

**DOCKET  
OF A MEETING OF  
THE LAKEWOOD CITY COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS  
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE  
MARCH 7, 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](http://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 Special Meeting of Council held February 11, 2016.  
Reading and disposal of the minutes of the Regular Meeting of Council held February 16, 2016.  
Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

\*\*\*\*OLD BUSINESS\*\*\*\*

1. Committee of the Whole Report regarding March 7, 2016 Committee Meeting. (To Be Provided)
2. **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, 2/1/16, 2/16/16) (Pg. 8)
3. **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, 2/1/16, 2/16/16) (Pg. 9)
4. **RESOLUTION NO. 8853-16** - 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 Mayor to enter into an agreement with the Board of Education of the Lakewood City School District to authorize the connection of the public school buildings to the fiber optic network that is currently under construction within the city of Lakewood. (Read 2/16/16 & referred to Committee of the Whole) (Pg. 10)
5. Finance Committee Report regarding Bond/Note Ordinance Nos 5, 6, 7, 8, 9, 10, 11, 12, 12, 14-16, 19-16, 20-16 . (To Be Provided) Mr. Bullock, Chair
6. **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. (PLEASE SUBSTITUTE FOR ORDINANCE NO. 5-16 1<sup>ST</sup> Reading & Referred to Finance Committee 2/1/16, 2<sup>ND</sup> READING 2/16/16) (Pg. 14)

7. **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. (1<sup>ST</sup> Reading & Referred to Finance Committee 2/1/16, 2<sup>ND</sup> Reading 2/16/16) (Pg. 26)
8. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16, 2<sup>ND</sup> READING 2/16/16) (Pg. 37)
- 9: **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16, 2<sup>ND</sup> READINDG 2/16/16) (Pg. 47)

10. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16, 2<sup>ND</sup> READING 2/16/16) (Pg. 57)
11. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16, 2<sup>ND</sup> READING 2/16/16) (Pg. 87)
12. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16, 2<sup>ND</sup> READING 2/16/16) (Pg. 77)
13. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16, 2<sup>ND</sup> READING 2/16/16) (Pg. 87)
14. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16, 2<sup>ND</sup> READING 2/16/16) (Pg. 97)
15. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE FINANCE COMMITTEE 2/1/16, 2<sup>ND</sup> READING 2/16/16) (Pg. 107)

16. **ORDINANCE NO. 19-16** – 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, authorizing the Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood (“City”). (PLEASE SUBSTITUTE for Ordinance No. 19-16 ; 1<sup>st</sup> Reading and REFERRED to the Finance Committee 2/16/16) (Pg. 116)
17. **ORDINANCE NO. 20-16** – 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, authorizing the transfer and advance of certain funds. (FIRST READIGN & referred to finance committee 2/16/16) (Pg. 119)
18. Public Works Committee Report regarding Resolution 8851-16. (Pg. 121)
19. **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 Merdian 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. (Read & REFERRED TO THE PUBLIC WORKS COMMITTEE 2/1/16) (Pg. 122)
20. Rules & Ordinances Committee Report regarding Ordinance 15-16. (To Be provided)
21. **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. (PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 2/1/16, 2<sup>ND</sup> READING 2/16/16) (Pg. 125)
22. Communication from Planning & Development Director Siley regarding Planning Commission approval of 2-16. (Pg. 127)
23. **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, 2<sup>ND</sup> READING 2/1/16)(Pg. 128)

24. Communication from Planning & Development Director Siley regarding Planning Commission approval of Substitute Ordinance 16-16. (Pg. 165)
25. **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. **(PLEASE SUBSTITUTE** for ORDINANCE 16-16 PLACED ON 1<sup>ST</sup> READING & REFERRED TO THE PLANNING COMMISSION 2/1/16, 2<sup>ND</sup> READING 2/16/16) (Pg. 166)
26. **ORDINANCE NO. \*18-16 (\*Assigned Number changed due to duplication)** AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, amending Section 331.08, Driving in Marked Lanes or continuous Lines of Traffic, of the Codified Ordinances of the City of Lakewood, and making further provision in order to permit bicyclists to operate bicycles in bus lanes during restricted hours. (1<sup>ST</sup> READING & REFERRED TO PUBLIC WORKS COMMITTEE 2/16/16) (Pg. 170)
27. **ORDINANCE NO. \*21-16 (\*Assigned number changed due to duplication)** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (1<sup>st</sup> READING 2/16/16) (Pg. 174)

**\*\*\*\*NEW BUSINESS\*\*\*\***

28. Communication from Councilmembers Marx and O’Leary regarding Supporting Cuyahoga County Health & Human Services Levy March 15, 2016. (Pg. 176)
29. **RESOLUTION NO. 8853-16** – A RESOLUTION supporting Issue 23, the Cuyahoga County Health & Human Services Renewal Levy 2016. (Pg. 177)
30. Communication from Councilmembers Marx, Anderson, Bullock and Litten regarding Lakewood Library 5 Star Rating. (Pg. 178)
31. **RESOLUTION NO. 8854-16** – A RESOLUTION to congratulation Lakewood Public Library on being awarded once again a perfect five star rating from the Public Library Service. (Pg. 180)

