culverted Stream: A closed conveyance structure designed to carry stormwater and through which stormwater flows.

Basin: A stormwater control measure designed to store water for a limited period of a time and provide peak flow attenuation. To be considered a regional basin, a basin must be in line with the Regional Stormwater System and must fulfill the function of causing a significant reduction in peak flow of water through the Regional Stormwater System as determined by the District.

Dam: A barrier constructed across an open channel to control or impound the flow of water; may be part of large regional basin facility.

District-owned Assets: Those Regional Stormwater System assets that are legally owned and operated by the District.

I&M Activities: Inspection and maintenance activities that include, but are not limited to, the inspection, assessment, cleaning, structural maintenance, aesthetic maintenance, emergency repairs, and water quality and habitat maintenance of Regional or Local Stormwater System assets to ensure their stormwater conveyance functionality.

Local Stormwater System: The entire system of watercourses, stormwater conveyance structures, or Stormwater Control Measures owned and/or operated by a private entity or a unit of local government other than the District. The Local Stormwater System shall include those watercourses, stormwater conveyance structures, or Stormwater Control Measures not designated as part of the Regional Stormwater System.

Local Stormwater System Assets: Those stormwater conveyance structures, channels, and control measures that are owned and/or operated by a private entity or a unit of local government other than the District, including all assets not designated as part of the Regional Stormwater System.

Open Channel: A natural or artificial uncovered conveyance structure through which stormwater flows.

Regional Stormwater System: The entire system of watercourses, stormwater conveyance structures, and Stormwater Control Measures in the District's stormwater service area that are owned and/or operated by the District or over which the District has right of use for the management of stormwater, including both naturally occurring and constructed facilities. The Regional Stormwater System shall generally include those watercourses, stormwater conveyance structures, and Stormwater Control Measures receiving drainage from three hundred (300) acres of land or more. The District shall maintain a map of the Regional Stormwater System that shall serve as the official delineation of such system.

Regional Stormwater System Assets: Those stormwater conveyance structures, channels, and control measures that drain three hundred (300) acres of land or more or are owned by the District.

Stormwater Control Measures (SCMs): An activity, measure, structure, device, or facility that helps to achieve stormwater management objectives including, without limitation, schedules of activities, prohibitions of practices, operation and maintenance procedures, treatment requirements, and other practices to prevent or reduce the pollution of water resources, to control stormwater volume and/or rate, or to otherwise limit impacts to the Regional Stormwater System. SCMs shall be designed to minimize maintenance and reduce the potential for failure.

Transportation Crossings: Any structures, including bridges, which facilitate the flow of stormwater beneath roads, railroads and other transportation facilities.

II. Introduction

The Northeast Ohio Regional Sewer District (District) strives to protect and preserve the Regional Stormwater System through its Stormwater Management Program (SMP). In support of this goal, the District performs inspection, maintenance, and emergency repair activities on Regional Stormwater System assets to ensure their conveyance capacity as well as the protection of public safety and real property. These activities are performed as they relate to the District's objectives (see Section III) and as financial resources are available. This report documents the District's policies for funding and performing inspection and maintenance activities on components of the Regional Stormwater System.

III. District Inspection and Maintenance Objectives

The goal of the District's inspection and maintenance activities under the Stormwater Management Program is to protect and preserve the conveyance capacity of the Regional Stormwater System, as well as protect public safety and real property. This policy was developed to ensure that District inspection and maintenance activities remain aligned with this primary goal, while setting service expectations that are reasonable and viable.

This body of policies was developed to meet the following objectives for the Regional Stormwater System:

- Develop and implement sound, sustainable maintenance practices for stormwater control measures;
- Protect, preserve, and enhance the Regional Stormwater System while controlling costs;
- Prevent premature construction outlay through preventive and predictive maintenance;
- Increase response and repair speed and improve capabilities; and
- Encourage coordination with member communities on activities within their borders.

In addition, these policies are intended to coordinate with the stream monitoring, planning & modeling, and construction programs to achieve multi-objective floodplain and stream system management, and to support other areas of the stormwater management program.

IV. Regional Stormwater System I&M Overview

1. Non District-owned Assets

The following table summarizes the District’s responsibility for inspection, maintenance activities, and emergency repairs for a variety of Regional Stormwater System assets not owned by the District. The District will be responsible for funding and carrying out facility inspection and assessment, as well as cleaning activities under its maintenance program. Inspections will take place to ensure the conveyance capacity of the asset and identify structural integrity issues (e.g. erosion) that could impact the operation of the Regional Stormwater System. District inspections are not intended to replace inspections otherwise mandated by local, state, or federal requirements (i.e. bridge, culvert, or dam inspections by facility owners and operators).

Activities the District will perform are indicated in the cells labeled “District” for each asset type in the table below. For other maintenance and repair activities, the approach to and funding for the activity varies by asset type. Cases A through E, which encompass the varying approaches, are described below. Section V-1 below describes inspection and maintenance activities that the District will perform for each asset, based on these cases.

Title V of the District’s Code of Regulations allows the District access to all Regional Stormwater System assets for inspection purposes. For all other activities, performance will be contingent upon the District’s ability to obtain access to the asset.

Table 1. Summary of District I&M Activities Policy along the Regional Stormwater System

| | Open Channel | Basins | Culverted Streams | Transportation Crossings | Dams |
|--|--------------|----------|-------------------|--------------------------|----------|
| Facility Inspection and Assessment | District | District | District | District | District |
| Maintenance Program: Cleaning Activities | District | District | District | District | District |
| Maintenance Program: Structural Maintenance | Case A | Case B | Case B | Case B | Case B |
| Maintenance Program: Aesthetic Maintenance | Case D | Case E | Case D | Case D | Case E |
| Maintenance Program: Water Quality & Habitat Maintenance | Case C | Case C | Case C | Case C | Case C |
| Emergency Repairs | Case A | Case B | Case B | Case B | Case B |

Case A

Activities that have been classified as Case A are deemed a high priority due to their direct bearing on the SMP core mission. Case A activities are carried out to mitigate conditions in which stormwater conveyance, public safety, or property are likely to be threatened. In general, the District intends to carry out Case A activities without seeking funding from any external parties. However, these activities are subject to funding availability, project size, and other factors.

Case B

Activities that have been classified as Case B are deemed a high priority due to their direct bearing on the SMP core mission. Case B activities are carried out to mitigate conditions in which stormwater conveyance, public safety, or property is likely to be threatened. The District will seek to inform the asset owner and share project costs, as assets for which activities are categorized as Case B are likely to have an owner who is otherwise interested in the proper function of the asset. The timeliness of maintenance activities classified as Case B can be improved through increased willingness of the asset owner, or another third party, to share costs.

Case C

Activities that have been classified as Case C are important to the District's goal of improving water quality and environmental health, but are indirectly related to the SMP goal of maintaining stormwater conveyance. As such, case C activities may be carried out when possible as part of routine cleaning activities.

Case D

Activities that have been classified as Case D are deemed a lower priority due to their indirect relationship to the SMP core mission. Case D activities may be carried out by the District under extraordinary circumstances. However, the District will first seek to notify the owner and encourage resolution of the issue without directly funding or performing the activity.

Case E

Activities that have been classified as Case E are deemed a lower priority due to their indirect relationship to the SMP core mission. Case E activities may be carried out when they are incidental to routine cleaning or repair activities already taking place. The District will seek to notify the owner and encourage resolution without directly funding or performing the activity.

2. District-owned Assets

The District will fund and carry out (through contractual agreement, if applicable) all cleaning, inspection, maintenance, repair, and replacement activities on District-owned assets necessary to maintain adequate stormwater conveyance. In cases of damage or destruction not caused by regional stormwater (e.g. as the result of a traffic accident), the District may hold other parties financially responsible for these activities.

V. Regional Stormwater System Assets

For all Regional Stormwater System assets, the District will conduct inspection, maintenance, and emergency repair activities in accordance with this policy to maintain their conveyance capacity and structural integrity. Funding availability and time may limit the District's ability to perform certain activities that are not considered crucial to fulfilling the District's core mission. The District's responsibility for inspection and maintenance activities as they pertain to each asset type are described herein.

1. I&M Activities by Regional System Asset Type

a. Open Channels

For assets classified as open channels, the District will be responsible for the inspection and cleaning of the asset to a degree that ensures the conveyance capacity of the channel. These are not intended to replace inspections otherwise mandated by local, state, or federal requirements. The District will remove accumulated trees, brush, litter and debris that block the cross-section and restrict conveyance of stormwater of the Regional Stormwater System in accordance with level of service standards.

The District will also fund and carry out structural maintenance and emergency repair activities integral to conveyance, such as stream bank stabilization, as it identifies such needs. In general, the District intends to carry out these activities without seeking funding from any external parties. However, these activities are subject to funding availability, project size, and other factors.

The District will not perform aesthetic maintenance activities, including litter or man-made debris removal (such as shopping carts) or dredging, except for under extraordinary circumstances. However, the District will seek to notify the owner and encourage resolution without direct involvement. At the District's discretion, it may provide water quality or habitat maintenance activities as part of routine cleaning activities.

b. Basins

For all assets classified as regional basins, the District will inspect the structural and mechanical integrity of, and clean, the basin and associated structures and embankments on a routine schedule to a degree that ensures the conveyance capacity of the basin. This includes regular removal of accumulated debris around outfall structures.

Activities performed may include management of vegetation and stabilization of embankments and spillways as they support conveyance and protection of human health and property. To address structural maintenance needs as well as emergency repairs, the District will seek to inform the asset owner. In some cases, the District may seek to share project costs with the owner.

The District will not perform aesthetic maintenance activities, including litter or man-made debris removal or dredging, unless they are incidental to routine cleaning activities, as these activities further the fulfillment of the District's mission. At the District's discretion, it may appropriate provide water quality or habitat maintenance activities as part of routine cleaning activities.

c. Culverted Streams

For assets classified as culverted streams, the District will be responsible for the inspection and cleaning needs of the asset, contingent upon resource availability, to ensure the conveyance capacity of the culverted stream. The District will perform preventative maintenance cleaning of culverted streams to remove accumulated sediment and debris. Inspections and cleaning will take place to ensure the conveyance capacity of the asset, rather than its structural integrity or other characteristics. These inspections are not intended to replace inspections or maintenance otherwise mandated by local, state, or federal requirements.

