DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
JUNE 6, 2016
7:30 P.M.

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

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

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

AGENDA ITEMS PROTOCOL:

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

PUBLIC COMMENT PROTOCOL:

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

I. Pledge of Allegiance
II. Moment of Silence
III. Roll Call
Reading and disposal of the minutes of the Regular Meeting of Council held May 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 June 6, 2016 Committee Meeting. Mr. O'Leary; Chair. (To Be Provided)

2. **ORDINANCE NO. 30-16** – 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 market for sale the real property located at 1458 Belle Avenue (PPN 314-04-045), 1462 Belle Avenue (PPN 314-04-044), 1466 Belle Avenue (PPN 314-04-043), 1472 Belle Avenue (PPN 314-04-042), 1476 Belle Avenue (PPN 314-04-041) 1451 St. Charles Avenue (PPN 314-04-029) 1457 St. Charles Avenue (PPN 314-04-030), 1461 St. Charles Avenue (PPN 314-04-031), 1471 St. Charles Avenue (PPN 314-04-033), and 1477 St. Charles Avenue (PPN 314-04-034), pursuant to Section 155.07 of the Codified Ordinances. (1st READING &REFERRED TO THE COMMITTEE OF THE WHOLE 5/16/16) (Pg. 6)

3. **RESOLUTION NO. 8868-16** - A RESOLUTION declaring Council's intent to vacate that portion of Cannon Alley lying south of Northwood Avenue. (REFERRED TO COMMITTEE OF THE WHOLE 5/16/16) (Pg. 8)

4. **RESOLUTION NO. 8869-16** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor to enter into a lease agreement with Lakewood Child Care Center for the lease of the real property located at 1450 Belle Avenue, suite 100, also known as the Community Health Center. (REFERRED TO COMMITTEE OF THE WHOLE 5/16/16) (Pg. 11)

5. **ORDINANCE NO. 27-16** – 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 11900 Madison Avenue (PPN 315-15-025), 1468 W. 117TH Street (PPN 315-13-103), and 1482-84 W. 117th Street (PPN 315-14-002) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (1ST READ & REFERRED TO COMMITTEE OF THE WHOLE 5/2/16. 2nd Reading & RECOMMENDED FOR ADOPTION 5/16/16) (Pg. 44)

6. Finance Committee Report regarding Ord 36-15B, 25-16 7 26-16; (To Be Provided) Mr. Bullock; Chair.

7. **ORDINANCE NO. 36-15B** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law, amending Ordinance 36-15A, adopted February 16, 2016, authorizing the Mayor (Director of Public Safety),

the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2016 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (1st READ & REFERRED TO THE FINANCE COMMITTEE 5/2/16, 2ND 5/16/16) (Pg. 46)

8. **ORDINANCE NO. 25-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, determining to proceed with the improvement of the shoreline abutting The Meridian Condominium, 12550 Lake Avenue, by the construction and installation of a revetment on the northerly property line by Lake Erie and including any and all appurtenances thereto. (1st READ & REFERRED TO THE FINANCE COMMITTEE 5/2/16, 2ND READING 5/16/16) (Pg. 52)

9. **ORDINANCE NO. 26-16** – 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 and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Meridian Condominium Special Assessment Revetment Project** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (1ST READ & REFERRED TO THE FINANCE COMMITTEE 5/2/16, 2ND READING 5/16/16) (Pg. 56)

10. **ORDINANCE NO. 28-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, providing for the submission to the electors of the City of Lakewood, a proposed Third Amended Charter of the City of Lakewood. (1ST READING & REFERRED TO COMMITTEE OF THE WHOLE 5/16/16) (Pg. 58)

11. **ORDINANCE NO. 29-16** - 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. (1ST READING & REFERRED TO THE FINANCE COMMITTEE 5/16/16) (Pg. 102)

12. Health & Human Services Committee Report regarding May 9, 2016 Committee Meeting; 1) Lead Safety Measures 2) Community Health Needs Assessment. (Pg. 104)

****NEW BUSINESS****

13. Communication from Councilmember O'Malley regarding Resolution supporting the Federal Railroad Administration's proposed ruling requiring two-person crews. (Pg. 106)

14. **RESOLUTION NO. 8870-16** – A RESOLUTION Supporting the Federal Railroad Administration's proposed ruling requiring two-person crews. (Pg. 107)

15. Communication from Mayor Summers regarding Foundation Planning Task Force. (Pg. 108)

16. **RESOLUTION NO. 8871-16** – 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, establishing the Foundation Planning Task Force for the purpose of creating a new Ohio nonprofit corporation charged with addressing community health and wellness needs in the City of Lakewood. (Pg. 109)

17. Communication from Law Director Butler regarding Resolution permitting Mayor Summers to enter into agreement with AT&T for Centrex telephone service. (Pg.111)

18. **RESOLUTION NO. 8872-16** – 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 a three-year agreement with AT&T Corp. for the sale and purchase of citywide Centrex telephone service; authorizing the expenditure of funds in an amount not to exceed $60,000.00 in order to effectuate the intent of the agreement; and exempting the contract from competitive bidding pursuant to L.C.O. § 111.04(a)(10). (Pg. 112)

19. Communication from Law Director Butler regarding 2016 second quarter codification ordinance. (Pg. 114)

20. **ORDINANCE NO. 31-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances to provide for the publication of such new matter. (Pg. 115)

21. Communication from Finance Director Pae regarding 2017 Tax Budget, 2017 Tax Advance Resolution and 2017 Tax Rate Resolution. (Pg. 117)

22. **RESOLUTION NO. 8873-16** – A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five members of Council, or otherwise to take effect and be in forcer after the earliest period allowed by law, approving the Tax Budget

of the City of Lakewood, Ohio for the year 2017, and authorizing the filing of same with Cuyahoga county Fiscal Officer. (Pg. 118)

23. **RESOLUTION NO. 8874-16** – 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 forcer after the earliest period allowed by law requesting the Cuyahoga County Fiscal Officer TO DRAW AND THE Cuyahoga County Treasurer to pay to the city of Lakewood Director of Finance and advance of all real, personal property and estate taxes and special assessments collected in the year 2017 in such amounts as may be requested and available. (Pg. 119)

24. **RESOLUTION NO. 8875-16** – 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, accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer. (Pg. 121)

25. Communication from Human Resources Director Yousefi regarding Purchase Request. (Pg. 123)

26. **RESOLUTION NO. 8876-16** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Purchasing Manager to purchase Fitbit devices without the necessity of bidding in accordance with Lakewood Codified Ordinance §111.04(a)(1) in accordance with the City of Lakewood standard purchase order terms and conditions. (Pg. 125)

27. Liquor Permit Application for new D1, D2 & D3 permit class types to Emerald Necklace marina; 1500 Scenic Park Dr. (Pg. 128)

1ST READING & REFERRED TO THE
COMMITTEE OF THE WHOLE 5/16/16.

ORDINANCE NO. 30-16 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, authorizing and directing the Director of Planning and Development to market for sale the real property located at 1458 Belle Avenue (PPN 314-04-045), 1462 Belle Avenue (PPN 314-04-044), 1466 Belle Avenue (PPN 314-04-043), 1472 Belle Avenue (PPN 314-04-042), 1476 Belle Avenue (PPN 314-04-041), 1451 St. Charles Avenue (PPN 314-04-029), 1457 St. Charles Avenue (PPN 314-04-030), 1461 St. Charles Avenue (PPN 314-04-031), 1471 St. Charles Avenue (PPN 314-04-033), and 1477 St. Charles Avenue (PPN 314-04-034), pursuant to Section 155.07 of the Codified Ordinances.

WHEREAS, the City is the owner of real property located at 1458 Belle Avenue, 1462 Belle Avenue, 1466 Belle Avenue, 1472 Belle Avenue, 1476 Belle Avenue, 1451 St. Charles Avenue, 1457 St. Charles Avenue, 1461 St. Charles Avenue, 1471 St. Charles Avenue, and 1477 St. Charles 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

WHERAS, 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 some of 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 1458 Belle Avenue (PPN 314-04-045), 1462 Belle Avenue (PPN 314-04-044), 1466 Belle Avenue (PPN 314-04-043), 1472 Belle Avenue (PPN 314-04-042), 1476 Belle Avenue (PPN 314-04-041), 1451 St. Charles Avenue (PPN 314-04-029), 1457 St. Charles Avenue (PPN 314-04-030), 1461 St. Charles Avenue (PPN 314-04-031), 1471 St. Charles Avenue (PPN 314-04-033), and 1477 St. Charles Avenue (PPN 314-04-034), pursuant to Section 155.07 of the Codified Ordinances.