32. Communication from Councilmember Marx regarding Supporting Cuyahoga County Health & Human Services Levy March 15, 2016. (Pg. 181)
33. Communication from Councilmember Marx regarding Animal Safety and Welfare Advisory Board appointment. (Pg. 181)
34. Communication from Councilmember Nowlin regarding Appointment to Animal Safety and Welfare Advisory Board. (Pg. 182)
35. **RESOLUTION NO. 8855-16** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of five members of Council, or otherwise to take effect at the earliest period allowed by law, providing that the petition for referendum with respect to Ordinance No. 49-15 be submitted to a vote of the electors of the City of Lakewood at the \_\_\_\_\_, 2016, \_\_\_\_\_ election, pursuant to Article XXI of the Second Amended Charter of the City of Lakewood. (Pg. 183)
36. Communication from Planning & Development Director Siley regarding Sale of vacant land. (Pg. 185)
37. **ORDINANCE NO. 22-16** – 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, authorizing and directing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1252 Westlake Avenue, vacant lot associated with 1589 Newman Avenue, 1589 Newman Avenue, 1635 Hopkins Avenue, and 1214 Gladys Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (Pg. 186)
38. Communication from Planning & Development Director Siley regarding Asbestos Abatement and Demolition – Hilliard Theater Property. (Pg. 188)
39. **RESOLUTION NO. 8856-16** – 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 Mayor to enter into agreement for the provision of asbestos abatement and demolition services related to the Hilliard Theater in an amount not to exceed \$1,000,000. (Pg. 189)
40. Communication from Fire Chief Gilman regarding Severe Weather Awareness Week. (Pg. 191)
41. **RESOLUTION NO. 8857-16** – A RESOLUTION proclaiming March 20<sup>th</sup> through March 26<sup>th</sup>, 2016 as “Severe Weather Awareness Week.” (Pg. 192)
42. Liquor Permit application for a D1 transfer to Proper Pig Smokehouse, 17100 Detroit Avenue from JGN Enterprises; 950 Medina Road, Medina, Ohio. (Pg. 193)



REFERRED TO COMMITTEE OF THE WHOLE  
1/4/16. DEFERRED 1/19/16.  
2/1/16, 2/16/16.

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. 8853-16

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 Mayor to enter into an agreement with the Board of Education of the Lakewood City School District to authorize the connection of the public school buildings to the fiber optic network that is currently under construction within the city of Lakewood.

WHEREAS, the City has approved the construction of a fiber optic network that will connect city facilities and allow for the provision fiber connection through the commercial corridors within the city of Lakewood; and

WHEREAS, the network was designed with the intention of permitting access and connection of the public and private schools within the city if those entities chose to connect to the network; and

WHEREAS, the City and the Board wish to enter into an agreement that will govern the connection of the public school facilities to the fiber network; 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 construction of the fiber network has already begun; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Board of Education of the Lakewood City School District for the connection of the public school facilities to the fiber network in substantially the same form as "Exhibit A."

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

## 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

SUBSTITUTE:

Placed on 1<sup>st</sup> Reading & Referred  
to Finance Committee 2/1/16.  
Second Reading 2/16/16.

- 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 20 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 20 years.

Dated: February 1, 2016

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Director of Finance  
City of Lakewood, Ohio

SUBSTITUTE:

Placed on 1<sup>st</sup> Reading & Referred  
to Finance Committee 2/1/16.  
Second Reading 2/16/16.

ORDINANCE NO. 5-16

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 20 years; and

SUBSTITUTE:

Placed on 1<sup>st</sup> Reading & Referred  
to Finance Committee 2/1/16.  
Second Reading 2/16/16.

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.

SUBSTITUTE:

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to Finance Committee 2/1/16.  
Second Reading 2/16/16.

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 unmaturing 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 unmaturing 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

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Second Reading 2/16/16.

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.

SUBSTITUTE:

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to Finance Committee 2/1/16.  
Second Reading 2/16/16.

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

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Second Reading 2/16/16.

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.

SUBSTITUTE:

Placed on 1<sup>st</sup> Reading & Referred  
to Finance Committee 2/1/16.  
Second Reading 2/16/16.

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 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 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.

SUBSTITUTE:

Placed on 1<sup>st</sup> Reading & Referred  
to Finance Committee 2/1/16.  
Second Reading 2/16/16.

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; (l) 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

  
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Director of Finance  
City of Lakewood, Ohio

PLACED ON 1ST READING & REFERRED TO THE  
FINANCE COMMITTEE 2/1/16.

REFUNDING BONDS, SERIES 2016  
2nd Reading 2/16/16.

ORDINANCE NO. 6-16

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 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 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, and transfers of the 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.

\_\_\_\_\_  
County Fiscal Officer  
Cuyahoga County, Ohio

[SEAL]

**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. 7-16

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.