To address structural maintenance needs as well as emergency repairs, the District will seek to inform the asset owner and, in some cases, share project costs. Repairing cracks and other structural or repair activities will be performed when they support the goals of stormwater conveyance and protection of public safety and real property.

The District will not perform aesthetic maintenance activities, including graffiti removal, except for under extraordinary circumstances. However, the District will seek to notify the owner and encourage resolution without direct involvement. At the District's discretion, it may provide water quality or habitat maintenance activities as part of routine cleaning activities.

d. Transportation Crossings

For assets classified as transportation crossings, the District will be responsible for the inspection and cleaning needs of the asset, to a degree that ensures the conveyance capacity of the transportation crossing. The District will perform preventative maintenance cleaning of transportation crossings to remove accumulated woody debris, litter and other debris that obstruct the entrance of bridges and culverts. Inspections and cleaning will take place to ensure the conveyance capacity of the asset and not its structural integrity or other characteristics. These inspections are not intended to replace inspections or maintenance otherwise mandated by local, state, or federal requirements.

To address structural maintenance needs as well as emergency repairs, the District will seek to inform the asset owner and, in some cases, share project costs. These activities will be performed when they support the goals of stormwater conveyance and protection of public safety and real property.

The District will not perform aesthetic maintenance activities, including graffiti removal, except under extraordinary circumstances. However, the District will seek to notify the owner and encourage resolution without direct involvement. At the District's discretion, it may provide water quality or habitat maintenance activities as part of routine cleaning activities.

e. Dams

For assets classified as dams, the District will be responsible for the inspection and cleaning of the asset to a degree that ensures the conveyance capacity of the dam. The District will remove accumulated trees, brush, litter and debris that block the cross-section/restrict conveyance of stormwater of the Regional Stormwater System in accordance with level of service standards. Inspections and cleaning will take place to ensure the conveyance capacity of the asset, rather than its structural integrity or other

characteristics. These inspections are not intended to replace inspections or maintenance otherwise mandated by local, state, or federal requirements.

The District will also fund and carry out structural maintenance and emergency repair activities, such as channel stabilization, as these needs are identified. The District intends to carry out these activities without seeking funding from any external parties. However, these activities are subject to funding availability, project size, and other factors.

The District will not perform aesthetic maintenance activities, such as large debris removal and mowing, except as incidental to routine cleaning or repair activities already taking place. The District will seek to notify the owner and encourage resolution of maintenance issues without its direct involvement. At the District's discretion, it may provide water quality or habitat maintenance activities as part of routine cleaning activities.

f. Other Stormwater Control Measures

Similar to the Regional Stormwater System asset classes discussed above, other stormwater control measures will be inspected and cleaned to support stormwater conveyance capacity and protect public safety and real property, given that the asset in question is holding or conveying regional stormwater. Additional activities will be performed at the discretion of the District, and the District will seek to notify the owner and encourage shared project costs (for those aligned with the District's core mission) or resolution without direct involvement (for all others).

VI. Local Stormwater System Assets

For Local Stormwater System assets, operation and maintenance activities are not the responsibility of the District.

The District may conduct inspection and repair activities on assets of the Local Stormwater System that it, at its sole discretion, deems necessary or conducive to the proper and efficient functioning of the Regional Stormwater System. For these assets, inspection and maintenance activities will take place on a schedule determined by the District and through agreement with the Local Stormwater System operator to maintain the stormwater conveyance functionality of the Regional Stormwater System or on an emergency basis as required. The District will coordinate with the Local Stormwater System operator and the property owner prior to entering the property and conducting inspection and maintenance activities.

VII. Maintenance Activity Prioritization

The District will attempt to address all inspection and cleaning needs on a routine basis. For other activities, timing and availability of funds may limit its performance. In determining which activities to prioritize, the District will consider the cost of the activity and its potential benefit to the Regional Stormwater System or to the District. Third party/owner contributions to costs, including the application

by a Member Community of Community Cost-Share Program funds, may increase the prioritization of a particular activity. In addition, these primary considerations will be made:

- 1) Those activities resulting in significant **improvements to the Regional Stormwater System** will be prioritized more highly than others. For example, replacing a section of culverted stream that is already near capacity will have a greater impact than replacing one that is functioning properly.
- 2) **Criticality of the current state of an asset** represents its nearness to the end of its useful life. Timely replacement is preferable to eventual asset failure as it can protect the downstream Regional Stormwater System. Catastrophic failure of an asset would result in the highest criticality ranking because downstream effects may already be occurring.
- 3) The **level of threat to public safety and real property** is an important consideration in all of the District's operations. Activities may be prioritized more highly that will reduce the upstream area's susceptibility of flood events and other impacts of the Regional Stormwater System on public safety and real property.

EXHIBIT E



Northeast Ohio Regional Sewer District Community Cost-Share Program Policy December 11, 2015

Section 1.0 Introduction

The Community Cost-Share Program provides funding to Member Communities for community-specific stormwater management projects. To implement the Community Cost-Share Program, the Northeast Ohio Regional Sewer District (District) has formed a financial account termed "Community Cost-Share Account" for the aggregation and dissemination of funds derived from Stormwater Fee revenues collected in each Member Community.

A minimum of 25% of the total annual Stormwater Fee revenue collected in each Member Community is allocated to the Community Cost-Share Account for each Member Community. The Community Cost-Share Account is under the control of the District, with disbursement of funds to Member Communities through an application process outlined in this document.

Member Communities may apply for Community Cost-Share Program funds any time such funds are available, and may accumulate up to five years of Community Cost-Share funds. However, if a Member Community does not apply to use Year 1's Community Cost-Share funds by July 1st of Year 5, the funds will revert back to the District's Stormwater Account. Member Communities may accumulate Community Cost-Share funds beyond this 5 year limit based on a plan approved by the District for the use of the accumulated funds.

Section 2.0 - Project Eligibility

To qualify for Community Cost-Share Program funds the Member Community must maintain compliance with *Title V: Stormwater Management Code*. A Community Cost-Share Program project must clearly promote or implement the goals and objectives of the District set forth in Title V and must be intended to address current, or minimize new, stormwater flooding, erosion, and water quality problems.

- 2.1. To be considered for funding, projects must at a minimum be:
 1. Located within a Member Community,
 2. Benefit the Regional Stormwater System, and
 3. Meet all applicable District, federal, state and local regulations.
- 2.2. Eligible projects can include, but are not limited to, the following:
 1. Projects that reduce volume, flow rate, or pollutant load of stormwater to the Local Stormwater System or Regional Stormwater System;



2. Projects or activities that help Member Communities meet their NPDES Phase II requirements under Ohio EPA or other Clean Water Act mandates;
3. Projects necessary to mitigate separate sanitary sewer overflow;
4. Repair, replacement or cleaning of local storm sewers, catch basins, and other components of the Local Stormwater System;
5. Maintenance of stormwater control measures;
6. Mapping activities required under NPDES Phase II;
7. Street sweeping;
8. Purchase of stormwater-related equipment such as street sweepers or vacuum trucks;
9. Matching funds necessary for stormwater-related grant applications; and
10. Operation, maintenance, and capital projects necessary to address stormwater-related problems.

If a proposed activity is not listed above, Member Communities should contact their Watershed Team Leader to review the project prior to submitting an application. The appendix includes a map of the District's Stormwater Service Area with the Watershed Team Leader identified for each Member Community.

Section 3.0 - Ineligible Projects

Community Cost-Share Program funds shall not be used for any project that causes, accelerates, or contributes to flooding, erosion or water quality problems or is otherwise detrimental to the Local or Regional Stormwater System. Prohibited projects include, but are not limited to the following:

1. The application of fill materials in floodplains, riparian areas or wetlands, and the culverting or channelizing of watercourses; or
2. Capital, operation, maintenance, and administrative expenses not directly related to stormwater management.

Section 4.0 – Project Application Process and District Approval

The application and District approval process is listed below.

1. Member Communities submit applications to the Watershed Team Leader by the 30th of each month. Applications submitted in Year 5 for projects using Year 1's Community-Cost Share Funds are to be submitted in enough time to be approved by July 1st of Year 5. The Community Cost-Share application is available in the *Community Cost-Share Program: Application, Request for Payment and Progress Report Forms* document.



2. District begins review of Community Cost-Share Program applications at the 1st of every month. Complete applications will be reviewed by Watershed Programs Department.

3. The District will make the best effort to approve or deny applications within 30 days of the start of review. When an application is approved the Watershed Team Leader will notify the Member Community and begin execution of a legal agreement between the District and the Member Community. If an application is not approved the Watershed Team Leader will provide feedback to the Member Community. Denied applications may be revised and resubmitted based on Watershed Team Leader feedback.

The District will not approve applications unless Community Cost-Share funds are available for the project.

The Watershed Team Leaders are the primary contact for Member Communities for the Community Cost-Share Program. The appendix includes a map of the District's Stormwater Service Area with the Watershed Team Leader identified for each Member Community.

Section 5.0 – Community Cost-Share Disbursement

The District will reimburse Community Cost-Share Program funds for approved projects to Member Communities quarterly by project and at the close of a project. To receive a reimbursement of funds for an approved project, the Member Community shall provide a Progress Report and Request for Payment to their Watershed Team Leader.

Progress Report and Request for Payment forms are included in the *Community Cost-Share Program: Application, Request for Payment and Progress Report Forms* document. Requests for Payment must also include applicable invoices, canceled checks and other appropriate documentation requested by the District's Finance Department to confirm the use of Community Cost-Share Program funds as detailed in the approved project application.

To receive reimbursement for project expenditures the Member Community can submit a Progress Report and Request for Payment on any of the following dates:

| Quarterly Reporting Period | Request of Payment Due Date |
|---|--------------------------------|
| January thru March | April 30 th |
| April thru June | July 30 st |
| July thru September | October 30 st |
| October thru December | January 30 st |
| Or Within 30 days of project completion | |

The District will not accept Progress Reports or Requests for Payment for activities that are more than one (1) year old.