Section 2. The Director is hereby authorized and directed to enter into an agreement 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. 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 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

REFERRED TO THE COMMITTEE OF THE WHOLE
5/16/16.

RESOLUTION NO. 8868-16 BY:

A RESOLUTION declaring Council's intent to vacate that portion of Cannon Alley lying south of Northwood Avenue.

WHEREAS, the said portion of Cannon Alley has been used as a public way; and

WHEREAS, Council has determined that there is no need for said portion of Cannon Alley as and for a public street; and

WHERAS, the retention of such portion of Cannon Alley as a public way imposes upon the City the responsibility of keeping it open, in repair and free from nuisance; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council hereby declares its intentions to vacate the portion of Cannon Alley lying south of Northwood Avenue, and more particularly described in Exhibit A attached to this resolution.

Section 2. The Clerk of Council cause notice of this declaration of intent to be served in the manner that service of summons is required to be made, upon all person whose property abuts upon the part of the street affected by the proposed vacation. In the event notice cannot be personally served on the person whose property abuts upon the park of the street affected by the proposed vacation, notice shall be given by publication once in a newspaper of general circulation in the City of Lakewood.

Section 3. The Clerk of Council be and is hereby directed to notify the Board of Revision of Assessments of Council's resolution declaring its intent to vacate the said portion of Cannon Alley, and requesting that such board make its report upon the advisability of such vacation.

Section 4. The Clerk of Council be and is hereby directed to notify the Planning Commission of resolution declaring its intent to vacate the said portion of Cannon Alley, and requesting that such Planning Commission makes its report and recommendation upon the advisability of such vacation.

Adopted: _____

_____
President

_____
Clerk

Approved: _____

_____
Mayor

Exhibit A
(Description of Right of Way to be Vacated)

(To be provided)

REFERRED TO COMMITTEE OF THE WHOLE
5/16/16.

RESOLUTION NO. 8869-16 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, authorizing the Mayor to enter into a lease agreement with Lakewood Child Care Center for the lease of the real property located at 1450 Belle Avenue, Suite 100, also known as the Community Health Center.

WHEREAS, the City is the owner of real property located at 1450 Belle Avenue, known as the Community Healthcare Center; and

WHEREAS, Suite 100 of that property is currently occupied subject to a long term lease for that suite expires August 31, 2016; and

WHEREAS, this Council has determined it is in the best interest of the City to renew its leasehold relationship with the Lakewood Child Care Center to further the interest of the City and its residents; and

WHERAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal department in that the lease governing this suite will soon expire; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor is hereby authorized, on behalf of the City, to enter into a lease agreement with The Lakewood Child Care Center for the lease of the real property located at 1450 Belle Avenue, Ste. 100 also known as the Community Health Center, in substantially the same form as Exhibit A.

Section 2. All provisions of the Codified Ordinances with respect to the sale or lease of City-owned property are deeded to have been met or superseded by this ordinance inasmuch as those provisions apply to the lease of real property contemplated in the agreement.

Section 3. To the extent that this resolution is inconsistent with any other ordinance or resolution previously adapted by Council with respect to the purchase of property by the city or the sale or lease of property owned by the City, this ordinance is meant to and shall supersede such previously-adopted legislation.

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

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

Adopted: _____ _____
President

_____
Clerk

Approved_____ _____
Mayor

Exhibit A

First Amendment to Lease Agreement

(followed by the Lakewood Community Health Center Lakewood Child Care Center Lease, and lease commencement agreement)

FIRST AMENDMENT

TO

LEASE AGREEMENT

This FIRST AMENDMENT TO LEASE AGREEMENT is made and entered into by and between **THE CITY OF LAKEWOOD** ("Landlord"), as successor in interest to Lakewood Hospital Association ("Original Landlord") and **LAKEWOOD CHILD CARE CENTER,** an Ohio nonprofit corporation ("Tenant").

WITNESSETH:

WHEREAS, pursuant to a certain Lease Agreement dated as of August 22, 2011 (the "Lease"), Tenant leased from Landlord those certain premises known as Suite 100 which is located on the first floor of the Lakewood Community Health Center located at 1450 Belle Avenue, Lakewood, Ohio and consisting of a total of approximately 6,504 square feet of interior space in Suite 100 and approximately 1,841 square feet of outdoor playground space (collectively, the "Premises") for a Term which is scheduled to expire on August 31, 2016; and

WHEREAS, on December 22, 2015, Landlord acquired fee simple title to the Building from Original Landlord and became Landlord under the Lease; and

WHEREAS, Landlord and Tenant desire to amend and/or supplement certain of the provisions of the Lease so as to provide for the extension of the Term of the Lease and the amount of Base Rent to be paid therefor and certain other matters,

NOW, THEREFORE, for and in consideration of the premises and the promises and covenants set forth hereinbelow, the parties agree that the Lease is hereby amended and/or supplemented as follows:

1. The Term of the Lease is hereby extended for an additional period of two (2) years, commencing September 1, 2016 (the "Effective Date") and ending on August 31, 2018 (the "First Extended Term").

2. Commencing on the Effective Date and continuing throughout the First Extended Term, Tenant's Base Rent shall be increased as follows:

Period	Annual Base Rent	Monthly Installment
9/1/16 – 8/31/17	$92,392.26	$7,699.36
9/1/17 – 8/31/18	$95,164.03	$7,930.34

3. Section 8.1 of the Lease is hereby deleted in its entirety and the following new Section 8.1 is hereby substituted in lieu thereof:

"8.1 Indemnification: Tenant shall defend, indemnify, and hold harmless Landlord from all claims arising out of any injury or damage to any person or property resulting from any default by Tenant under this Lease or from the negligence or willful misconduct of Tenant, or any agent, employee, customer, or contractor of Tenant except to the extent that any such claims are a result of any actions or omissions of Landlord or any of its agents, contractors or employees."

4. Landlord and Tenant hereby agree and covenant that this First Amendment has been prepared exclusively for the use of the parties hereto. Neither Landlord nor Tenant shall release this First Amendment to any third party except if required by law or upon prior written consent of Landlord. The obligations of this clause shall survive the expiration or earlier termination of the Lease.

5. All capitalized terms set forth in the Lease shall have the same meaning in this First Amendment.

6. This First Amendment may be executed in any number of counterparts, and by each of the parties in separate counterparts, each of which, when so executed, shall be deemed an original, but all of which shall constitute but one and the same instrument. Delivery of an executed counterpart electronically shall be equally as effective as delivery of a manually executed counterpart of this First Amendment, but the failure to deliver a manually executed counterpart shall not affect the validity, enforceability or binding effect of this First Amendment.

7. Except as amended and/or supplemented herein, all terms, covenants, provisions and conditions of the Lease shall remain unchanged and in full force and effect. To the extent that there are any conflict between the provisions of this First Amendment and the provisions of the Lease, the provisions of this First Amendment shall govern. Except insofar as reference to the contrary is made in any such instrument, all references to the "Lease" in any future correspondence or notice shall be deemed to refer to the Lease as modified by this First Amendment.

IN WITNESS WHEREOF, the undersigned have executed this First Amendment to be effective as of the Effective Date.

THE CITY OF LAKEWOOD

By: _____

Its: _____

"LANDLORD"

LAKEWOOD CHILD CARE CENTER

By: _____

Its: _____

"TENANT"

LAKEWOOD COMMUNITY HEALTH CENTER

LEASE AGREEMENT

LANDLORD:	Lakewood Hospital Association c/o North Pointe Realty, Inc. 5915 Landerbrook Drive, Suite 120 Mayfield Heights, Ohio 44124 Attention: Michael J. Peterman
TENANT:	Lakewood Child Care Center 1450 Belle Avenue Lakewood, Ohio 44107
PREMISES:	Suite 100 Lakewood Community Health Center 1450 Belle Avenue Lakewood, Ohio 44107

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Exhibit A.....Premises
Exhibit B.....Inventory of Furniture & Equipment as of the Commencement Date
Exhibit C.....Rules and Regulations

LEASE AGREEMENT

This Lease Agreement (the "Lease") is made as of the _____ day of _____, _____, between LAKEWOOD HOSPITAL ASSOCIATION, an Ohio non-profit corporation ("Landlord") and LAKEWOOD CHILD CARE CENTER, an Ohio non-profit corporation ("Tenant").