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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



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Director of Finance  
City of Lakewood, Ohio

ORDINANCE NO. 8-16

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.

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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. 9-16

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.

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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

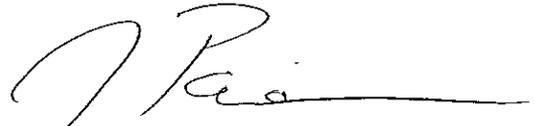
The undersigned Director of Finance of the City of Lakewood, Ohio as the fiscal officer of said City, hereby certifies as follows:

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. 10-16

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 unmaturing 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.

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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

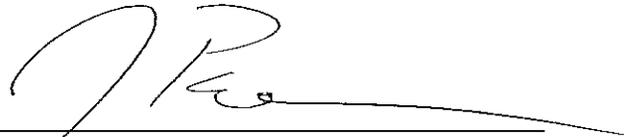
The undersigned Director of Finance of the City of Lakewood, Ohio as the fiscal officer of said City, hereby certifies as follows:

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. 11-16

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 unmaturing 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.

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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

SECOND READING 2/16/16.

ORDINANCE NO. 12-16

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 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.

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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**

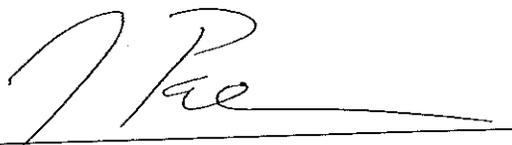
To: The City Council of the  
City of Lakewood, Ohio

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

SECOND READING 2/16/16.

ORDINANCE NO. 13-16

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 unmaturing 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.

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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. 14-16

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.

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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

ORDINANCE NO.

19-16

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood ("City").

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

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

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

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that these equipment leases are necessary for the operation of various departments and divisions. Now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

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

(a) It is appropriate and necessary to the functions and operations of the City, to enter into one or more lease-purchase agreements (the "Equipment Leases") in the principal amount not exceeding \$1,617,000, for the purpose of acquiring the vehicles, equipment, and other personal property generally described in Exhibit A to this ordinance (the "Leased Property") and to be described more specifically in the Equipment Leases.

(b) US Bancorp Government Leasing and Finance is the lessor under the Equipment Leases in accordance with its proposal.

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

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

Section 3. The aggregate original principal amount of the Equipment Leases shall not exceed \$1,617,000. The payments under the Equipment Leases shall include interest at the rates determined in accordance with US Bancorp Government Leasing and Finance's proposal, but in no event to exceed an annual rate of 5%. The Equipment Leases shall be for the term or terms selected by the Director of Finance, in accordance with US Bancorp Government Leasing and Finance's proposal, but in no event to exceed 20 years. The Equipment Leases shall contain such options to purchase by the City as set forth in US Bancorp Government Leasing and Finance's proposal and the Equipment Leases, and approved by the Director of Finance.

Section 4. That the Clerk of Council is hereby directed to send certified copy of this Ordinance to US Bancorp Government Leasing and Finance.

Section 5. All formal actions of this Council relating to the enactment of this Ordinance were taken in an open meeting of this Council, and the deliberations of this Council and any of its committees that resulted in those formal actions, were meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. That 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 (5) members of Council, this Ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Schedule A  
 2016 Projects to be Financed using Municipal Capital Leases

	Amount	Lease Term
Total =	\$ 1,617,000	
Wifi in 5 City Parks: Lakewood, Madison, Kauffman, Wagar, Cove	\$ 150,000	5
Fire - Medical Squad	\$ 250,000	10
Forestry Vehicle #608 - Bucket Truck	\$ 117,000	10
Streets Vehicle #109 -5-Ton S/S Dump w/ Plow & S/S Spreader	\$ 225,000	10
Police Vehicles 4-5 cars each year	\$ 300,000	5
Body Cameras for Officers, Equipment and Storage	\$ 175,000	5
WWC Vehicle #817 sewer cleaning truck	\$ 400,000	10

ORDINANCE NO. 20-16

BY:

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

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

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

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

		2016	
		1st Quarter	
Fund		Transfers Out	Transfers In
101	General Fund	\$ 219,039	
<b>Special Revenue Funds</b>			
250	Office on Aging IIIB		\$ 172,500
<b>Internal Service Funds</b>			
600	Hospitalization		\$ 43,093
601	Workers' Compensation		\$ 3,446
<b>Debt Service Payments</b>			
101	General Fund (HB 300 Lease)	\$ 55,000	
211	SCMR (HB 300 Lease)	\$ 6,250	
260	Lakewood Hosptl (HB 300 Lease)	\$ 300	
501	Water (HB 300 Lease)	\$ 3,813	
510	WWC (HB 300 Lease)	\$ 800	
511	WWTP (HB 300 Lease)	\$ 18,750	
520	Parking (HB 300 Lease)	\$ 1,125	
530	Winterhurst (HB 300 Lease)	\$ 20,000	
301	Debt Service Fund	\$ -	\$ 106,038
512	WWTP Improvements	\$ 400,000	
301	Debt Service Fund		\$ 400,000
Fund		Advances Out	Advances In
240	Community Development Block Grant	\$ 130,000	
241	Emergency Shelter Grant	\$ 6,000	
281	Family to Family	\$ 40,000	
530	Winterhurst	\$ 155,000	
101	General Fund		\$ 331,000