The District shall process Community Cost-Share Program Requests for Payment within 60 days of receipt of a complete Request for Payment.

Section 6.0 - Member Community Responsibilities

Upon signing an agreement with the District for a Community Cost-Share Program project, the Member Community will be required to implement the following, as applicable:

1. Complete work as detailed in the approved application submitted.
2. Meet with District staff when requested to review progress and project status.
3. Obtain all necessary legal agreements with affected property owners to perform construction; and to bind any successor in title to maintain compliance as specified in the agreement between the District and the Member Community for the Community Cost-Share Program project. The costs of obtaining such legal agreements are eligible for Community Cost-Share Program funds if they are a part of an executable Community Cost-Share Program project approved by the District.
4. Obtain all necessary federal, state and local permits necessary to initiate and complete the Project. This can include but is not limited to Army Corp of Engineers 404 and Ohio EPA 401 water quality certification.
5. Maintain a complete record of the Member Community's maintenance inspections and overall performance of the project for at least three (3) years, or as otherwise specified in the Community Cost-Share Program agreement, and submit the same upon reasonable request to the District. If the Member Community fails to maintain a project funded through the Community Cost-Share Program in accordance with any agreement executed with the District, the Member Community shall be liable for the full amount of any Community Cost-Share Program funds paid for the project. Such amount shall be offset against the Member Community's Community Cost-Share Account.
6. Submit requests to modify the budget, deadline, deliverables, or other components of the Project to the applicable Watershed Team Leader identified in Section 4.00 of this agreement, for approval at least two (2) weeks prior to the execution of the modification.
7. Acknowledge the District on any public advertisement or outreach efforts related to the project.
8. Provide the District the opportunity to have design approval for any signage or public education and outreach efforts related to the project.
9. Permit the District to photograph any project selected for funding and to incorporate the project into the District's overall public education and outreach efforts for stormwater management.

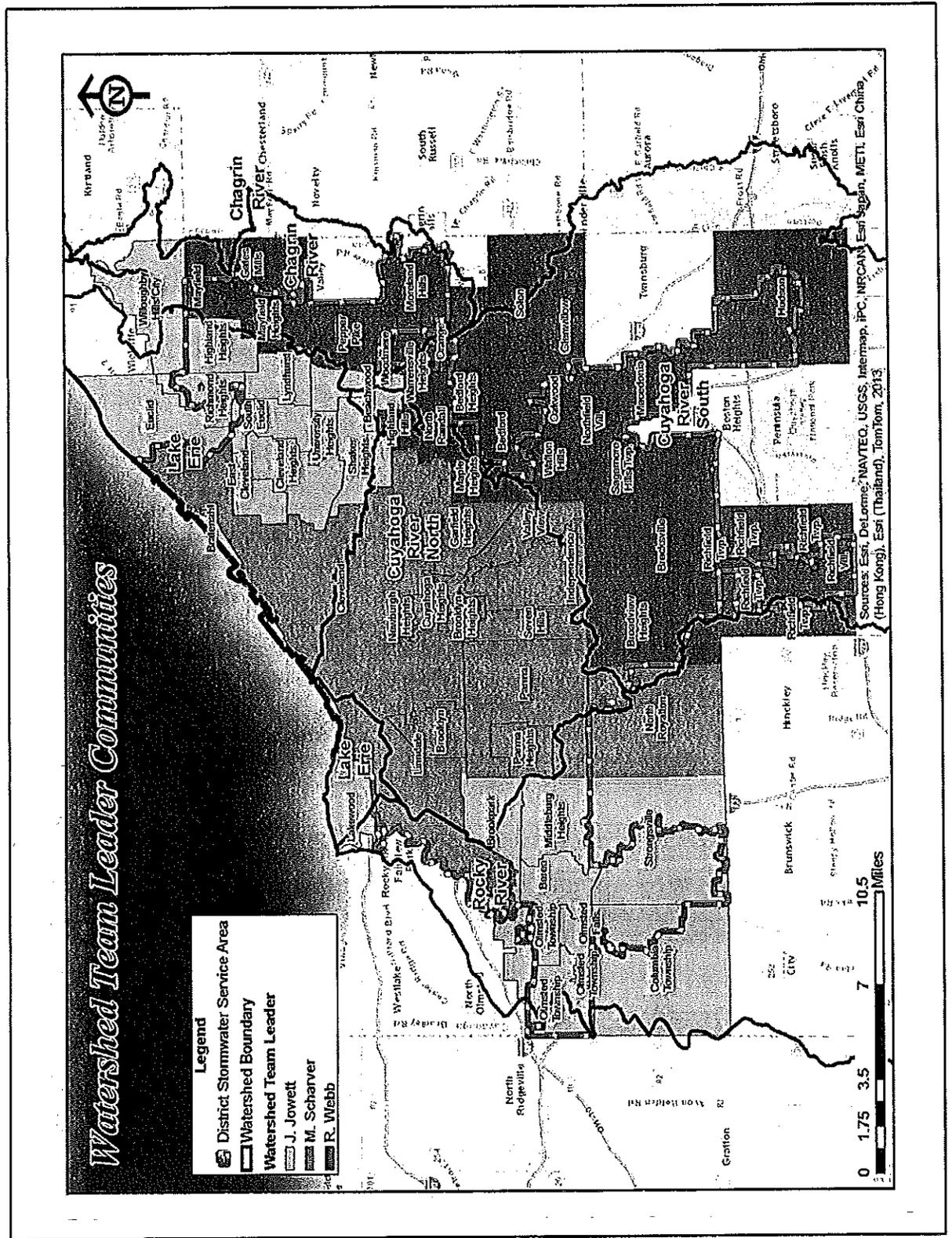


Failure to meet any of these requirements may result in termination of the application and reimbursement of disbursed funds to the District.

Section 7.0 Modification of Approved Community Cost-Share Project Agreement

Requests to modify the budget, deadline, deliverables, or other components of an executed Community Cost-Share Project agreement shall be made to the applicable Watershed Team Leader. Such requests should include an explanation of the requested change, including why such a change is needed, as well as a discussion of how such a change will improve the project outcome.

Appendix: Watershed Team Leader Contact for Member Communities





Watershed Team Leader (WTL) – Member Community Reference Sheet

| Community | WTL | | Community | WTL |
|------------------|-------------|--|------------------|-------------|
| Beachwood | J.Jowett | | Mayfield | R. Webb |
| Bedford | R. Webb | | Mayfield Hts | R. Webb |
| Bedford Hts | R. Webb | | Middleburg Hts | J. Jowett |
| Berea | J. Jowett | | Moreland Hills | R. Webb |
| Bratenahl | J. Jowett | | Newburgh Hts | M. Scharver |
| Brecksville | R. Webb | | North Royalton | M. Scharver |
| Broadview Hts | R. Webb | | North Randall | R. Webb |
| Brooklyn | M. Scharver | | Northfield | R. Webb |
| Brooklyn Hts | M. Scharver | | Oakwood | R. Webb |
| Brook Park | J. Jowett | | Olmsted Falls | J. Jowett |
| Cleveland | M. Scharver | | Olmsted Twp | J. Jowett |
| Cleveland Hts | J. Jowett | | Orange | R. Webb |
| Columbia Twp | J. Jowett | | Parma | M. Scharver |
| Cuyahoga Hts | M. Scharver | | Parma Hts | M. Scharver |
| East Cleveland | J. Jowett | | Pepper Pike | R. Webb |
| Euclid | J. Jowett | | Richfield Vlg | R. Webb |
| Garfield Hts | M. Scharver | | Richmond Hts | J. Jowett |
| Gates Mills | R. Webb | | Sagamore Hills | R. Webb |
| Glenwillow | R. Webb | | Seven Hills | M. Scharver |
| Highland Hills | R. Webb | | Shaker Hts | J. Jowett |
| Highland Hts | J. Jowett | | Solon | R. Webb |
| Hudson | R. Webb | | South Euclid | J. Jowett |
| Independence | M. Scharver | | Strongsville | J. Jowett |
| Lakewood | J. Jowett | | University Hts | J. Jowett |
| Linndale | M. Scharver | | Valley View | M. Scharver |
| Lyndhurst | J. Jowett | | Walton Hills | R. Webb |
| Macedonia | R. Webb | | Warrensville Hts | R. Webb |
| Maple Hts | R. Webb | | Willoughby Hills | J. Jowett |



Watershed Team Leader Contact Information

Matt Scharver

3900 Euclid Avenue
Cleveland, OH 44115-2506
Northeast Ohio Regional Sewer District
(216) 881-6600 Ext. 6880
scharverm@neorsd.org

Rachel Webb

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webbr@neorsd.org

Jeff Jowett

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Northeast Ohio Regional Sewer District
(216) 881-6600 Ext. 6881
jowettj@neorsd.org

EXHIBIT F



**Northeast Ohio Regional Sewer District
Watershed Advisory Committee Policy
December 11, 2015**

Introduction

As a component of the Northeast Ohio Regional Sewer District's (District) Regional Stormwater Management Program, as described in *Title V: Stormwater Management Code* (Title V), the District has established Watershed Advisory Committees (WAC) for those portions of the following watersheds within the District's stormwater service area.

- Chagrin River
- Cuyahoga River North Subwatersheds
- Cuyahoga River South Subwatersheds
- Lake Erie Direct Tributaries
- Rocky River

The core responsibility of a WAC is to advise the District on Regional Stormwater Management Program activities and priorities in each watershed. This includes reviewing and providing feedback and recommendations on the following watershed specific plans and Regional Stormwater Management Program areas:

- Stormwater Master Plans,
- Stormwater Construction Plans,
- Inspection, Operation, Maintenance and Monitoring Activities,
- Regional Stormwater Standards, if developed, and
- Municipal Separate Storm Sewer System (MS4) Stormwater Management Programs (Phase II).