1. PREMISES

In consideration of the rents, terms, provisions and covenants of this Lease, Landlord hereby leases unto Tenant and Tenant hereby rents and accepts from Landlord those certain premises containing approximately 6,504 rentable square feet, located in Suite 100 on the first floor and an outdoor adjacent playground area consisting of approximately 1,841 square feet of space, which premises are outlined on Exhibit A attached hereto and made a part hereof (the "Premises"), and which Premises are contained in and outside of that certain building known as the Lakewood Community Health Center located at 1450 Belle Avenue, Lakewood, Ohio (the "Building"). The Building, together with the land on which it is situated, and all other improvements located thereon are collectively referred to herein as the "Property". Except as otherwise provided herein, Tenant shall have full and unimpaired access to the Premises and on a non-exclusive basis to the common areas of the Building and the Property. In addition to the real property being leased hereby, Landlord hereby leases to Tenant the following items of personal property, all of which Tenant shall maintain in good and operable condition and return to Landlord at the expiration of this Lease in the same condition as at the inception hereof, less reasonable wear and tear: All furniture and equipment now located on the Premises, a detailed list of which shall be attached hereto as Exhibit B and made a part hereof.

2. TERM

2.1 Term: The term of this Lease (the "Term") shall be for a period commencing on the date on which Tenant occupies the Premises and is open for business (the "Commencement Date") and shall expire on the last day of the sixtieth (60th) full calendar month thereafter. Within thirty (30) days following the Commencement Date, the parties hereto agree to execute and deliver to each other an instrument which shall set forth the Commencement Date and the End Date of this Lease. The expiration of the Term or sooner termination of this Lease pursuant to its provisions is referred to herein as the "Lease Termination".

2.2 Holding Over: If Tenant holds over beyond the expiration of the Term , Tenant shall be deemed a tenant from month-to-month subject to all the terms of this Lease except that the monthly Base Rent for such holdover shall be 150% of the monthly Base Rent which was payable by Tenant to Landlord for the last month of the Term prior to such expiration; provided, however, upon written agreement of the parties, Tenant may continue to occupy the Premises as a month to month tenant at the same Base Rent payable by Tenant at the expiration of the Term Nothing herein shall relieve Tenant from vacating the Premises at the end of the Term or any extension thereof, or earlier termination thereof, and Tenant shall be liable to Landlord for any damages which Landlord may suffer as the result of Tenant's failure to vacate the Premises on the date required herein.

3. RENT

3.1 Base Rent: Tenant shall pay to Landlord at Landlord's office or at such other place as Landlord may from time to time designate in writing, as Base Rent for the Term, annual Base Rent as follows:

Months	Annual Base Rent	Monthly Installment
Effective Date – Last day of the 24th full calendar month thereafter	$71,544.00	$5,962.00
25th – 36th calendar month	$84,552.00	$7,046.00
37th – 48th calendar month	$87,088.56	$7,257.38
49th – 60th calendar month	$89,701.22	$7,475.10

Each monthly payment shall be due in advance on the first day of each month of the Term, beginning on the date the Term commences, and continuing on the first day of each calendar month thereafter. Base Rent for any partial month shall be prorated at the rate of 1/30th of the monthly rent for each day. Notwithstanding the above, Tenant may defer the payment of the first two (2) months Base Rent provided it pays such amount no later than the beginning of the twelfth (12th) calendar month of the Term.

3.2 Service Charge for Late Payment: If any installment of Base Rent, additional rent or any other charge provided for herein, or any part thereof, is not paid within ten (10) days after its due date, it shall be subject to a service charge of one and one-half percent (1-1/2%) of the unpaid amount due for each month or fraction thereof, or such lesser amounts as may be the maximum amount permitted by law, until paid.

3.3 Rentals: The term "Rentals" as used in this Lease shall include all Base Rent payable pursuant to paragraph 3.1 above and any additional rent payable pursuant to the terms of this Lease. All Rentals shall be paid to Landlord at the address to which notices to Landlord are given, as specified in Section 23 below.

4. USE OF PREMISES

4.1 In General: Tenant shall use and occupy the Premises for a Child Care Center only and for no other purpose; provided, however, that such use may include parent meetings and fund-raising events so long as Landlord receives at least 72 hours prior written notice of such parent meetings and/or fund-raising events. Tenant shall maintain the Premises in a safe and careful manner, conforming to good housekeeping practices, without permitting any nuisance or committing any waste or exceeding floor load capacities. Tenant shall conform to and obey all laws, ordinances, rules, regulations, requirements and orders of all governmental bodies or authorities which have jurisdiction over its use of the Premises. Further, Tenant agrees not to use the Premises in any manner deemed specially hazardous because of fire risk or otherwise. No volatile or toxic substances or nuclear or radio-active materials shall be brought or kept on the Premises or common areas, or stored

therein, without the written consent of Landlord first obtained. If any of Tenant's operations produce gases, vapors, odors, smoke, residuary material or noise disturbing Landlord or other occupants of the Building, Tenant shall, on Landlord's written demand, cease such operation or install, at Tenant's sole cost, ventilating or other apparatus to eliminate such disturbances. Any unbalancing or overloading of electric equipment or wiring in the Building caused by Tenant shall be alleviated by Tenant, at Tenant's sole cost, immediately.

4.2 Rules and Regulations: Tenant and its agents, employees and invitees shall faithfully observe and strictly comply with the Rules and Regulations set forth in Exhibit C attached hereto and made a part hereof, as the same may be amended by Landlord from time to time or hereafter promulgated by any applicable governmental authority, for the care and use of the Premises, the Building, and the common areas of the Property. Nothing in this Lease shall impose upon Landlord any duty or obligation to enforce the Rules and Regulations in any other Lease as against any other Tenant, and Landlord shall not be liable to Tenant for violation of the same by any other tenant or the agents, employees, licensees or invitees of such other tenant.

5. MAINTENANCE AND REPAIRS

5.1 Landlord's Obligations: Landlord shall maintain in good condition the following:

(a) The structural parts of the Building including without limitation the foundations, loadbearing and exterior walls, subflooring, ceilings, roof and roofing;

(b) The electrical, plumbing and sewage systems outside the Premises;

(c) Window frames, gutters and downspouts on the Building;

(d) Sidewalks, curbs, parking lots and other common areas; and

(e) Heating, ventilating and air conditioning systems servicing the Premises.

5.2 Repair of Premises by Tenant: Except as expressly set forth above, Tenant shall, at Tenant's sole expense, make all repairs and replacements to the Premises to maintain and preserve the Premises in good condition and repair, including, without limitation, the replacement of all broken glass and plate glass which is broken from the inside out. All repairs required to be made by Landlord as a result of the misuse or neglect of the Premises or Building by Tenant, its agents, employees, contractors, customers, or invitees, or damage to or defacement of the Building or any part thereof by reason of Tenant's move-in, move-out or tenancy therein, shall be at the sole expense of Tenant. Tenant shall further make any repairs and shall install any devices required by governmental bodies or agencies because of Tenant's use of the Premises or if the same constitute or are in connection with Tenant's obligations under this Lease.

6. ALTERATIONS AND FIXTURES

6.1 Alterations: Tenant shall not make any alterations or additions (collectively "Alterations") to the Premises during the Term which (a) affect any structural element of the Building or its life safety or security system or (b) cost more than Ten Thousand ($10,000.00) Dollars individually or Twenty-five Thousand ($25,000.00) Dollars in the aggregate during any calendar year except in accordance with plans and specifications first approved by Landlord in writing, which approval shall not be unreasonably withheld or delayed. All alterations and additions for which approval is required shall be part of the Building and shall remain in the Building upon the termination of this Lease unless Tenant specifies when it submits its plans and specifications therefor that it will remove the alterations and additions upon such termination or expiration and restore the Premises to a broom clean condition substantially equivalent to its former condition.

Before Tenant commences any alteration or addition it shall secure all licenses and permits required for the work, deliver to Landlord a list of all contractors and subcontractors and the estimated cost of all labor and materials to be furnished by them, and cause each contractor to carry Workers' Compensation insurance in the full amounts required by law and reasonable comprehensive public liability and property damage insurance coverage, and upon Landlord's request shall deliver to Landlord certificates evidencing such insurance. Tenant agrees to pay promptly when due the entire cost of any work done in respect of its alterations and additions and to promptly discharge or bond any liens for labor performed or materials furnished in connection therewith that may attach to the Premises or the Building.