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

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650  
[www.onelakewood.com](http://www.onelakewood.com)  
Lakewood City Council  
SAMUEL T. 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  
DANIEL O'MALLEY, WARD 4

March 7, 2016

Lakewood City Council  
Lakewood, OH 44017

**Re: Public Works Committee Report**

Dear Members of Council:

The Public Works Committee met Monday February 22, 2016. All members of Council were present, as were Finance Director Pae, Public Works Director Beno, Assistant Law Director Swallow, City Engineer Mark Papke and fourteen interested members of the public.

The Committee discussed Resolution 8851-16 pertaining to a project proposed by the Meridian Condominium to construct a revetment to control shoreline erosion at the property. The resolution is the first step of the special assessment process initiated by the Meridian and outlined in the Charter. The Meridian submitted a petition to the Law Department indicating that nearly 70% of its ownership supports the project.

Mr. Papke and the Meridian's project engineer discussed the need for the project and its merits. The revetment will help to slow the rate of erosion, which is on average six inches per year. Director Pae discussed the financing strategy. The City will issue a one-year note for \$704,000 to pay for the project's construction. The final project cost will be split among the Meridian's owners who will have the option to pay the bill in full or have the amount added to their property taxes and spread over 20 years.

Resolution 8851-16 allows the City to move forward with the next steps of the special assessment process. Before the final assessment is made, Council will be asked to pass an ordinance with more details. The committee voted unanimously to recommend adoption of Resolution 8851-16 to full council.

Sincerely,

Ryan P. Nowlin, Chair  
Tom Bullock, David Anderson; Members  
FINANCE COMMITTEE

RESOLUTION NO. 8851-16

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 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

PLACED ON 1ST READING & REFERRED TO THE  
RULES & ORDINANCES COMMITTEE 2/1/16.

SECOND READING 2/16/16.

ORDINANCE NO. 15-16

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.

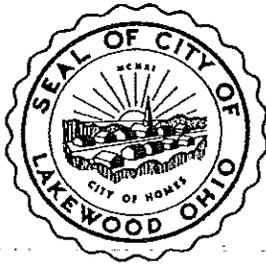
Adopted: \_\_\_\_\_

\_\_\_\_\_  
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](http://www.onelakewood.com/development)

February 22, 2016

Lakewood City Council  
Lakewood, OH 44107

RE: Amend sections of Zoning Code related to signs

Dear Members of Council:

At its meeting on February 4th, 2016, the Planning Commission unanimously approved and referred to City Council the amendment to remove Chapter 1151 of the Zoning Code related to signs in residential districts.

Following this letter is an ordinance that if adopted, will modify the Zoning Code to reflect the changes recommended by Planning Commission.

Sincerely,

Dru Siley  
Director

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 he 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 <sup>(1)</sup> Residential	1329.08 <sup>(2)</sup> Apartment	1329.09 <sup>(3)</sup> Commercial	1329.10 <sup>(4)</sup> 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;~~
  - (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) 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.~~

(121) “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.
- (40) "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 is 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 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.
- (4)(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.

(115) 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.

(126) 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.

(137) 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 <sup>(1)</sup> Residential	1329.08 <sup>(2)</sup> Apartment	1329.09 <sup>(3)</sup> Commercial	1329.10 <sup>(4)</sup> Industrial	Height Limit	Setback from ROW	Additional Req.
Permanent Permitted Sign Area (total)			(W x 1.5)	(W x 3)			<del>120-100</del> 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*		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 Multi-Tenant Signs		X	X					
<p>*Projecting signs require special approval by the Board of Building Standards.  **Roof signs and portable signs are not permitted in any district.</p>								

**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 of 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).

#### 1329.16-17 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.

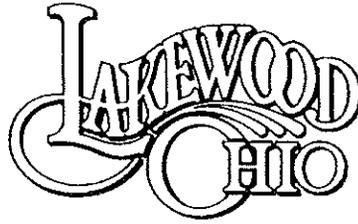
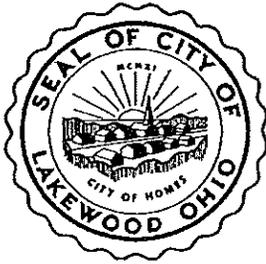
Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK OF COUNCIL

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR



DEPARTMENT OF PLANNING & DEVELOPMENT  
DRU SILEY, DIRECTOR

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March 7, 2016

Lakewood City Council  
Lakewood, OH 44107

RE: Zoning Code Chapter 1143 – Error of Omission

Dear Members of Council:

At its meeting on February 4th, 2016, the Planning Commission unanimously approved and referred to City Council adding back language to the parking code that prohibits parking in front yards of residential properties. During the re-write of our parking code in 2014, we inadvertently omitted a section in the Schedule of Uses chart that addresses limitations of parking in front yards on residential properties.