This policy outlines the following related to WACs:

- Section 1.0 Watershed Advisory Committee Organization and Members
- Section 2.0 Watershed Advisory Committee Responsibilities
- Section 3.0 Watershed Advisory Committee Meeting Schedule and Expectations

In reviewing this policy, please note the following:

- Title V includes definitions for terms related to the Regional Stormwater Management Program, such as Member Community, Local Stormwater System, Regional Stormwater System, and Stormwater Control Measures. These terms are used in this policy. Please refer to Title V for their definition. These definitions are not restated in this policy.
- The WACs represent a formal mechanism for regular contact between Member Communities and the District. WACs are not, however, intended to be the only mechanism of communication between Member Communities and the District. District staff, specifically Watershed Team Leaders, are available to Member Communities at any time to discuss issues related to the Regional Stormwater Management Program.



Section 1.0 – Watershed Advisory Committee Organization and Members

A WAC is composed of a representative from each Member Community and public agency with control of infrastructure in the watershed. The members of the WAC serve at the pleasure of their appointing Member Community or public agency. The details of these appointments are discussed below.

Each Member Community in the watershed holds one position on the WAC. The Member Community's representative and an alternate are designated by the Mayor or Township Trustees. In the event that a Member Community is in two or more watersheds, the Member Community has one position on each applicable WAC.

Public agencies with control of infrastructure, including stormwater conveyance structures and Stormwater Control Measures, in the applicable watershed also hold one position on each relevant WAC. These public agencies include, but are not limited to, the following:

1. Board of County Commissioners or County Executive in Cuyahoga, Lorain and Summit Counties
2. Greater Cleveland Regional Transit Authority
3. Park Districts (created under ORC 1545), specifically the Cleveland Metroparks and Metroparks Serving Summit County
4. Ohio Department of Transportation
5. Ohio Turnpike Commission

The Director of each public agency designates the agency's representative and an alternate for the WAC. In the event that an agency is in two or more watersheds, the agency has one position on each applicable WAC.

Other interested entities may attend WAC meetings. These include non-profit groups that work in the watershed or with Member Communities on conservation and watershed projects. These other interested entities are not formal members of the WACs.

Each WAC is assigned a Watershed Team Leader from the District's Watershed Programs Department. The Watershed Team Leader is responsible for coordinating WAC activities, meetings, and action items. See the Appendix for a list of each watershed's WAC members and a map of the watersheds in the Regional Stormwater System.

Section 2.0 - Watershed Advisory Committee Responsibilities

WAC members will be asked to review, provide input and provide information on:



1. Stormwater Master Plans,
2. Stormwater Construction Plans,
3. Inspection, Operation, Maintenance and Monitoring Activities,
4. Regional Stormwater Standards, if developed, and
5. MS4 Stormwater Management Programs (Phase II).

The following sections outline each of these areas and the applicable WAC responsibilities.

Section 2.1 - Stormwater Master Plans

The District is developing Stormwater Master Plans in each watershed to guide the activities of the Regional Stormwater Management Program and to address the needs of the Regional Stormwater System and watershed. The Stormwater Master Plans will be completed for subwatersheds in each of the five watersheds within the District's stormwater service area. The District may not develop Stormwater Master Plans for subwatersheds that only contain a small portion of the District's stormwater service area unless it becomes necessary for overall regional stormwater management purposes.

Stormwater Master Plans assess the conditions of the watershed and the Regional Stormwater System and assess points where improvements to the Regional Stormwater System can be made to improve flood control, reduce erosion, and reduce chronic stormwater maintenance problems. Stormwater Master Plans also identify projects to be included in the Stormwater Construction Plan and inspection, operation, maintenance and monitoring activities. Stormwater Master Plans, in conjunction with other watershed planning documents such as watershed action plans and balanced growth plans, present a holistic view of the watershed.

The District's Engineering and Construction Department leads the development of the Stormwater Master Plans. The WACs are engaged in Stormwater Master Plan development through the Watershed Team Leaders. During the development of Stormwater Master Plans the WACs will be provided the opportunity to review the findings of the watershed assessment and stormwater master planning process, and to provide input on project prioritization within a watershed. The District's Engineering and Construction Department may also communicate directly with Member Communities for specific details on the watershed and stormwater management in their community during Stormwater Master Plan development. Stormwater Master Plans are updated as necessary and the WACs will be asked to review and provide input on the Stormwater Master Plans during the updating process.

Section 2.2 - Stormwater Construction Plan

The Stormwater Construction Plan is one plan that guides construction activities for the Regional Stormwater System and District owned or operated Stormwater Control Measures. The District's Engineering and Construction Department implements the Stormwater Construction Plan. The Stormwater Construction Plan focuses on Stormwater Control Measures and regional stormwater



infrastructure improvements in each of the five watersheds. The Stormwater Construction Plan is reviewed and updated annually. To be included as a project under the Stormwater Construction Plan, projects must at a minimum meet the intent of the District's Regional Stormwater Management Program and solve or mitigate regional stormwater problems.

The Stormwater Construction Plan undergoes an annual planning process that includes the nomination of new projects, and validation and prioritization of all proposed construction projects. Facilitated by the Watershed Team Leader, the WACs engage in the Stormwater Construction Plan planning process. The WACs are asked to provide the following:

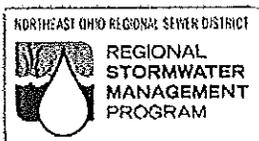
1. Information for new construction projects to be considered for the Stormwater Construction Plan.
2. New information on projects in the current Stormwater Construction Plan as it pertains to the project scope, schedule, priority, permitting and substance.
3. Review of drafts of the Stormwater Construction Plan and input on possible conflicts or opportunities for implementation.

The District developed an early-action Stormwater Construction Plan based on previous stormwater studies such as the *Regional Plan for Sewerage and Drainage - Phase I* and the *Regional Intercommunity Drainage Evaluation Study*. The early-action Stormwater Construction Plan was also based on inspections, investigations and Member Community meetings. These early-action stormwater construction projects are the focus of construction for the first years of the Regional Stormwater Management Program and will commence prior to the completion of Stormwater Master Plans. In their first year, the WACs will be asked to review the current status of the early-action Stormwater Construction Plan and to provide any additional input.

Section 2.3 - Inspection, Operation, Maintenance and Monitoring Activities

The District conducts inspections, operation, maintenance and monitoring activities on the Regional Stormwater System and District owned and operated Stormwater Control Measures. These activities include:

1. Preventative maintenance inspections of Stormwater Control Measures that fall under the responsibility of the District and District identified areas of concern.
2. Inspections along the Regional Stormwater System to identify areas of maintenance, such as stream bank erosion, and culvert or stream blockages with debris.
3. Operation and maintenance activities on Stormwater Control Measures and the Regional Stormwater System.



These activities are identified through the development of the Stormwater Master Plans, District inspections, Member Community requests and the WACs. The WACs are to provide input on inspection, operation, maintenance and monitoring needs and activities and any prioritization process used to rank activities, and to submit potential operation and maintenance activities to the District for consideration.

Section 2.4 - Regional Stormwater Standards

The District may develop additional regional stormwater standards as may be necessary and reasonable to protect the Regional Stormwater System. As discussed in Chapter 6 of Title V, regional stormwater standards will only be developed if deemed necessary by the District and WACs. These standards, if developed, will be based on findings of Stormwater Master Plans for each watershed in the District's stormwater service area and the recommendations of the WACs. Per the requirements of Section 5.0401 of Title V, these additional standards will be developed with review and comment of the WACs, and provided to Member Communities for review and comment prior to consideration, and potential adoption, by the Board of Trustees.

Section 2.5 - MS4 Stormwater Management Programs (Phase II) and Technical Advice on Stormwater Issues

Through the WACs the District will provide support to Members Communities on their Phase II MS4 Stormwater Management Programs, and technical advice on flooding, erosion and stormwater management issues along the Local Stormwater System. The District will provide WAC members information on support activities for their stormwater management programs. This support includes but is not limited to:

1. Public Education and Information
2. Public Involvement
3. Illicit Discharge Detection and Elimination Mapping and Source Tracking
4. Good Housekeeping Training

Additionally, the District will provide technical support to Members Communities on stormwater issues such as flooding and erosion control. The District will use the WACs to help determine the type of assistance needed by Member Communities along the Local Stormwater System, and to annually review technical support activities.

Section 3.0 Watershed Advisory Committee Meeting Schedule and Expectations

The WACs will meet at least twice within a calendar year to review and provide feedback on the annual Stormwater Construction Plan revision process and stormwater master planning updates, and to review and request inspection, operation, maintenance and monitoring activities. Meeting



notification will be provided to those participants identified under Section 1.0 - WAC Organization and Members. At the beginning of each year the District will contact the Mayor or Township Trustees of each Member Community via mail to outline the meeting schedule and agendas, and the process for designating a representative for the WAC. The general meeting agenda for the twice yearly meetings is as follows.

1. Meeting 1 (March)
 - a. Review District Phase II support activities for the year
 - b. Identify new or recurring problem areas
 - c. Discuss operation and maintenance updates and requests
 - d. Review Stormwater Construction Plan and provide information on current projects in Stormwater Construction Plan anticipated for that year
 - e. Nominate new projects for the Stormwater Construction Plan
 - f. Review Stormwater Master Plan updates
2. Meeting 2 (October)
 - a. Discuss operation and maintenance updates and requests for the coming year
 - b. Review draft Stormwater Construction Plan for the coming year
 - c. Review Stormwater Master Plan updates

The Watershed Team Leaders shall preside over the WAC meetings. WAC meetings are documented through meeting minutes and provided to each WAC Member at the next scheduled WAC meeting.

In the first year of implementation of the Regional Stormwater Management Program additional meetings will be scheduled to initiate the WACs. These meetings will be scheduled within the first three months of commencement of the Regional Stormwater Management Program. The goal of these initial WAC meetings is to familiarize the WAC members with the roles and responsibilities of the WACs, and to review the Regional Stormwater Management Program.