6.2 Fixtures and Personal Property: Tenant may install in the Premises such trade fixtures, equipment, furniture and personal property (collectively "Fixtures") as it considers advisable for the conduct of its business. All fixtures installed by or at the expense of Tenant shall remain the property of Tenant. Upon the Lease Termination, Tenant shall remove all Fixtures from the Premises, except alterations and additions made by Tenant to the extent they are required or permitted to remain in the Premises under the terms of paragraph 6.1 above. If within ten (10) days after Lease Termination Tenant has not removed all Fixtures from the Premises which are required or permitted to be removed or to repair any damage caused by such removal, then Landlord shall have the right, at its option, to be exercised by written notice to Tenant to: (a) notify Tenant that such remaining Fixtures shall be deemed abandoned by Tenant if not removed within ten (10) days of Tenant's receipt of such notice or (b) remove such Fixtures, make the necessary restorations to the Premises and/or repair the damage caused by such removal, as the case may be, whereupon Tenant shall pay the cost thereof to Landlord within ten (10) days after receipt of an invoice.

7. UTILITIES AND SERVICES

7.1 Payment by Tenant: The cost of electricity shall be included in the Base Rent set forth in Section 3.1 hereinabove. However, Tenant shall pay for all replacements of light bulbs and fluorescent lighting tubes, starters, ballasts and emergency and exit lights in the Premises. In addition, Tenant shall be responsible to provide and pay for, at its sole cost and expense, all nightly cleaning and janitorial services, as well as all internal facility maintenance of the Premises.

7.2 Services: Landlord shall maintain the Building and all adjacent plantings and common areas in a manner befitting first class rental premises in the locality of the Building, and shall provide Tenant with all of the following services:

(a) as stated above, electricity for lighting and the operation of office equipment;

(b) Building standard cleaning and janitorial services in the common areas of the Building only;

(c) Municipal water supply and sewerage service to the public lavatories;

(d) Removal of snow from parking areas, drives and walks;

(e) Heating, ventilation and air conditioning designed to heat and cool all areas of the Premises at reasonably comfortable temperatures, which heating, ventilating and air conditioning shall be provided between the hours of 6:00 a.m. and 6:00 p.m. Monday through Friday and between 8:00 a.m. and 1:00 p.m. on Saturdays, except on legal holidays.

(f) All exterior landscaping and maintenance;

(g) Rubbish removal; and

(h) Pest extermination as required.

In the event that Tenant shall request that Landlord furnish services in addition to the services set forth above, or if Tenant shall request that Landlord shall deviate from Landlord's standard operation of the Building, and if Landlord shall elect to provide such additional services or deviate from its standard procedure, Tenant shall pay Landlord's charges relating thereto within ten (10) days from receipt of an invoice from Landlord.

7.3 Failure of Services: Landlord shall not be liable for failure to furnish utilities or services to the Premises when the failure results from causes beyond Landlord's reasonable control, but in case of such failure Landlord shall take all reasonable steps to restore the interrupted utilities or services as soon as practicable.

8. INDEMNIFICATION AND WAIVER OF LIABILITY

8.1 Indemnification: Tenant shall defend, indemnify, and hold harmless Landlord from all claims arising out of any injury or damage to any person or property resulting from any default by Tenant under this Lease or from the negligence or willful misconduct of Tenant, or any agent, employee, customer, or contractor of Tenant. Landlord shall defend, indemnify, and hold harmless Tenant from all claims arising out of any injury or death or damage to any person or property resulting from any default by Landlord under this Lease or from the negligence or willful misconduct of Landlord, or any agent or employee of Landlord (including without limitation contractors,

subcontractors, or other parties employed in connection with construction on the Premises).

8.2 Waiver of Liability: Except for the negligence or misconduct of Landlord, Tenant waives all claims against Landlord for damage to person or property sustained by Tenant or any person claiming through Tenant resulting from:

(a) Any accident or occurrence upon the Premises or the Building, including the land and parking areas appurtenant thereto;

(b) Wind, rain or other force of nature;

(c) Any failure of plumbing, heating or air conditioning equipment, electrical wiring or equipment, or gas or water pipes;

(d) Broken glass;

(e) The leaking or backing up of any sewer pipe, gutter or downspout;

(f) The bursting, leaking or running of any tank, tub, washstand, water closet, waste pipe, drain or other pipe or tank in, upon or about the Building or the Premises;

(g) The escape of gas or hot water;

(h) Water, snow or ice being upon or coming through the roof, stairs, doorways, foundations, walks, or any other place upon or near the Building, the Property or the Premises;

(i) Falling of any fixture, plaster, tile or stucco; and

(j) Any act, omission or negligence of any tenant, licensee, trespasser, tortfeasor, or other person in or about the Building and the parking areas.

9. INSURANCE

9.1 Building and Property Insurance: Landlord shall at all times throughout the Term either self-insure, or shall maintain fire, extended coverage and casualty insurance covering the Building in an amount or amounts not less than ninety percent (90%) of the full replacement cost of the Building. Tenant shall maintain insurance on its property in the Premises in an amount equal to the full insurable value thereof.

9.2 Waiver of Subrogation: Landlord and Tenant hereby waive all rights of recovery and causes of action which either has or may have or which may arise hereafter against the other, whether caused by negligence, intentional misconduct or otherwise, for any damage to the Premises, or the Building, or any other property or business caused by any of the perils covered by a standard fire insurance policy with extended coverage, vandalism and malicious mischief endorsements, building and contents and business interruption (if applicable) insurance, or for which either party may be reimbursed as a result of insurance coverage affecting any loss suffered by it;

provided, however, that the foregoing waivers shall apply only to the extent of any recovery made by the parties hereto under any policy of insurance now or hereafter issued and further that the foregoing waivers do not invalidate any policy of insurance of the parties hereto, now or hereafter issued. The waivers set forth herein shall not apply in any case in which the application thereof would result in the invalidation of any such policy of insurance. Any additional premium caused by these waivers of subrogations shall be paid by the party benefited thereby.

9.3 Liability Insurance: Tenant shall, at its sole cost and expense, obtain and maintain throughout the Term and any extension thereof one or more policies of comprehensive general liability insurance, including personal injury, death and property damage insurance, issued by a responsible insurance company or companies authorized to do business in the State of Ohio in an amount not less than Two Million Dollars ($2,000,000) and providing a combined single limit of not less than Two Million Dollars ($2,000,000) for injury, death or property damage to one or more persons. Landlord and Landlord's management agent, North Pointe Realty, Inc., shall be named as additional insured parties under said self-insurance or policies. At the commencement of the Term and thereafter at any time within ten (10) days after Landlord's request therefor, Tenant shall deposit with Landlord a copy of all such policies or certificates showing such insurance to be in force with all current premiums therefor paid. All such policies shall contain an undertaking by the insurers to notify the Landlord, in writing, by registered or certified mail, not less than thirty (30) days prior to any material change, cancellation or other termination thereof. Tenant shall also either self-insure, or shall obtain and maintain throughout the Term such other forms of insurance as Landlord may reasonably require from time to time, in form and amounts and insuring against risks included within fire, extended coverage, vandalism, malicious mischief and all-risk coverages.

Landlord shall, at its sole cost and expense, either self-insure, or shall obtain and maintain throughout the Term and any extension thereof one or more policies of comprehensive general liability insurance, issued by a responsible insurance company or companies authorized to do business in the State of Ohio in an amount not less than any amounts of insurance required to be obtained and maintained by Tenant under the Terms of this Agreement. If permitted by Landlord's liability carrier, Tenant shall be named as an additional insured party under any such insurance policies described in this section which are required to be obtained and maintained by Landlord.

10. DAMAGE OR DESTRUCTION

If at any time during the Initial Term or any extension thereof, the whole or a substantial portion of the Building or Premises is so damaged or destroyed by fire or other casualty and such damage or destruction materially affects Tenant's ability to conduct normal business operations in the Premises and such damage cannot reasonably be expected to be repaired within one hundred twenty (120) days, then either Landlord or Tenant may elect to terminate the Lease by so notifying the other within thirty (30) days after the date of the damage or destruction, specifying a date for termination that shall be not less than thirty (30) days from the date of such notice; provided that Landlord give Tenant notice within thirty (30) days of the occurrence of such damage of whether or not the Premises will be repaired within the one hundred twenty (120) days. If neither Landlord nor Tenant so elect to terminate this Lease, then Landlord shall promptly commence to repair and

restore the Building and Premises to their condition immediately prior to such fire or casualty except that Landlord shall not be required to repair or restore alterations and additions to the Premises made by Tenant in accordance with the provisions of Section 6 hereof. If Landlord has not completed such repair and restoration within one hundred eighty (180) days after the date of the damage or destruction, Tenant may by thirty (30) days advance notice to Landlord elect to terminate this Lease. Tenant's obligation to pay Base Rent shall be abated commencing on the date of such damage or destruction in the proportion that the area of the part of the Premises so damaged or destroyed or rendered untenantable bears to the total area of the Premises, until the Premises are repaired or restored or the Lease is terminated as aforesaid. A substantial portion of the Building and/or Premises shall be deemed to have been damaged or destroyed by fire or other casualty if the undestroyed or undamaged part of the Building and/or Premises shall be insufficient for the economic and feasible operation thereof by Tenant.