Following this letter is an ordinance that if adopted, will modify the Zoning Code to reflect the changes recommended by Planning Commission.

Sincerely,

Dru Siley  
Director

Placed on first reading and referred to  
Planning Commission 2/1/2016; second reading  
2/16/2016. Please substitute for the original.

ORDINANCE NO. 16-16

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
<b>Residential</b>	
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
<b>Commercial</b>	
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	
<b>Industrial</b>	
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
<b>Institutional</b>	
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
<b>Other</b>	
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
<b>Residential</b>	
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. <u>The front yard shall not be used for off-street parking except in the Lagoon District.</u>
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
<b>Commercial</b>	
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	
<b>Industrial</b>	
Any use described in Section 1131.02	Min .25/Employee; Max 1.5/Employee
Wireless Telecommunication Facilities - Any use described in Section 1159.05(1)	No min; Max 1/Facility
<b>Institutional</b>	
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
<b>Other</b>	
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

ORDINANCE NO. 18-16

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, amending Section 331.08, Driving in Marked Lanes or Continuous Lines of Traffic, of the Codified Ordinances of the City of Lakewood, and making further provision in order to permit bicyclists to operate bicycles in bus lanes during restricted hours.

WHEREAS, Section 331.08 of the Code stands to be updated to regulate the use of bus-only lanes in the City so as to permit bicyclists in those lanes during restricted hours; and

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

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

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that it is in the best interest of the City to be able to enforce bus-lane restrictions now that certain lanes in the City are marked for bus-only use during certain hours; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 331.08, Driving in Marked Lanes or Continuous Lines of Traffic, of the Lakewood Codified Ordinances, currently reading as follows:

**331.08 DRIVING IN MARKED LANES OR CONTINUOUS  
LINES OF TRAFFIC.**

- (a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic or wherever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:

- (1) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.
  - (2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.
  - (3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, or restricting the use of a particular lane to only buses during certain hours or during all hours, and drivers of vehicles shall obey the directions of such signs.
  - (4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

shall be and hereby is repealed, and new Section 331.08, Driving in Marked Lanes or Continuous Lines of Traffic, of the Lakewood Codified Ordinances is enacted to read as follows:

**331.08 DRIVING IN MARKED LANES OR CONTINUOUS LINES OF TRAFFIC.**

- (a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic or wherever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:
  - (1) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.
  - (2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be

driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.

(3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, or restricting the use of a particular lane to only buses or other vehicles during certain hours or during all hours, and drivers of vehicles shall obey the directions of such signs.

(4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Section 2. The Director of Public Works is authorized and directed to erect signage or pavement markings on Clifton Boulevard permitting the use of bicycles in the lanes already restricted to use by buses during certain hours, for as long as those bus-lane restrictions remain in place. The operation of bicycles is hereby permitted in those bus lanes during restricted hours.

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

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ORDINANCE NO. ~~1816~~ ~~1916~~  
21-16

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter.

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

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

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the publication and distribution of the January 2016 Replacement Pages for the Codified Ordinances of the City of Lakewood should be conducted at the earliest date possible; now, therefore,

BE IT ORDAINED BY CITY OF LAKEWOOD, OHIO:

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

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
15-15	9-21-15	1121.07, 1123.07, 1127.07
16-15	9-21-15	1103.02, 1133.07
27-15	12-21-15	721.01 to 721.03
31-15	12-21-15	128.0101 to 128.21, 128.97, 128.98, 128.99
39-15	12-21-15	902.04

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

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

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor



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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  
DANIEL J. O'MALLEY, WARD 4

March 7, 2016

Lakewood City Council  
Lakewood, OH 44107

Re: Supporting Cuyahoga County Health & Human Services Levy March 15, 2016

Dear Members of Council:

The attached Resolution encourages Lakewood voters to support Issue 23 Cuyahoga County Health & Human Services levy on the March 15, 2016 primary ballot. This is a renewal, with NO tax increase. The dollars are spent on services for prevention, early intervention and trauma services for citizens of Cuyahoga County. Voting for the 4.8 mill renewal levy will continue critical services including funding for Metro-Health Hospital, for children at risk of abuse and neglect and services that help keep seniors healthy and in their homes. The dollars generated by the levy provide the largest share of local support for programs through which local agencies address the needs of our most vulnerable neighbors. Access to services is also assured to any Cuyahoga County resident who may need assistance in times of trauma or crisis.

Please join us in supporting this renewal levy.

Sincerely,

Cindy Marx  
Councilmember At-Large

/s/ Sam O'Leary  
Councilmember-Ward 2

Attachment

RESOLUTION NO.

BY:

A RESOLUTION supporting Issue 23, the Cuyahoga County Health & Human Services Renewal Levy 2016.