*Watershed Advisory Committee Policy
December 11, 2015*

**Appendix: List of WAC Members and Potential Interested Entities,
and Watershed Map for each WAC**



| Table 1. Chagrin River Watershed Advisory Committee | | |
|---|--|--|
| Chagrin River Subwatersheds in Stormwater Service Area | Member (Community/County/Agency) | Potential Interested Entity |
| <ul style="list-style-type: none"> ▪ Beechers Brook ▪ Pepper/Luce Creek ▪ *Sulfur Springs ▪ Upper 40/Foster's Run ▪ Upper Tributary to Chagrin River ▪ Willey Creek <p>* Subwatershed in the District stormwater service area is minimal or outside of stormwater service area and may not be included in the Stormwater Master Plan.</p> | <ul style="list-style-type: none"> ▪ Beachwood ▪ Gates Mills ▪ Highland Heights ▪ Lyndhurst ▪ Mayfield Village ▪ Mayfield Heights ▪ Moreland Hills ▪ Orange Village ▪ Pepper Pike ▪ Solon ▪ Cleveland Metroparks ▪ Cuyahoga County ▪ Ohio Department of Transportation – District 12. | <ul style="list-style-type: none"> ▪ Chagrin River Watershed Partners, Inc. ▪ Gates Mills Land Conservancy ▪ Western Reserve Land Conservancy |

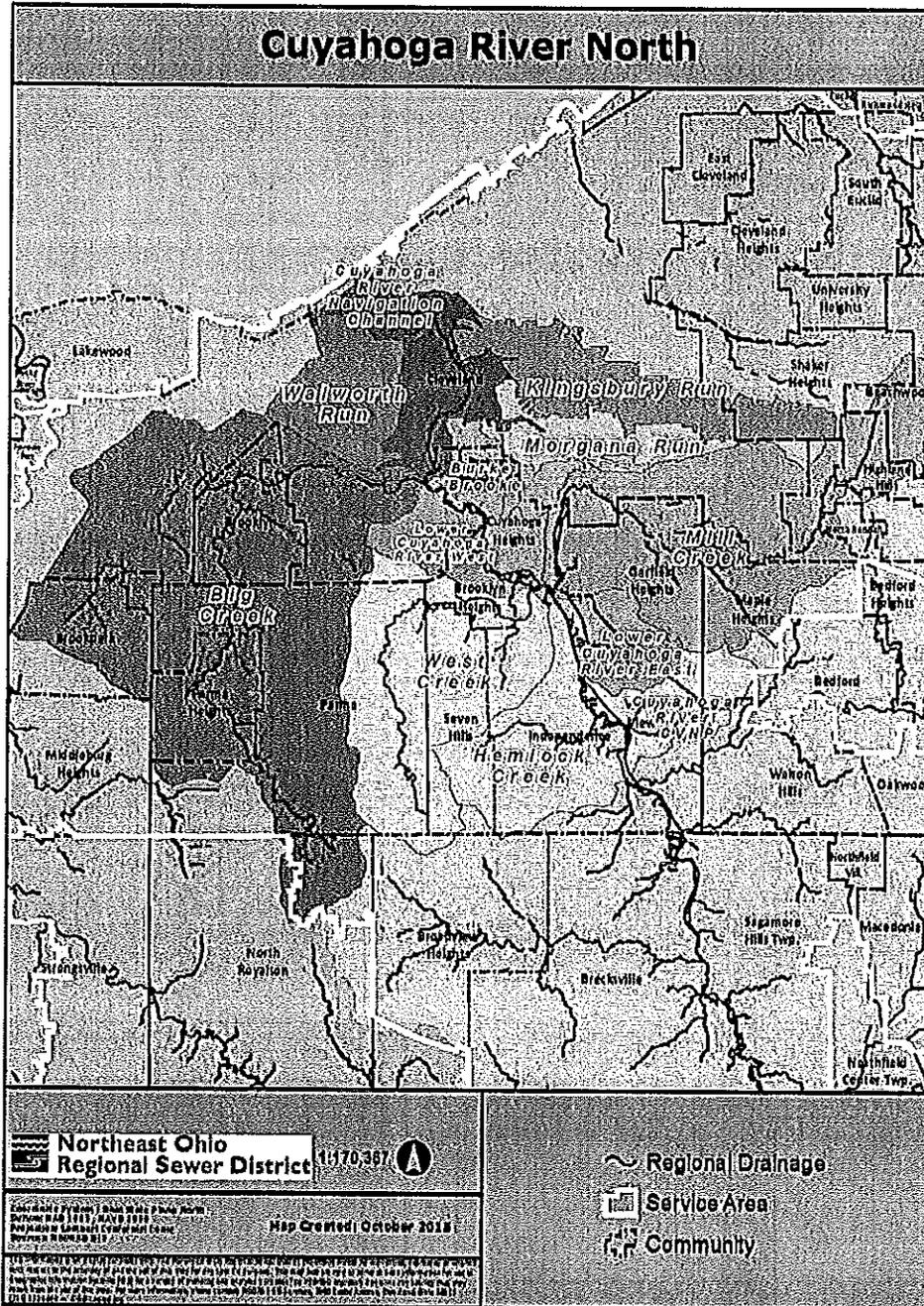
Total number of WAC members = 13



| Table 2. Cuyahoga River – North Subwatersheds Watershed Advisory Committee | | |
|--|--|--|
| Cuyahoga River North Subwatersheds in Stormwater Service Area | Member (Community/County/Agency) | Potential Interested Entity |
| <ul style="list-style-type: none"> ▪ Big Creek ▪ Burke Brook ▪ Cuyahoga River CVNP ▪ Hemlock Creek ▪ Kingsbury Run ▪ Lower Cuyahoga River East and West ▪ Mill Creek ▪ Morgana Run ▪ Walworth run ▪ West Creek | <ul style="list-style-type: none"> ▪ Beachwood ▪ Brook Park ▪ Brooklyn ▪ Brooklyn Heights ▪ Cleveland ▪ Cuyahoga Heights ▪ Garfield Heights ▪ Independence ▪ Linndale ▪ Maple Heights ▪ Newburg Heights ▪ North Randall ▪ North Royalton ▪ Parma ▪ Parma Heights ▪ Seven Hills ▪ Shaker Heights ▪ Valley View ▪ Walton Hills ▪ Warrensville Heights ▪ Cleveland Metroparks ▪ Cuyahoga County ▪ Cuyahoga Valley National Park ▪ Greater Cleveland Regional Transit Authority ▪ Ohio Department of Transportation – District 12 ▪ Ohio Turnpike Commission | <ul style="list-style-type: none"> ▪ Cuyahoga River Remedial Action Plan ▪ Friends of Big Creek ▪ Friends of Crooked River ▪ Western Reserve Land Conservancy ▪ West Creek Preservation Committee |

Total number of WAC members = 27

Figure 2. Map of Cuyahoga North Subwatersheds





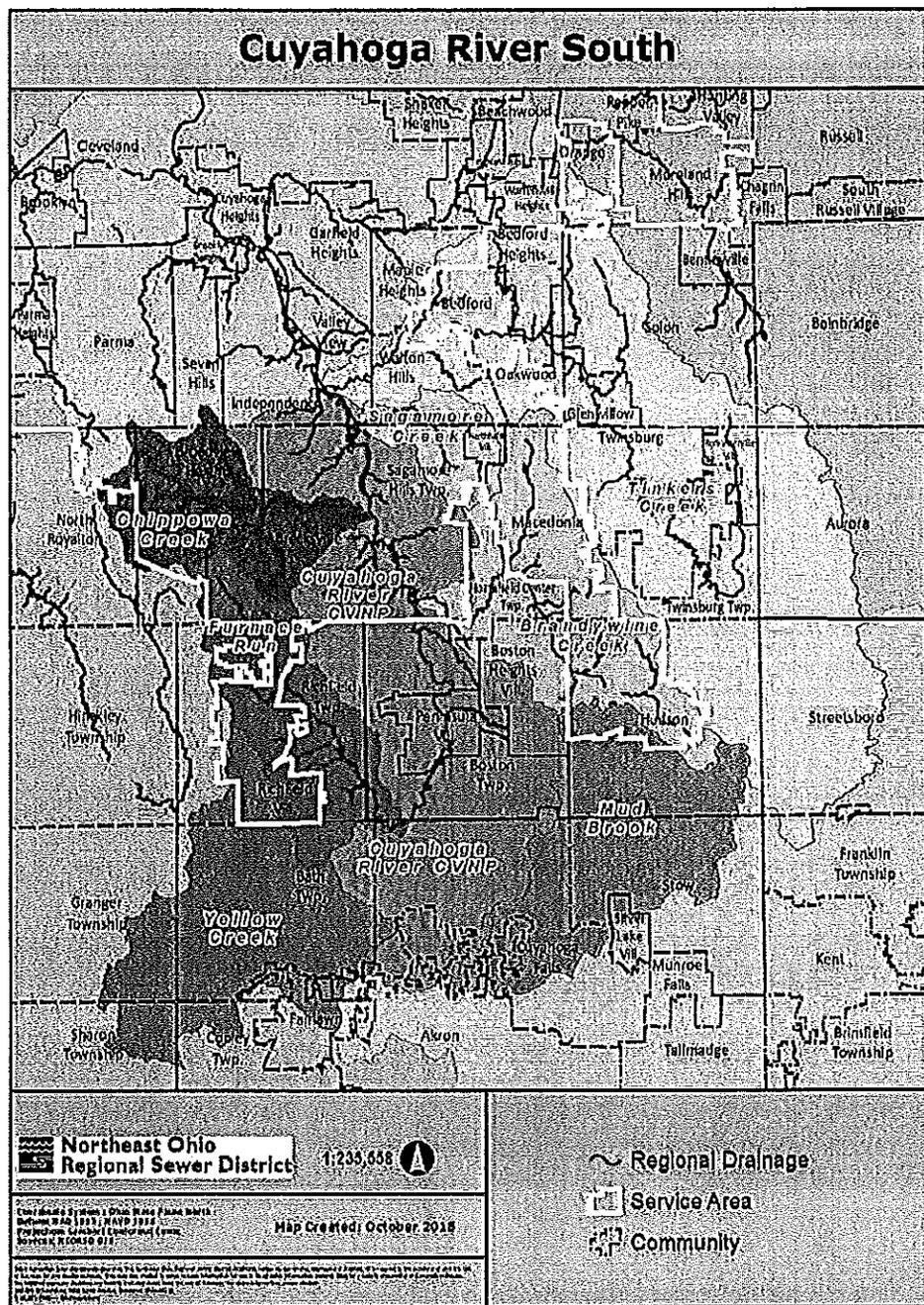
| Table 3. Cuyahoga River – South Subwatersheds Watershed Advisory Committee | | |
|---|--|---|
| Cuyahoga River South Subwatersheds in Stormwater Service Area | Member (Community/County/Agency) | Potential Interested Entity |
| <ul style="list-style-type: none"> ▪ Brandywine Creek ▪ Chippewa Creek ▪ Cuyahoga CVNP ▪ Furnace Run ▪ Mud Brook ▪ Sagamore Creek ▪ Tinkers Creek ▪ *Yellow Creek <p>* Subwatershed in the District stormwater service area is minimal or outside of stormwater service area and may not be included in the Stormwater Master Plan.</p> | <ul style="list-style-type: none"> ▪ Beachwood ▪ Bedford ▪ Bedford Heights ▪ Brecksville ▪ Broadview Heights ▪ Glenwillow ▪ Highland Hills ▪ Hudson ▪ Independence ▪ Macedonia ▪ Maple Heights ▪ North Randall ▪ North Royalton ▪ Northfield Village ▪ Oakwood ▪ Orange ▪ Parma ▪ Richfield Village ▪ Sagamore Hills Township ▪ Seven Hills ▪ Solon ▪ Valley View ▪ Walton Hills ▪ Warrensville Heights ▪ Cleveland Metroparks ▪ Cuyahoga County ▪ Greater Cleveland Regional Transit Authority ▪ Cuyahoga Valley National Park ▪ Metroparks Serving Summit County ▪ Ohio Department of Transportation – District 12 ▪ Ohio Department of Transportation – District 4 | <ul style="list-style-type: none"> ▪ Chagrin River Watershed Partners, Inc. ▪ Cuyahoga River Remedial Action Plan ▪ Friends of Crooked River ▪ Friends of Yellow Creek ▪ Tinkers Creek Watershed Partners, Inc. ▪ West Creek Preservation Committee |