11. CONDEMNATION

11.1 Termination: If at any time during the Term more than twenty-five percent (25%) of the Building shall be condemned or taken for public or quasi public use, or if any portion of the Building, the common areas or Premises is so condemned or taken which would materially affect Tenant's ability to conduct normal business operations in the Premises, this Lease shall automatically terminate as of the earlier of the date of the vesting of title or the date of dispossession of Tenant as a result of such condemnation or taking. If at any time during the Term more than twenty-five percent (25%) of any parking area allocated to Tenant hereunder shall be so condemned or taken, and Landlord does not agree to provide Tenant with other substantially equivalent parking, Tenant may by thirty (30) days advance notice to Landlord elect to terminate this Lease.

11.2 Partial Taking: In the event of a partial condemnation or taking that does not result in a termination of this Lease in accordance with the provisions of paragraph 11.1 hereof, the Base Rent due hereunder shall abate in proportion to the portion of the Premises affected by such condemnation or taking.

11.3 Awards: Landlord shall be entitled to the entire award resulting from any such condemnation or taking, provided, however, that Tenant shall be entitled to any portion of any award attributable to the value of the leasehold estate created by this Lease, and provided further that Tenant may file a claim against the condemning authority for its moving and relocation expenses and for the unamortized value of any leasehold improvements paid for by Tenant.

12. ASSIGNMENT AND SUBLETTING

12.1 In General: Tenant shall not voluntarily assign its interest in this Lease nor sublet all or any portion of the Premises nor permit the use or occupancy of the Premises by any other person or entity without first obtaining Landlord's written consent, which consent shall not be unreasonably withheld or delayed. Any consent by Landlord to any assignment, subletting, or use or occupation of the Premises by anyone other than Tenant shall not constitute a consent to any subsequent assignment, subletting, or use or occupation.

12.2 Excess Rental: If Landlord does consent to the assignment of this Lease or the subletting of all or substantially all the Premises, and if the total rental amount to be paid by the sublessee or assignee is in excess of the Rentals hereunder, Tenant shall remit such excess to Landlord immediately upon receipt.

12.3 Financial Statements: If Tenant requests Landlord's consent to the assignment of this Lease or to a sublease of all or substantially all the Premises, Tenant shall include with such request the name, address and current financial statements of the proposed assignee or sublessee, the rental to be paid and all other conditions and provisions of the proposed assignment or subletting. Landlord may, in lieu of giving or withholding its consent, terminate this Lease as to the affected portion of the Premises by written notice to Tenant within ten days after Tenant's request for Landlord's consent; such termination shall be effective on the twentieth day following the date on which Landlord's termination notice is given.

12.4 Tenant's Liability: If at any time during the Term Tenant sublets all or any part of the Premises or assigns this Lease, whether with or without the consent of Landlord, Tenant shall nevertheless remain liable under all the terms, covenants, and conditions of this Lease. If this Lease is assigned or if the Premises or any part thereof is subleased or occupied by anybody other than Tenant, Landlord may collect from the assignee, sublessee, or occupant any Rentals payable by Tenant under this Lease and apply the amount collected to the Rentals; however, such collection by Landlord shall not be deemed an acceptance of the assignee, sublessee, or occupant as a tenant nor a release of Tenant under this Lease.

13. DEFAULT

13.1 Tenant's Default – Definition: The occurrence of any of the following shall constitute a default by Tenant:

(a) Failure to pay any Rental when due, if the failure continues for five (5) days after written notice thereof is given by Landlord to Tenant;

(b) The filing by or against Tenant of a petition for adjudication as a bankrupt, for reorganization under Chapter X, for an arrangement under Chapter XI, or for any other debtor or capital structure relief under the Bankruptcy Act of 2005, as now or hereafter amended or supplemented, if such petition is not dismissed within sixty days after filing;

(c) The making of an assignment for the benefit of creditors, or the appointment of a receiver of substantially all the property of Tenant, in any action, suit or proceeding by or against Tenant, or the offering for sale of Tenant's interest in the Premises under execution or other legal process, if such assignment, appointment or offering is not dismissed or terminated within sixty days after filing; or

(d) Failure to perform any other provision of this Lease, if the failure to perform is not cured within thirty days after written notice thereof is given by Landlord to Tenant; if the default is non-monetary in nature and cannot reasonably be cured within thirty days, Tenant shall not be in default if Tenant commences to cure such non-monetary default within the thirty day period and diligently

continues to cure such default and completes such cure within a reasonable amount of time, not to exceed sixty (60) additional days.

13.2 Tenant's Default – Remedies: In the event of an uncured default by Tenant, Landlord shall be entitled to any and all remedies under applicable law. In addition to any such remedies, Landlord may, by three days' written notice to Tenant, terminate this Lease, or without terminating this Lease re-enter the Premises peaceably and lawfully. Under no circumstances is this Lease to be an asset for Tenant's creditors by operation of law or otherwise. No re-entry or taking possession of the Premises by Landlord shall be construed as an election on Landlord's part to terminate this Lease unless a written notice of termination is given to Tenant or unless the termination of this Lease is decreed by a court of competent jurisdiction. All remedies available to Landlord are cumulative. No termination of this Lease nor taking of possession of the Premises by Landlord shall deprive Landlord of any applicable remedies against Tenant or relieve Tenant from any liability for damages under this Lease. In addition to the above, upon the termination of the Child Care Services Agreement between the parties dated August 22, 2011, either party may terminate this Lease upon three (3) days prior written notice to the other party.

13.3 Reletting of the Premises: Landlord shall, on behalf of Tenant if Landlord re-enters the Premises without terminating this Lease or on its own behalf if the Lease is terminated, attempt to relet the Premises. Any such reletting shall be for any period, for any sum (including rental concessions and rent-free occupancy), and on any other terms and conditions which Landlord may deem suitable and satisfactory, provided that at all times Landlord acts in a commercially reasonable manner. In the event of any reletting, Landlord shall apply the rent therefrom first to the payment of Landlord's expenses, including attorneys' fees incurred by reason of Tenant's default, brokerage commissions, and the cost of repairs, renovation or alteration of the Premises, and the balance to the payment of Rentals and all other sums due from Tenant hereunder, with Tenant remaining liable for any deficiency. Landlord's obligations pursuant to this paragraph 13.3 shall be subject to the reasonable requirements of Landlord to develop in a harmonious manner the real estate of which the Premises are a part.

14. SURRENDER OF PREMISES

On the Lease Termination, Tenant covenants to peacefully yield up and surrender the Premises broom clean and in good order, repair and condition, reasonable wear and tear and damage from fire and casualty loss and damage due to Landlord's negligence excepted, and to remove all Tenant's property and all Alterations required or permitted to be removed under the provisions of Section 6 hereof.

15. ATTORNEYS' FEES

15.1 Party to Litigation: If either party becomes a party to any litigation concerning this Lease or the Premises by reason of any act or omission of the other party or its authorized representatives (the "Innocent Party"), then the Innocent Party shall be entitled to be reimbursed by the other party hereto for reasonable attorneys' fees and court costs incurred by the Innocent Party in the litigation.

15.2 Prevailing Party: If either party commences an action against the other in connection with this Lease or the Premises, the prevailing party shall be entitled to recover from the losing party reasonable attorneys' fees and costs of suit.

16. SUBORDINATION

16.1 Subordination to Mortgagees: Tenant agrees that upon the request of Landlord it will subordinate this Lease to the lien of any mortgage which may hereafter exist for which the Building or Landlord's interest in this Lease is pledged as security. Landlord agrees that it shall use reasonable efforts to obtain from any mortgagee which requires that this Lease be subordinated, a non-disturbance agreement whereby such mortgagee shall agree:

(a) to recognize the interest of Tenant under this Lease;

(b) that so long as Tenant shall perform its obligations under this Lease the rights of Tenant hereunder shall remain in full force and effect; and

(c) that Tenant's occupancy of the Premises under this Lease will not be disturbed in the event of foreclosure or other action taken under the mortgage.