**WHEREAS**, the renewal of Issue 23, the Health and Human Services 4.8 mill levy is not a tax increase and will ensure that children, seniors, and families continue to receive critical services, and

**WHEREAS**, revenues generated by the Health and Human Services levy support:

- Services to protect children who are at risk of abuse or neglect.
- Critical emergency services like our region's Level One Trauma and Burn Center at MetroHealth, Metro Life Flight and the Neonatal Intensive Care Unit.
- Services for children to enter school healthy, prepared and ready to learn.
- Supportive services for senior citizens to live independently in their own homes.
- Crisis services for our most vulnerable citizens, whenever the need arises, and

**WHEREAS**, this levy is a critical piece of our community safety net, available for all of us at any time; now, therefore,

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

Section 1. that this Council and Mayor recognize the far-reaching importance of the passage of Issue 23, the Health and Human Service Levy's renewal.

Section 2. that this Council and Mayor further resolve to encourage Lakewood citizens and organizations to join in actively advocating for its passage on Tuesday, March 15, 2016.

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor



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**Council at Large**  
RYAN P. NOWLIN  
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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

March 7, 2016

Lakewood City Council  
Lakewood, Ohio

RE: Lakewood Library 5 Star Rating

Dear colleagues,

Once again, we are proud to announce the Library Journal awarded another 5 star rating to Lakewood Public Library. Mr. Artbauer, Board President of Lakewood Library explains that a 5 star rating indicates our library is among the best of the best when compared to other libraries with similar budgets and service areas. Lakewood Library shares this rating with sister libraries of Cleveland, Cleveland Heights – University Heights and the Cuyahoga County Library systems.

Lakewood Library continues to serve the needs of the community and is one of the only public libraries in Ohio open evenings seven nights a week. According to Mr. Artbauer evenings and weekends are the most popular hours of use.

What a gem Lakewood Library is in our City. The library continues to shine under the direction of Mr. James Crawford. We are pleased to acknowledge the staff's dedication and commitment to service in

LAKEWOOD CITY COUNCIL

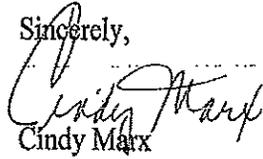
Lakewood Library 5-Star

March, 7, 2016

PAGE TWO

our community. The library is an important asset where its users feel a strong sense of place contributing to our quality of life and demonstrates good use of tax revenue.

Sincerely,



Cindy Marx

Councilmember At-Large

David Anderson  
Council, Ward 1

Thomas R. Bullock III  
Councilmember At-Large

John Litten  
Council, Ward 3

RESOLUTION NO.

BY:

A RESOLUTION to congratulate Lakewood Public Library on being awarded once again a perfect five star rating from the Public Library Service.

WHEREAS, the Library Journal of Public Library Service afforded Lakewood Library its highest rating due to the Library's vast number of visitors, heft of circulated materials, number of technology center users, and popularity of programs, and

WHEREAS, Lakewood Public Library serves a critical role in our thriving community, expanding education, providing venues for creativity, supporting economic development, and often providing opportunity for those talented and eager but without access to such rich resources, and

WHEREAS, it is only fitting and proper that we hereby extend to the dedicated staff and supporters of Lakewood Public Library our hearty congratulations on being rated a five star library; now, therefore,

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

Section 1. That this Council and Mayor hereby extend to Library Director Jim Crawford, Library Board President Michael L. Artbauer and the Library staff congratulations upon earning five stars from the Library Journal and further wish to thank them for their commitment to the betterment of Lakewood.

Section 2. That the Clerk of Council is hereby authorized and directed to forward this Resolution to the Lakewood Public Library, c/o Mr. Jim Crawford, and that a copy of this Resolution be spread upon the minutes of the meeting.

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor



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CINDY MARX

Ward Council  
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SAM O'LEARY, WARD 2  
JOHN LITTEN, WARD 3  
DAN O'MALLEY, WARD 4

February 23, 2016

Dear Council Colleagues,

I am happy to reappoint Kara Vlach-Lasher to the Animal Safety and Welfare Advisory Board. Kara's service on the Board began in 2014. She is eager to continue her work with the Board over the next two years.

Thank you.

Sincerely,

Cindy Marx

Councilmember At-Large



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Ward Council  
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SAM O'LEARY, WARD 2  
JOHN LITTEN, WARD 3  
DANIEL O'MALLEY, WARD 4

March 7, 2016

Lakewood City Council  
Lakewood, OH 44107

**Re: Appointment to Animal Safety and Welfare Advisory Board**

Dear Members of Council:

This letter serves to notify you of my reappointment of Melissa Limkemann to the Animal Safety & Welfare Advisory board for the two year term commencing on January 1, 2016. I thank Ms. Limkemann for her past service and for her willingness to continue serving on this board.

Sincerely,

Ryan P. Nowlin  
Councilmember At-Large

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of five members of Council, or otherwise to take effect at the earliest period allowed by law, providing that the petition for referendum with respect to Ordinance No. 49-15 be submitted to a vote of the electors of the City of Lakewood at the \_\_\_\_\_, 2016, \_\_\_\_\_ election, pursuant to Article XXI of the Second Amended Charter of the City of Lakewood.