| Table 3: Cuyahoga River-- South Subwatersheds Watershed Advisory Committee | | |
|---|---|------------------------------------|
| Cuyahoga River South Subwatersheds in Stormwater Service Area | Member (Community/County/Agency) | Potential Interested Entity |
| | <ul style="list-style-type: none"> ▪ Ohio Turnpike Commission ▪ Summit County | |

Total number of WAC members = 32

Figure 3. Map of Cuyahoga South Subwatersheds

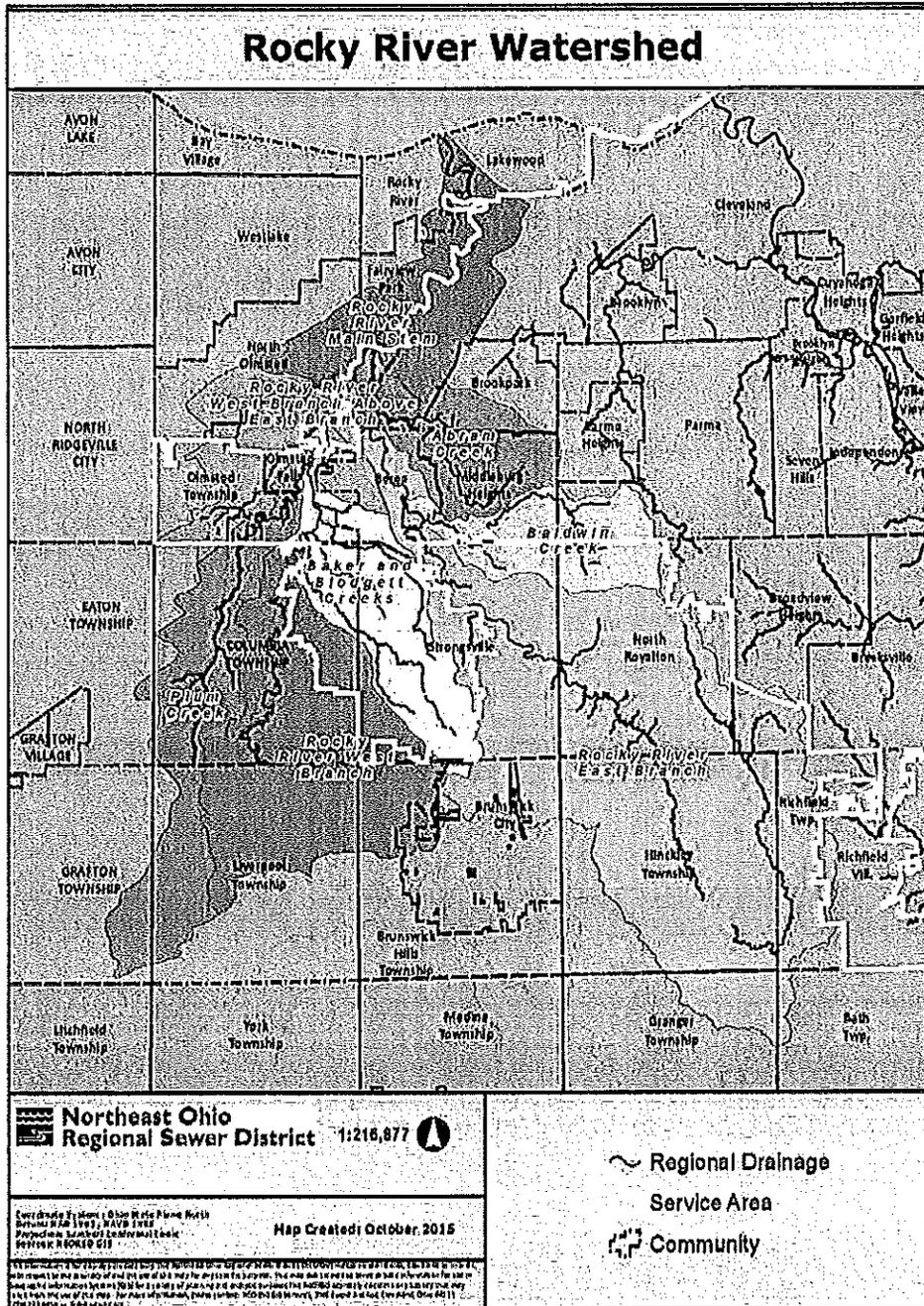




| Table 4. Rocky River Watershed Advisory Committee | | |
|---|---|---|
| Rocky River Subwatersheds in Stormwater Service Area | Member (Community/County/Agency) | Potential Interested Entity |
| <ul style="list-style-type: none"> ▪ Abram Creek ▪ Baker Creek ▪ Baldwin Creek ▪ Blodgett Creek ▪ Plum Creek ▪ Rocky River East and West Branch | <ul style="list-style-type: none"> ▪ Berea ▪ Broadview Heights ▪ Brook Park ▪ Cleveland ▪ Columbia Township ▪ Lakewood ▪ Middleburg Heights ▪ North Royalton ▪ Olmsted Falls ▪ Olmsted Township ▪ Parma ▪ Richfield Village ▪ Strongsville ▪ Cleveland Metroparks ▪ Cuyahoga County ▪ Greater Cleveland Regional Transit Authority ▪ Lorain County ▪ Ohio Department of Transportation – District 12 ▪ Ohio Turnpike Commission ▪ Summit County | <ul style="list-style-type: none"> ▪ Western Reserve Land Conservancy ▪ Rocky River Watershed Council |

Total number of WAC members = 22

Figure 4. Map of Rocky River Watershed





| Table 5. Lake Erie Direct Tributaries Watershed Advisory Committee | | |
|---|--|---|
| Lake Erie Direct Tributaries in Stormwater Service Area | Member (Community/County/Agency) | Potential Interested Entity |
| <ul style="list-style-type: none"> ▪ Doan Brook ▪ Dugway Brook ▪ Euclid Creek ▪ Green Creek ▪ Tributaries West of Chagrin River ▪ Tributaries East of Cuyahoga River ▪ Tributaries West of Cuyahoga ▪ Nine Mile Creek ▪ Shaw Brook | <ul style="list-style-type: none"> ▪ Beachwood ▪ Bratenahl ▪ Cleveland ▪ Cleveland Heights ▪ East Cleveland ▪ Euclid ▪ Highland Heights ▪ Lakewood ▪ Lyndhurst ▪ Mayfield Village ▪ Mayfield Heights ▪ Pepper Pike ▪ Richmond Heights ▪ Shaker Heights ▪ South Euclid ▪ University Heights ▪ Willoughby Hills ▪ Cleveland Metroparks ▪ Cuyahoga County ▪ Greater Cleveland Regional Transit Authority ▪ Ohio Department of Transportation – District 12 | <ul style="list-style-type: none"> ▪ Doan Brook Watershed Partnership ▪ Euclid Creek Watershed Council ▪ Friends of Euclid Creek ▪ Chagrin River Watershed Partners, Inc. |