Tenant shall execute and deliver to Landlord all instruments Landlord reasonably deems necessary to evidence and give effect to any such subordination, provided that no such instrument shall alter any of the terms, covenants or conditions of this Lease. In the event of a foreclosure sale or a deed given in lieu of foreclosure, Tenant shall on written request of such purchaser or grantee attorn to the purchaser or grantee, as the case may be.

17. ESTOPPEL CERTIFICATES

Tenant will at any time upon not less than ten (10) days prior written notice from Landlord execute and deliver to Landlord a certificate stating, to the extent applicable:

(a) that this Lease is in full force and effect and unmodified (or if there have been any modifications, specifying the date and nature thereof);

(b) that to its knowledge it has no defenses, offsets or counterclaims against its obligations to pay Rentals or to perform its other obligations under this Lease;

(c) that to its knowledge there are no uncured defaults of Landlord under this Lease; and

(d) the dates to which Rentals have been paid.

18. SIGNS

Tenant shall not permit or cause to be placed any signs, notices or other advertising media on or about the Premises or the Building except those installed by Landlord or approved in writing in advance by Landlord. Notwithstanding the above, Landlord agrees to provide for Tenant, at Landlord's expense, a directory listing for Tenant and a sign on the door to the

Premises with Tenant's name on it. Any replacements of same shall be at Tenant's sole cost and expense.

19. RESERVED RIGHTS

Landlord reserves the following rights, any or all of which may be exercised at Landlord's discretion at any time and from time to time during the Term:

(a) To change the name or street address of the Building, or of the door number of the Premises;

(b) To grant to anyone the exclusive right to conduct any particular business or undertaking in the Building, so long as such grant does not preclude Tenant from operating as it then operates in the Premises;

(c) To enter the Premises upon reasonable advance notice (but no notice will be required in an emergency situation) at all times (1) to make such inspections, repairs, alterations, improvements or additions as Landlord may deem necessary, desirable, or is required pursuant to this Lease, (2) to remedy any default of Tenant, (3) to exhibit the Premises to others, and, during the last ninety (90) days of the Term, to make such alterations, remodeling, and repairs as Landlord may determine to be appropriate in order to prepare the Premises for occupancy by another tenant (provided that Tenant shall have vacated the Premises prior to the commencement of any such work); and (4) for any purpose whatsoever related to the safety, protection, preservation or improvement of the Property or of Landlord's interest therein;

(d) To make repairs, alterations or improvements in or to the Building, the Property, or any portion thereof, and, during the performance of such work, to close temporarily any entrances, doors, corridors, elevators or other facilities;

(e) To charge to Tenant any and all costs and expenses, including but not limited to any premium payable for overtime, incurred by Landlord for any repairs, alterations, decorating or other work in the Premises made at Tenant's request; and

(f) To designate specific areas for parking by Tenant's employees, licensees and invitees, to identify particular areas for handicapped parking and to make any other designation of specific parking or other common areas as Landlord may deem to be appropriate.

Landlord may exercise any or all of the foregoing rights without being liable to Tenant except as otherwise provided in this Lease; and no such act shall constitute eviction (either constructive or actual), or shall entitle Tenant to any deferral, suspension, withholding, offset, elimination or abatement of Rentals.

20. CONDITION OF THE PREMISES

Tenant agrees to take possession the Premises on the Commencement Date in its then "as-is" condition and Landlord has no obligation to make any improvements to the Premises.

21. SECURITY DEPOSIT (INTENTIONALLY OMITTED)

22. QUIET ENJOYMENT

Provided that Tenant shall perform all of the covenants and agreements on Tenant's part to be performed hereunder, Tenant shall peaceably and quietly have and enjoy the Premises during the Term and any renewal or extension thereof, without hindrance from Landlord or any person lawfully claiming by, through or under Landlord, subject, however, to the terms of this Lease and any mortgages or other matters to which this Lease is or may become subordinated.

23. NOTICES

Any written notice, consent, or other communication that either party is required or permitted to give to the other party shall be served either by hand delivery or sent by certified mail, return receipt requested, and shall be addressed to the other party at the address set forth on the facing page of this Lease. Either party may change its address by notifying the other party in writing of the change of address. Notices shall be deemed given upon receipt if hand delivered, or forty-eight hours from the time of mailing if mailed as provided in this section.

24. RECORDING

This Lease shall not be recorded in whole or in part. If either of the parties hereto shall so request, the parties shall execute a Memorandum of Lease making reference to this Lease and containing only such information as may be required by Ohio law. Such Memorandum of Lease may be recorded in the office of the County Recorder of Cuyahoga County, Ohio at the cost of the party requesting recordation.

25. MISCELLANEOUS

25.1 Time of Essence: Time is of the essence with respect to each provision of this Lease. Any reference in this Lease to "days" shall mean calendar days.

25.2 Successors and Assigns: This Lease shall be binding upon and inure to the benefit of Landlord and Tenant and, except as otherwise provided herein, their respective successors and assigns.

25.3 Real Estate Brokers: Except for North Pointe Realty, Inc., whose entire commission shall be paid by Landlord pursuant to separate agreement, each party represents that it has not had any dealings with any real estate broker, finder, or other person with respect to this Lease. Each party shall hold harmless the other from all damages or claims that may be asserted by any broker, finder, or other person with whom the indemnifying party has purportedly dealt.

25.4 Applicable Laws: This Lease shall be governed, construed and interpreted in accordance with the laws of the State of Ohio.

25.5 Modification: This Lease contains all the agreements of the parties and cannot be amended or modified except by a written instrument signed by both Landlord and Tenant.

25.6 Captions: The captions of this Lease shall have no effect on the interpretation of this Lease.

25.7 Severability: The unenforceability, invalidity, or illegality of any provision herein shall not render the other provisions unenforceable, invalid or illegal.

25.8 Exhibits: All exhibits to this Lease shall be deemed to be incorporated herein by the individual reference to each such exhibit, and shall be deemed to be a part of this Lease as though set forth in full in the body of this Lease.

25.9 Remedies Cumulative: Except as expressly set forth in this Lease, the specific remedies to which Landlord or Tenant may resort are cumulative and are not intended to be exclusive of any other remedies or means of redress to which they may be entitled at law or in equity.

25.10 Submission Not an Offer: The submission of this Lease or a summary of any of its provisions for examination and review does not constitute an offer to lease on the terms of this Lease or those provisions, and this Lease shall not be effective or binding on Landlord or Tenant until execution and delivery by both.

25.11 Waivers: The failure of Landlord to insist upon the strict performance of any obligation of Tenant under this Lease or to exercise any right, power or remedy upon a breach hereof shall not constitute a waiver or relinquishment of any such obligation. A receipt of Rentals by Landlord or a payment of Rentals by Tenant, with knowledge of the breach of any obligation hereunder, shall not constitute a waiver or relinquishment of any such obligation. The making or receipt of such payment after the termination of this Lease or after the service of any notice or after the commencement of any suit or after final judgment for possession of the Premises shall not reinstate, continue or extend the Term. Every demand for rent made by Landlord after the same falls due shall have the same effect as if made on the day and at the time the same is due, any law to the contrary notwithstanding.

25.12 Compliance with Certain Environmental Regulations: Tenant shall indemnify and hold harmless Landlord from any cost or expense incurred by Landlord in complying with any local, state or federal environmental law or regulation which holds Landlord accountable for the costs of, disposal of, or treatment of any condition caused by, any toxic or hazardous substances which are brought in or upon the Premises or the Building by Tenant, its agents, employees or contractors.

25.13 Transfer of Landlord's Interest: If Landlord sells or otherwise transfers Landlord's interest in the Building, Landlord shall thereafter have no liability to Tenant under this Lease, except for those liabilities which have accrued prior to the date of such sale or transfer. Landlord shall be liable under this Lease only while owner of the Building. Neither Landlord nor any partner of Landlord shall have any personal liability on or under this Lease. The obligations of Landlord hereunder shall be enforceable only against Landlord's interest in the Building and the rent accruing therefrom, and Tenant covenants and agrees that it shall not prosecute any action under or relating to this Lease against any partners of Landlord, or the assets of any such partner, other than Landlord's interest in and to the Building.

25.14 Authority to Execute Lease: The corporate officer(s) or Partner(s), as the case may be, of Tenant signing this Lease is (are) authorized to execute this Lease without the necessity of obtaining any other signatures of other person(s), and this Lease is fully binding on Tenant.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first set forth above.