WHEREAS, on December 21, 2016, the Council of the City of Lakewood adopted Ordinance No. 49-15 authorizing the execution and delivery of an agreement by and between the City of Lakewood, Ohio, the Lakewood Hospital Association and The Cleveland Clinic Foundation, and authorizing and approving related matters; and

WHEREAS, the Clerk of Council, with the assistance of the Cuyahoga County Board of Elections, has certified that the petition for referendum with respect to that ordinance contains a sufficient number of validated signatures pursuant to Article XXI, Sections 1 and 6 of the Second Amended Charter; and

WHEREAS, Lakewood City Council, pursuant to Article XXI, Section 6 has reconsidered Ordinance No. 49-15 and has found that the ordinance shall stand as adopted and shall not be repealed, but rather, shall be submitted to a vote of the electors; and

WHEREAS, Lakewood City Council must authorize and direct that Ordinance No. 49-15 be submitted to the electors of the City of Lakewood at the \_\_\_\_\_ election to be held on Tuesday, \_\_\_\_\_, 2016; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that this resolution must be transmitted to the Cuyahoga County Board of Elections to be timely prepared for the submission deadline for the \_\_\_\_\_, 2016, \_\_\_\_\_ election; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Pursuant to Article XXI of the Second Amended Charter of the City of Lakewood, Council hereby authorizes and directs the submission to the electors of the City of Lakewood at the \_\_\_\_\_ election to be held at the usual places of voting in the city on Tuesday, \_\_\_\_\_, 2016, a referendum related to Ordinance No. 49-15 as stated below.

Section 2. Pursuant to Article XXI, Section 7 of the Second Amended Charter of the City of Lakewood, the Board of Elections of Cuyahoga County is hereby directed to submit the following ordinance and ballot language to the electors of the city at the \_\_\_\_\_ election on \_\_\_\_\_, 2016:

ORDINANCE 49-15

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the execution and delivery of an agreement by and between the City of Lakewood, Ohio, a municipal corporation and political subdivision in and of the State of Ohio (the "City"), the Lakewood Hospital Association, an Ohio nonprofit corporation ("LHA"), and The Cleveland Clinic Foundation, an Ohio nonprofit corporation (the "Clinic"); and authorizing and approving related matters.

\_\_\_\_\_ For The Ordinance

\_\_\_\_\_ Against The Ordinance

The Clerk of this Council is instructed to file a certified copy of this resolution, together with Ordinance No. 49-15, and the proposed form of the ballot question with the County Board of Elections upon adoption of this resolution.

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

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

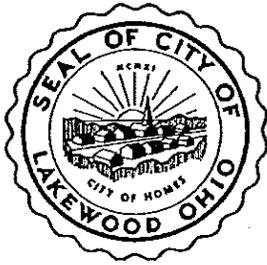
Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR



DEPARTMENT OF PLANNING & DEVELOPMENT  
DRU SILEY, DIRECTOR

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[www.onelakewood.com/development](http://www.onelakewood.com/development)

March 7, 2016

Lakewood City Council  
Lakewood, OH 44107

Re: Sale of vacant land

Dear Members of Council:

Cuyahoga County has deeded several vacant parcels of land to the City's Land Bank through the expedited tax foreclosure process. These parcels include:

1252 Westlake Avenue, Lakewood, OH (PPN 311-29-066)  
V/L Newman Avenue, Lakewood, OH (PPN 315-15-072) – associated with 1589 Newman Ave.  
1589 Newman Avenue, Lakewood, OH (PPN 315-15-073)  
1635 Hopkins Avenue, Lakewood, OH (PPN 315-15-031)  
1214 Gladys Avenue, Lakewood, OH (PPN 312-13-054)

Each of these properties was nuisanced and subsequently demolished by the City of Lakewood.

I respectfully request approval of the attached ordinance to allow for the sale of these vacant lots. The Department of Planning and Development will process proposals from interested buyers and keep Council apprised of any sales.

Sincerely,

Dru Siley, AICP  
Director of Planning and Development

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, authorizing and directing the Director of Planning and Development to enter into an agreement with a licensed real estate broker to market for sale the real property located at 1252 Westlake Avenue, vacant lot associated with 1589 Newman Avenue, 1589 Newman Avenue, 1635 Hopkins Avenue, and 1214 Gladys Avenue for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances.

WHEREAS, the City is the owner of real property located at 1252 Westlake Avenue, vacant lot associated with 1589 Newman Avenue, 1589 Newman Avenue, 1635 Hopkins Avenue, and 1214 Gladys Avenue; and

WHEREAS, this Council has determined it is in the best interest of the City to sell said real property and that such sale shall 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 ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal department in that these properties are currently vacant and immediate action is required; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Director of Planning and Development ("Director") is hereby authorized and directed, on behalf of the City, to solicit proposals from licensed real estate brokers and to enter into an agreement with the broker deemed most responsive determined by the Director, to market real property located at 1252 Westlake Avenue (PPN 311-29-066), vacant lot associated with 1589 Newman Avenue (PPN 315-15-072), 1589 Newman Avenue (PPN 315-15-073), 1635 Hopkins Avenue (PPN 315-15-031), and 1214 Gladys Avenue (PPN 312-13-054) for a period not to exceed 120 days, pursuant to Section 155.07 of the Codified Ordinances.