Total number of WAC members = 21

Figure 5. Map of Lake Erie Direct Tributaries

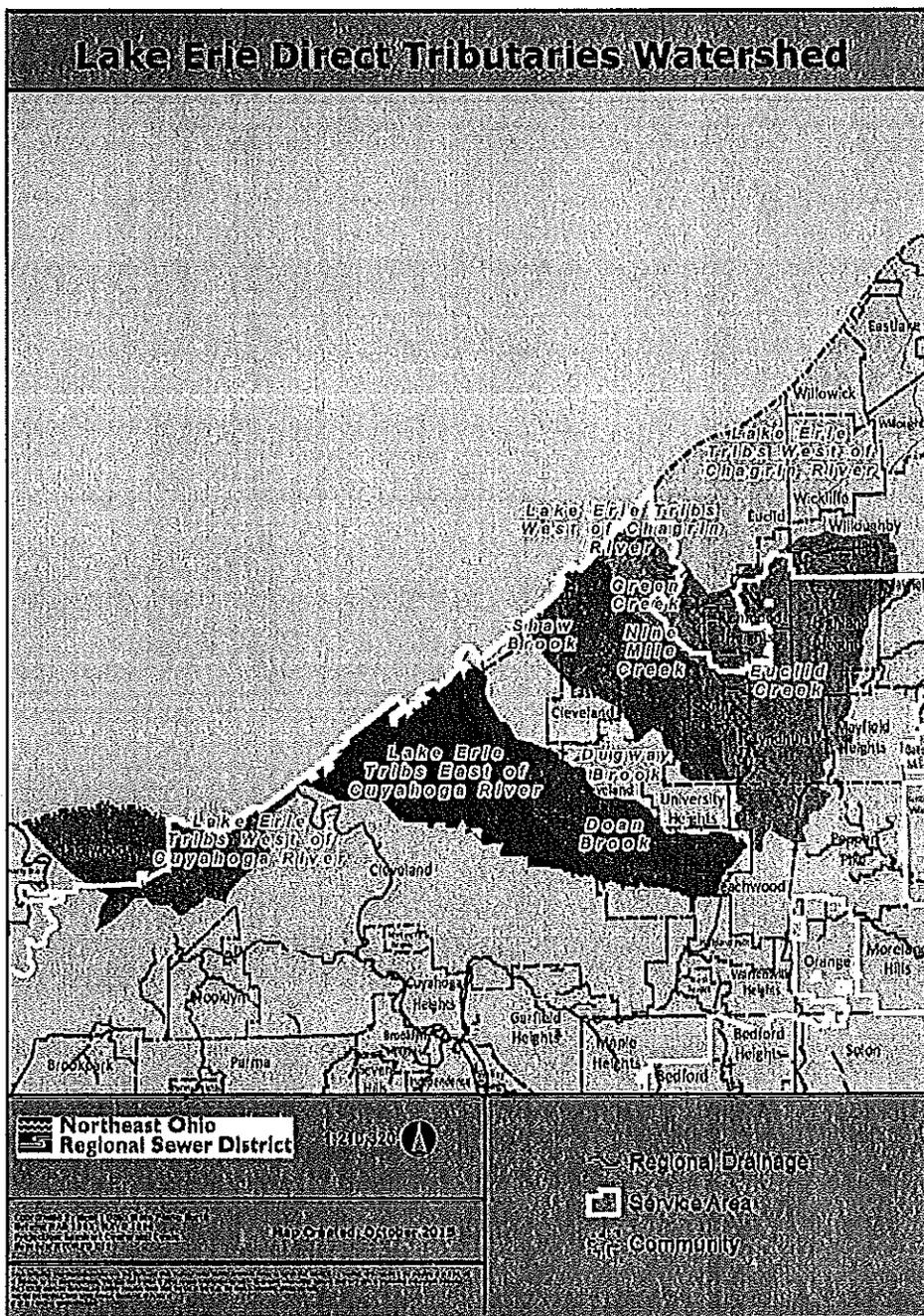


EXHIBIT G



Introduction

As a component of the Northeast Ohio Regional Sewer District's (District) Regional Stormwater Management Program, as described in *Code of Regulations of the Northeast Ohio Regional Sewer District Title V: Stormwater Management Code (Title V)*, the District has established policies and procedures for reviewing Stormwater Management Plans for certain development activities within Member Communities.

Section 1.0 - Applicability and District Authority

Per Title V, Member Communities must provide the District, or require to be provided to the District, copies of the proposed Stormwater Management Plan for any project that is regulated by the Member Community's local stormwater management ordinance or resolution and that is located within the District's Stormwater Service Area. Appendix A shows the District's Stormwater Service Area, Member Communities, and the Regional Stormwater System. Title V can be found in the District's website <http://www.neorsd.org/stormwaterprogram.php>.

Failure of a Member Community to meet this submittal requirement is a violation of Title V. The District's comments on Stormwater Management Plans, however, are advisory only and are non-binding on the Member Community and the applicant. The District must provide any comments to the Member Community within a mutually agreed upon timeframe between the District and Member Community. If a mutually agreed upon timeframe is not established, the District must provide comments within 15 business days of receiving the Stormwater Management Plan. Finally, the District's review of Stormwater Management Plans is not intended to replace the Member Community's responsibility for review.

Please note that this requirement does not apply to Stormwater Management Plans for new development or redevelopment in the combined sewer system. These Stormwater Management Plans shall be submitted to the District and reviewed by the District pursuant to the requirements set forth in *Title IV: Combined Sewer Use Code* and the *Submittal Requirements for Connections to the Combined Sewer System*. Appendix B provides a map of the combined sewer system area.

Section 2.0 - Purpose of District Policy and Review Document

The District will review Stormwater Management Plans for potential impacts to the Regional Stormwater System and/or District-owned or operated Stormwater Control Measures under the Regional Stormwater Management Program. The purpose of this policy document is to provide Member Communities an overview of the District's review process.

Section 3.0 - Standards and Criteria

Minimum design standards and criteria set forth by the Member Community shall be used for designing stormwater management plans including all applicable federal and state regulations including but not limited to stormwater management, riparian and wetland setbacks, floodplain management and erosion and sediment control. The District will review plans with an



understanding of each Member Community's local stormwater management ordinance or resolution or other applicable requirements as detailed above. Member Communities shall update the District when local regulations pertaining to stormwater management are revised in order for the District to maintain a current list of standards.

Section 4.0 - Procedures for Submittal and Review

Per Title V, a Stormwater Management Plan is defined as written documents, calculations and engineering drawings that establish the stormwater management for a particular site, parcel, or area which meet the requirements of a Member Community's stormwater regulation. This may also include other items the Member Community may deem needs District review. This section outlines the procedures involved with the review process.

Section 4.1 Submittal

Stormwater Management Plan documentation in the separate sewer area of the District's Stormwater Service Area shall be submitted in hard copy or electronic format (preferred) to the District within seven (7) business days of the submission of such plans to the Member Community. Information should be sent to Mary Maciejowski at:

NEORS - Watershed Programs Department

3900 Euclid Ave

Cleveland, OH 44115-2506

or

maciejowskim@neorsd.org

Section 4.2 District Review

The District will review Stormwater Management Plans for potential impacts to the Regional Stormwater System. The Regional Stormwater System is defined in Title V as the entire system of watercourses, stormwater conveyance structures, and Stormwater Control Measures in the District's Stormwater Service Area that are owned and/or operated by the District or over which the District has right of use for the management of stormwater, including both naturally occurring and constructed facilities.

The Regional Stormwater System generally includes watercourses, stormwater conveyance structures and Stormwater Control Measures receiving drainage from three hundred (300) acres of land or more. A map of the Regional Stormwater System is in Appendix A.

Title V defines a Stormwater Control Measure as an activity, measure, structure, device, or facility that helps to achieve stormwater management objectives including, without limitation, schedules of activities, prohibitions of practices, operation and maintenance procedures, treatment requirements, and other practices to prevent or reduce the pollution of water resources, to control stormwater volume and/or rate, or to otherwise limit impacts to the Regional Stormwater System.

The District's review is not intended to duplicate or replace the Member Community review process. Using a watershed approach, the District will review Stormwater Management Plans



for potential regional impacts to the Regional Stormwater System with respect to flooding, erosion and water quality issues. This may include but not be limited to reviewing post-construction release rates, stormwater volume calculations and post-construction water quality treatment. If a Member Community is partially serviced by the District, the District will review Stormwater Management Plans for projects located anywhere in the Member Community, at the Member Community's request.

Section 4.3 Summary of Submittal Requirements

The following must be submitted to the District by the Member Community in hard copy and/or electronic format:

- Notice of any changes to local regulation regarding stormwater management
- Stormwater management report and project plan drawings for each project regulated by the member community
- Any supplemental information for District review

Section 5.0 - District Comments

The District must provide any written comments to the Member Community within a mutually agreed upon timeframe between the District and Member Community once the District receives a complete submittal. If a mutually agreed upon timeframe is not established, the District must provide comments within 15 business days of receiving the complete Stormwater Management Plan.

In order to accurately review a Stormwater Management Plan, the District may request, through the Member Community, additional supporting information (e.g. geotechnical data) if available.

Upon review of a Stormwater Management Plan, the District may encourage the engineer or developer to consider applying for Stormwater Fee Credits after construction is complete.

Section 6.0 - Cost

There is no cost to Member Communities or applicants for the District to review Stormwater Management Plans. The District provides technical review assistance as part of the Regional Stormwater Management Program to support Member Communities and to protect the Regional Stormwater System.

Section 7.0 - Typical Timeline and Communication

- Preliminary meeting scheduled, if required by Member Community
- Developer/Engineer submits Stormwater Management Plan to Member Community