LAKEWOOD HOSPITAL ASSOCIATION

By: _____ President

Janice Murphy, President

8-A-2011

"LANDLORD"

LAKEWOOD CHILD CARE CENTER

Nicole Addyson

By: _____

Its: Board Member

"TENANT"

Holle A Bramlett

Director

STATE OF OHIO]
] SS:
COUNTY OF CUYAHOGA]

Before me, a Notary Public in and for said County and State, personally appeared Janice Murphy, President of Lakewood Hospital Association, which is Landlord in the foregoing Lease, who acknowledged that she did sign the same on behalf of said Landlord, and that the execution of said Lease is her free act and deed and the free act and deed of said Landlord.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Lakewood, Ohio, this 25 day of August, 2011. (Verified Signature)

Mary Osburn
Notary Public
MARY OSBURN
Date of Expiration: May 20, 2016

STATE OF OHIO]
] SS:
COUNTY OF CUYAHOGA]

Before me, a Notary Public in and for said County and State, personally appeared Nicole Addington, the Board Member of Lakewood Child Care Center, which is the Tenant in the foregoing Lease, who acknowledged that he/she did sign the same and that the execution of said Lease is his/her free act and deed and the free act and deed of said Tenant.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Lakewood, Ohio, this 25 day of August, 2011.

Mary Osburn
Notary Public
MARY OSBURN
Date of Expiration:
May 20, 2016

EXHIBIT A

Lakewood Child Care Center
Suite 100
(6,504 SF)

Lakewood Community Health Center
1450 Belle Avenue
Lakewood, Ohio

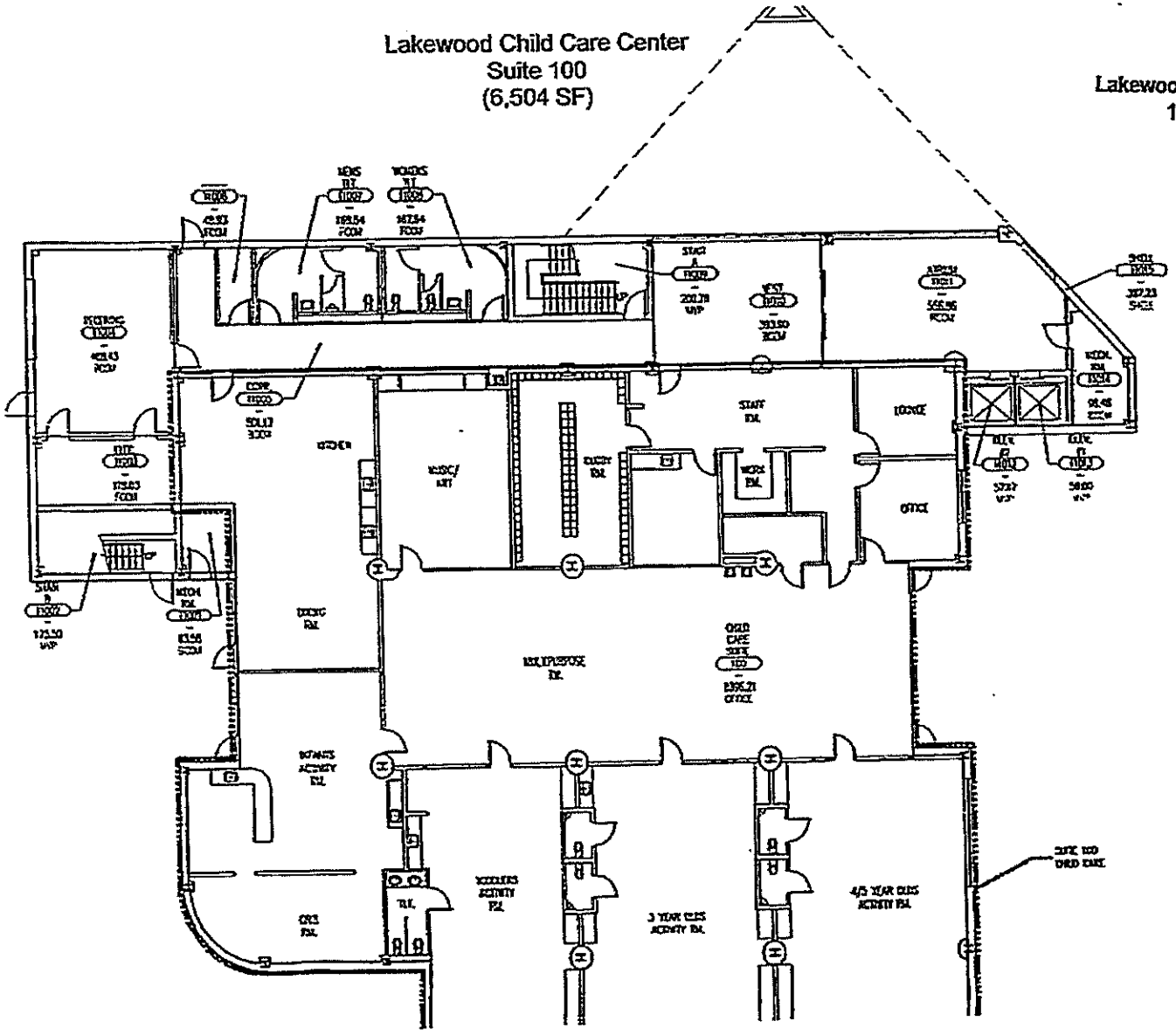

EXHIBIT B

LAKEWOOD COMMUNITY HEALTH CENTER
CHILD CARE INVENTORY

MAIN OFFICE and EMPLOYEE BREAK ROOM

3 laminate metal desks
2 credenzas
7 handset small Meridian phone system
3 rectangular folding tables
2 workstation sets
4 task chairs
10 side chairs
3 computers
1 HP laser printer
1 digital combination safe
1 copy machine
1 wooden Constellation ship model
1 large bookcase
3 metal lateral 4 drawer files
1 couch
1 adjustable leg table
2 kitchen tables
6 kitchen chairs
1 metal coat rack
8 metallic waste receptacles

LAKEWOOD COMMUNITY HEALTH CENTER
CHILD CARE INVENTORY

MAIN PLAYROOM

18 4x5 wooden cubby storage units
3 4 ft x 3 ft wooden bookshelves
1 5ft. wood laminate storage bureau
2 wood step stools
1 wood table
11 plastic and metal stackable chairs child size
1 metal climber play set
1 butcher block play table
1 wood toy shelf
1 wood kitchen play set
1 wood house activity center
10 compartment wall mounted storage box
1 vinyl child size loveseat
1 wire ball storage rack

KINDERGARTEN ROOM

1 HP computer and printer
1 wood computer stand
3 work tables
2 bookshelves
3 wood organizers
1 hexagon table set
14 wood classroom chairs

OUTSIDE ACTIVITY AREA

1 round activity table
4 chairs

LAKEWOOD COMMUNITY HEALTH CENTER
CHILD CARE INVENTORY

INFANT ROOM

9 cribs
2 cushioned rocking chairs
1 refrigerator
1 microwave
2 tables
8 chairs
1 8 compartment wall mounted cubby

TODDLER ROOM
1 half moon round table
1 art table
1 hexagon wood reading table
1 storage table
1 small wood bookshelf

PRESCHOOL ROOM
1 20 compartment cubby
1 art table
5 wood table and chair sets
24 cots
2 bookshelves
1 wood kitchen play set
2 metal file cabinets
1 wood and vinyl couch and chair set
2 HP computers and desk set and printer
1 hockey activity table
2 rolling carts

LAKEWOOD COMMUNITY HEALTH CENTER
CHILD CARE INVENTORY

PRE-KINDERGARTEN ROOM

2 sets hexagon tables with chairs
3 rectangular table sets
28 cots
1 wood kitchen set
2 large bookcases
2 wood mirror sets
1 art activity table
2 HP computers

KITCHEN

28 cafeteria chairs
6 tables
2 commercial refrigerators
1 dishwasher
1 gas range and oven
1 stainless steel prep table
1 salad bar
2 stainless steel bakers' racks

EXHIBIT C

Rules and Regulations of the Building

1. The sidewalks, entrances, passages, courts, elevators, vestibules, stairways, corridors and public parts of the Building shall not be obstructed or encumbered by Tenant or Tenant's employees or invitees or used by any of them for any purpose other than ingress and egress to and from Tenant's Premises.

2. No projections shall be attached to the outside walls or window sills of the Building or otherwise project from the Building.

3. No sign or lettering shall be affixed by Tenant on any part of the outside of the Premises, or on any part of the inside of the Premises so as to be visible from outside the Premises. Landlord reserves the right to have all unapproved signs or advertising erected not in conformance with the Lease or these Rules and Regulations removed at the sole cost and expense of Tenant.