Section 2. Either the Director or the Director of Law is hereby authorized and directed to enter into agreements and execute all ancillary and related instruments for the sale of said real property upon presentation of an acceptable offer as determined by the Director.

Section 3. The Director specifically is authorized to negotiate and or make counterproposals to any offer to purchase said real property, and shall, upon the close of the transaction, report to Council the details of the sale.

Section 4. The Director shall make no representations or warranties concerning the conditions of the property, including, but not limited to the property's environmental condition, mechanical systems, dry basements, foundations, structural integrity or compliance with code, zoning or building requirements.

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor



DEPARTMENT OF PLANNING & DEVELOPMENT  
DRU SILEY, DIRECTOR

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

March 7, 2016

Lakewood City Council  
Lakewood, OH 44107

RE: Asbestos Abatement and Demolition – Hilliard Theater Property

Dear Members of Council:

I respectfully request contracting authority for the asbestos abatement and demolition services related to the Hilliard Theater in the amount of \$1,000,000.

The Hilliard Theater property was declared a public nuisance in September 2013. The City soon after that removed the unstable canopy along Hilliard Road, and blocked off most of the sidewalk along the Hilliard Rd façade with a fence to keep pedestrians from walking on that side of the street. The asbestos survey completed in June 2014 shows most of the plaster, stucco, and roofing in the property contains asbestos.

In August 2015, the City bid the asbestos abatement through the State Cooperative Purchasing Program, with the lowest bid coming in at \$503,000. We have not yet confirmed price estimates for the demolition, but do not expect the total cost for demolition and asbestos abatement to go over \$1,000,000.

Please let me know if you have any questions.

Sincerely,

Dru Siley  
Director

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor to enter into agreements for the provision of asbestos abatement and demolition services related to the Hilliard Theater in an amount not to exceed \$1,000,000.

WHEREAS, the Hilliard Theater property was declared a public nuisance September, 2013; and

WHEREAS, the city has conducted small-scale abatement at this location and has attempted to work with the property owner to encourage an agreeable solution to abatement of the remaining conditions; and

WHEREAS, the conditions at the Hilliard Theater site continue to deteriorate and remain a nuisance posing risk to the general public, thus necessitating demolition of the structure; and

WHEREAS, the city has obtained an asbestos survey and estimates for abatement; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government, and the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; 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 condition of the structure necessitates abatement by the city as soon as it can be arranged; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor is hereby authorized to enter into agreements for the provision of asbestos abatement and demolition services related to the Hilliard Theater, 16000-02 Hilliard Boulevard and 16009-21 Madison Avenue, in an amount not to exceed \$1,000,000.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all such deliberations of this Council and 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



SCOTT K. GILMAN  
FIRE CHIEF

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

February 22, 2016

Lakewood City Council  
Lakewood, Ohio

RE: Severe Weather Awareness Week

Dear Members of Council:

Attached, please find a resolution for your consideration, proclaiming March 20<sup>th</sup> through March 26<sup>th</sup>, 2016 as "Severe Weather Awareness Week".

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

Thank you for your consideration.

Sincerely,

Scott K. Gilman  
Fire Chief

RESOLUTION NO.

BY:

A RESOLUTION proclaiming March 20<sup>th</sup> through March 26<sup>th</sup> 2016 "Severe Weather Awareness Week."

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

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

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

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

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That the City of Lakewood proclaims March 20<sup>th</sup> through March 26<sup>th</sup>, 2016 as "Severe Weather Awareness Week".

Section 2. That Lakewood's Outdoor Early Warning Siren will sound at 9:50 a.m., on Wednesday, March 23, 2016, and that this exercise is specifically designed for local, municipal participation and for testing of the Emergency Alert System and other appropriate components of emergency management.

Section 3. That the Lakewood Division of Fire will observe tornado drills on March 23, 2016 in as many schools as possible.

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

7086707		TREX	PROPER PIG SMOKEHOUSE LLC	
PERMIT NUMBER		TYPE	17100 DETROIT AV	
10	01	2014	LAKEWOOD OH 44107	
ISSUE DATE				
02	22	2016		
FILING DATE				
D1				
PERMIT CLASSES				
18	286	C	F15593	
TAX DISTRICT			RECEIPT NO.	

FROM 02/24/2016

4176270			J G N ENTERPRISES INC	
PERMIT NUMBER		TYPE	DBA NAVAJO MOTEL	
10	01	2014	1ST FL & BSMT & PATIO	
ISSUE DATE		950 MEDINA RD		
02	22	2016	SHARON TWP	
FILING DATE		MEDINA OHIO 44256		
D1				
PERMIT CLASSES				
52	944			
TAX DISTRICT			RECEIPT NO.	



MAILED 02/24/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/28/2016

**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 7086707**

(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