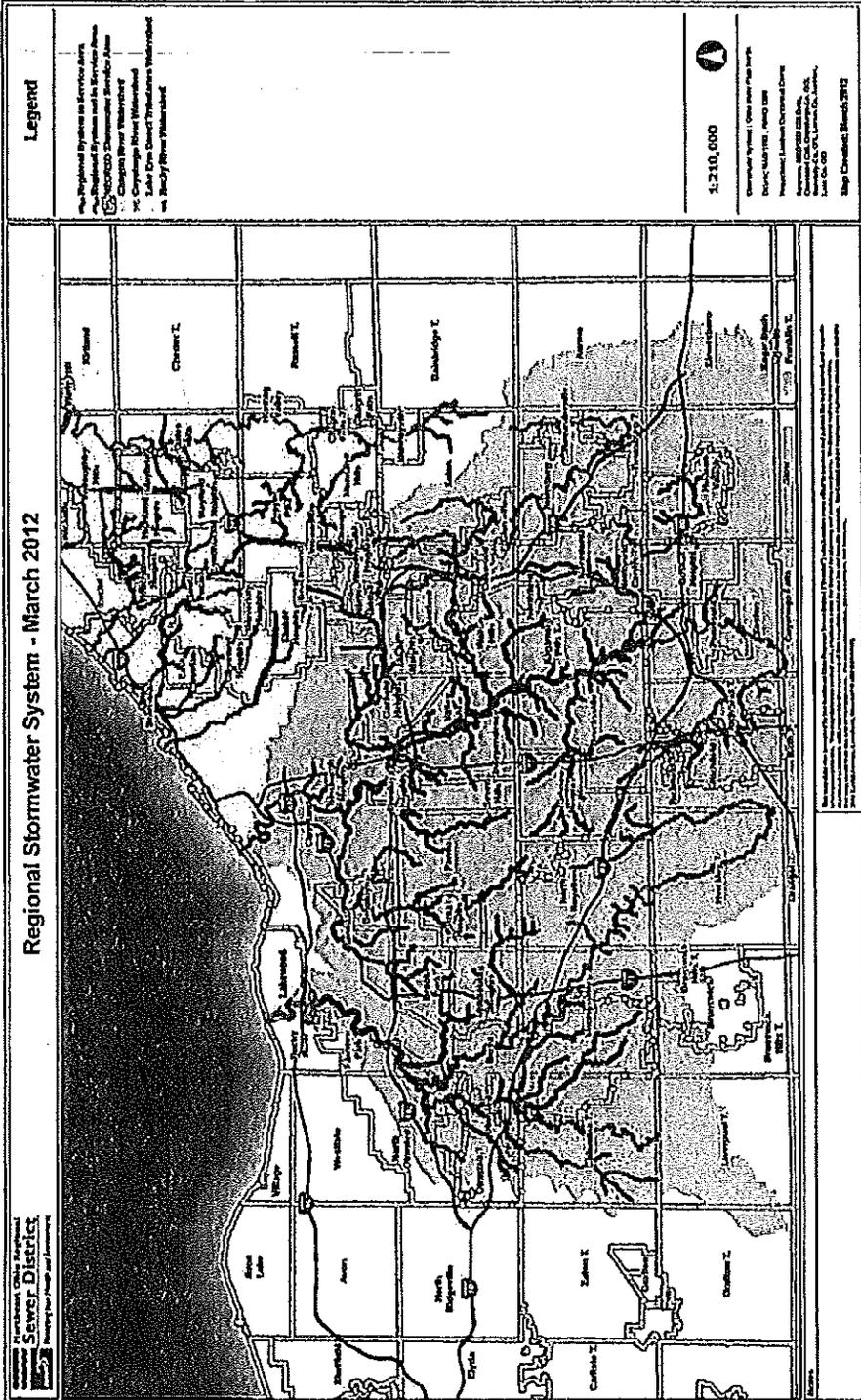
- Member Community submits or causes to submit plans to District within 7 days of Receipt.
- District will review to ensure submittal is complete and may request additional supporting information. District confirms receipt of plans via email or phone.
- The District provides written comments within an agreed timeframe after receiving a complete submittal. If an agreed timeframe is not established the District must provide comments within 15 business days of receiving a complete Stormwater Management Plan.

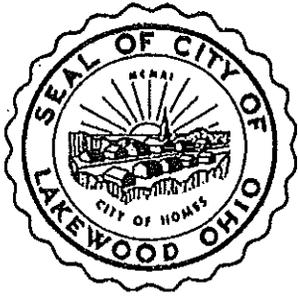
Section 8.0 – Failure to Submit Stormwater Management Plans

Failure for a Member Community to submit or cause to submit Stormwater Management Plans to the District for review is a violation of Title V – Stormwater Management Code and subject to the full range of actions authorized under the District's Code of Regulations including withholding Community Cost-Share Program funds.



Appendix A
Regional Stormwater System Map





DEPARTMENT OF PUBLIC WORKS
12650 DETROIT AVENUE • 44107 • (216) 529-6692

JOSEPH J. BENO, PE
Director of Public Works

MARK K. PAPKE, PE, CPESC
City Engineer

January 27, 2016

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

RE: 12550 Lake Avenue (Meridian) Erosion Protection - Resolution of Necessity

Dear Lakewood City Council Members,

The City of Lakewood has received petitions reflecting that a majority of unit owners of the Meridian at 12550 Lake Avenue wish for the city to consider adopting a resolution of necessity for the purpose of creating a special assessment under Article XVI of the Second Amended Charter.

The northern property line borders Lake Erie and the existing bluff face is unprotected against the erosive water forces. The annual rate of erosion in this area is approximately 6 inches per year without protection. The majority of Meridian owners have decided to protect the bluff to save the existing land from further degradation. David V. Lewin Corp. of Cleveland, Ohio (geotechnical engineers) performed a geotechnical investigation and issued a report dated June 5, 2014 providing recommendations for erosion protection of the Meridian's bluff along Lake Erie. Likewise, KS Associates (coastal engineers) performed a site evaluation and issued a report dated September 15, 2014. Additionally, KS Associates has prepared detailed plans which have been submitted to US Army of Corp of Engineers and ODNR for permitting and approved. Generally, the project scope of work entails the installation of a standard armor revetment system along the toe of the bluff and other appurtenances. Submerged land leases have been prepared, approved by Lakewood Council, submitted to ODNR and approved as well. Total costs for the project are expected to be \$704,000.

The special assessment would be for the public purpose of creating erosion control measures on the lakefront property of the Meridian condominiums and would be paid by the unit owners within those condominiums. The referenced engineering studies, project plans, specifications for such measures and cost estimates are on file in the Division of Engineering & Construction. Please refer the resolution that follows this letter to an appropriate committee for review.

Respectfully,


Mark Papke, PE, CPESC
City Engineer

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 at the earliest period allowed by law, declaring it necessary to construct and provide improvements to protect the northerly property line of the Meridian Condominium to provide, construct and install a revetment on the northerly property line by Lake Erie, at the Meridian Condominium located at 12550 Lake Avenue.

WHEREAS, a majority of unit owners of The Meridian Condominium wish to have the northerly property line improved as described above in the title of this resolution and have demonstrated such through the signing of a petition in support of self-assessment for the cost associated with such; and

WHEREAS, the Meridian Condominium has 191 individual residential condominium units; and

WHEREAS, in addition to the income tax generated by the residents of the Meridian, the property taxes assessed to this building annually exceeds \$710,000; and

WHEREAS, the City desires to assist the property owners of the Meridian by making these improvements and permitting the property owners the benefit of paying for these improvements by way of special assessment; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, 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 order for construction to commence this season; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. It is necessary to improve the northerly property line of the Meridian Condominium in the City of Lakewood.

Section 2. Said property shall be improved in accordance with specifications hereinafter referred to and now on file in the office of the Engineering Division, including improvements to

protect the northerly property line of the Meridian Condominium to provide, construct and install a revetment on the northerly property line by Lake Erie, at the Meridian Condominium located at 12550 Lake Avenue.

Section 3. It is hereby determined and declared that said improvement is conducive to the public health, convenience and welfare of said City and the inhabitants thereof.

Section 4. It is hereby declared that the installation of these improvements constitute a public purpose.

Section 5. The plans, specifications and estimates of the proposed improvements heretofore prepared and now on file in the office of the City Engineer are hereby approved.

Section 6. Council hereby determines that the 191 condominium units and lands abounding and abutting upon the proposed improvements are specially benefited by said improvements and shall be assessed in accordance with each unit's undivided ownership interest in the Meridian Condominium, that is, in proportion to the benefits which may result from the improvements. The assessments shall cover no more than 49/50ths of the entire actual cost of engineering of, site preparation for and construction of said improvements and include the cost of preliminary and other surveys; publishing notices, resolutions and ordinances; the amount of damages resulting from the improvement assessed in favor of any owner of land affected by the improvement; the preparation, levy, and collection of the special assessments; the cost of purchasing, appropriating and otherwise acquiring labor and material; together with all other necessary expenditures, such total amount of the assessment not to exceed \$704,000 and being hereby determined to be equal to the special benefit derived by the 191 condominium units and lands so abounding and abutting these improvements.

Section 7. The Clerk of Council is hereby directed to deliver a certified copy of this resolution to the Director of Finance of the City.

Section 8. Pursuant to Section 3 of Article XVI of the Second Amended Charter of the City, the Director of Finance is hereby authorized and directed to prepare and file with this Council the estimated assessments of the cost of the improvement described in this resolution. When such estimated assessments have been so filed, said Director of Finance shall cause notice of the adoption of this resolution and the filing of said estimated assessments to be made as provided in said Article XVI.

Section 9. The assessments to be levied shall be paid in 20 equal and consecutive semi-annual installments as provided herein, provided that the owner of any property assessed may, at his, her or its option, pay such assessment in whole within 30 days after initial receipt of the City's invoice.

Section 10. When an owner of any property assessed elects to pay said assessment via installments as described above, additional fees and charges such as those imposed by the Cuyahoga County Fiscal Officer for special assessments shall be borne by said property owner.

Section 11. 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 12. This resolution is hereby declared to be an emergency measure for the reasons stated in the preamble hereof, and provided it receives the affirmative vote of at least five members of Council it shall take effect and be in force immediately upon its adoption and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

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

| | | | | |
|---------------|-----|------|----------------|---|
| 0465489 | | | TREX | BARROCO GRILL LTD DBA BARROCO GRILL 12906 MADISON AV LAKEWOOD OH 44107 |
| PERMIT NUMBER | | | TYPE | |
| 06 | 01 | 2015 | | |
| ISSUE DATE | | | | |
| 12 | 22 | 2015 | | |
| FILING DATE | | | | |
| D5 D6 | | | PERMIT CLASSES | |
| 18 | 286 | C | F15276 | |
| TAX DISTRICT | | | RECEIPT NO. | |

FROM 12/24/2015

AGENCY 596

| | | | | |
|---------------|-----|------|----------------|---|
| 12425730005 | | | | CAPPYS LLC DBA CAPPYS WINE AND SPIRITS 309 W LOVELAND AV & PATIO LOVELAND OHIO 45140 |
| PERMIT NUMBER | | | TYPE | |
| 06 | 01 | 2015 | | |
| ISSUE DATE | | | | |
| 12 | 22 | 2015 | | |
| FILING DATE | | | | |
| D5 D6 | | | PERMIT CLASSES | |
| 31 | 220 | | | |
| TAX DISTRICT | | | RECEIPT NO. | |



MAILED 12/24/2015

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/25/2016

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES C TREX 0465489

(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