4. Except for curtains, drapes, Venetian blinds or similar items, the windows in the Premises shall not be covered or obstructed by Tenant, nor shall any bottles, parcels or other articles be placed on the window sills or in the halls or in any other part of the Building with the exception of children's artwork, nor shall any article be thrown out of the doors or windows of the Premises.

5. Tenant shall not lay linoleum or other floor covering so that the same shall come in direct contact with the floor of the Premises and if linoleum or other floor covering is desired to be used, an interlining of builder's deadening felt shall be first affixed to the floor by a paste or other material that may be easily removed with water, the use of cement or other similar adhesive material being expressly prohibited.

6. No articles deemed hazardous and absolutely no explosive materials shall be brought into the Building or the Premises.

7. Landlord will furnish Tenant all keys necessary for entry to the Premises and for entry to the Building. Tenant will not permit any duplicate keys to be made. Upon termination of the Lease, Tenant will surrender to Landlord or Landlord's agent all keys of the Premises and of the Building.

   Landlord's agents or employees shall at all times keep a passkey and be allowed admittance to the Premises to cover emergencies.

8. Tenant shall not make, or permit to be made, any unnecessary or disturbing noises or allow loud music or otherwise interfere with other tenants, occupants of the Building or their invitees.

9. Neither Landlord nor Tenant shall do or permit anything to be done which will be injurious to the reputation of the Building.

10. The carrying in or out of freight, furniture or bulky matter of any description must take place during such hours as Landlord may from time to time reasonably determine. The installation and moving of such freight, furniture or bulky matter shall be made upon previous notice to Landlord or Landlord's agent and the persons employed by Tenant for such work must be reasonably acceptable to Landlord. In the event that any moving is to be made into or out of the Building at such times that Landlord must provide elevator operators, security guards or incur any other expenses, Tenant agrees to pay said expenses and if requested by Landlord, Tenant at least two days prior to any move, shall deposit with Landlord as security an amount equal to Landlord's reasonable estimate of the additional cost to be incurred by reason of the move.

    Hand trucks may not be used in the Building or the Premises unless they are equipped with rubber tires and bumper guards.

11. No hole or holes shall be drilled in the exterior walls, paint or stonework of the Building.

12. Landlord reserves the right to prescribe the weight and position of any items of fixtures, equipment or other personal property to be placed in the Premises by Tenant and to prevent any unsafe condition from arising. Business machines and other equipment shall be placed and maintained by Tenant at Tenant's expense in settings sufficient in Landlord's judgment to absorb and prevent unreasonable vibration, noise and annoyance.

13. Landlord reserves the right, but is not obligated, to exclude or eject from the Building any or all solicitors, canvassers or peddlers and any persons conducting themselves in such manner as, in the sole judgment of the Landlord, constitutes an annoyance to any of the tenants of the Building or an interference with Landlord's operation of the Building, or who are otherwise undesirable.

14. No electric wires, telegraphs, telegraph call boxes, antennas, aerial wires or other electrical equipment or apparatus shall be installed inside or outside the Premises or Building without Landlord's prior approval.

15. Landlord shall not be responsible to Tenant for the non-observance or violation of any of these Rules and Regulations by any other tenants.

16. The Premises, the Building and all of the real property on which the Building is situated (the "Property") are designated as "NO SMOKING" areas. Tenant shall not permit its patients, employees, visitors or invitees to smoke anywhere within the bounds of the Property, including but not limited to, the parking lot and/or parking garage, if any. Further, Tenant will take such steps and actions as Landlord may reasonably request to cause its patients, employees, visitors and invitees to adhere to Landlord's no-smoking policy.

LEASE COMMENCEMENT AGREEMENT

An Agreement made as of the 22nd day of August, 2011, by and between **LAKEWOOD HOSPITAL ASSOCIATION,** an Ohio non-profit corporation ("Landlord") and **LAKEWOOD CHILD CARE CENTER,** an Ohio non-profit corporation ("Tenant").

WITNESSETH:

WHEREAS, on August, 22, 2011, Landlord and Tenant entered into a Lease Agreement (the "Lease") relating to certain premises located on the first floor of the Lakewood Community Health Center, 1450 Belle Avenue, Lakewood, Ohio; and

WHEREAS, the Term of the Lease has commenced pursuant to Section 2.1 of the Lease; and

WHEREAS the parties desire to confirm the Commencement Date and End Date of the Lease,

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, Landlord and Tenant agree as follows:

1. The Commencement Date of the Lease is August 22, 2011.

2. The End Date of the Lease is August 31, 2016.

3. Except as modified herein, the Lease is in full force and effect and is hereby ratified and confirmed.

IN WITNESS WHEREOF, Landlord and Tenant have caused this Agreement to be duly executed as of the day first above written.

TENANT:

LAKEWOOD CHILD CARE CENTER

By: _____

Its: Board Pres.

LANDLORD:

LAKEWOOD HOSPITAL ASSOCIATION

By: _____

Its: President

9-15-2011

PLACED ON 1ST READING & REFERRED TO
THE COMMITTEE OF THE WHOLE 5/2/16.
SECOND READING 5/16/16.

ORDINANCE NO. 27-16 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, 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 11900 Madison Avenue (PPN 315-15-025), 1468 W. 117th Street (PPN 315-13-103), and 1482-84 W. 117th Street (PPN 315-14-002) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances.

WHEREAS, the City is the owner of three commercially zoned, vacant parcels located at 11900 Madison Avenue, 1468 W. 117th Street, and 1482-84 W. 117th Street; 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

WHERAS, 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 11900 Madison Avenue (PPN 315-15-025), 1468 W. 117th Street (PPN 315-13-103), and 1482-84 W. 117th Street (PPN 315-14-002) for a period of 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

First Reading & REFERRED TO THE FINANCE COMMITTEE 5/2/16.
SECOND READING 5/16/16.
SEC BY:

ORDINANCE NO: 36-15B

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law, amending Ordinance 36-15A, adopted February 16, 2016, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2016 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law.

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

WHEREAS, this Council by a vote of at least five (5) of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments in that delay could impair the City's ability to provide necessary services in a timely manner; now, therefore,

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

Section 1. That Section 1 of Ordinance 36-15A, adopted February 16, 2016 currently reading as follows:

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

Professional services contracts included in the 2016 Budget are as follows:

1) Legal Services 750,000
2) Recodification of Ordinances 12,500
3) Financial Audit 75,000
4) Hospitalization and Health Care Benefit Consulting Services 45,000
5) Consultant for Workers Compensation 30,000
6) Risk Management Consulting Services 13,000
7) Healthcare, Physicals, Drug & Alcohol Testing 25,000
8) Employee Assistance Program 13,000

9) Supervisor / Manager / Employee Training 125,000
10) Exams for Classified Positions 75,000
11) Housing and Building Plans Examinations 45,000
12) Lakewood Jail Medical Services 75,000
13) Band Concerts 15,000
14) Municipal Engineering Consultant 60,000
15) Debt Issuance Costs 225,000
16) Forensic Services 10,000
17) Long Term Control Plan and Storm Water Professional Services 100,000
18) Administrative Professional Services 300,000
19) Professional Services related to Lakewood Hospital 150,000

Sub-Total $2,143,000

Services contracts included in the 2016 Budget are as follows:

1) Government Agreements (WEB) 105,000
2) Government Agreements (Bd of Ed/Pools) 210,000
3) Financial Institution Service Charges 50,000
4) Electronic Payment Services 200,000
5) Property & Liability Insurance Contracts 450,000
6) Workers' Comp Stop Loss Insurance 85,000
7) Life Insurance 20,000
8) Hospitalization and Health Care Benefit Services 7,000,000
9) Medical Claims Billing Service 100,000
10) Sentenced Prisoners Full Jail Service 300,000
11) Home Delivered Meals 45,000
12) Distribution System Leak Survey 40,000
13) Disposal of Screenings and Grit (WWTP) 15,000
14) Excavation Spoils Removal 100,000
15) Roll of Box for Street Sweeping 50,000
16) Solid Waste Disposal Site 900,000
17) Organic Waste Disposal 30,000
18) Waste Collections – Condominiums 95,000
19) Biosolids Disposal 100,000
20) Roll-Off Box for Construction Debris 60,000
21) Lab Analysis Service 25,000
22) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts 350,000
23) Communications Services 50,000
24) Water Meter Program Maintenance 50,000
25) Telephone Service 150,000
26) Cellular Phone Service 85,000
27) Laundry Service-Police Department 12,000
28) HVAC Maintenance 75,000
29) Elevator Maintenance 25,000
30) Fire Alarm Maintenance 60,000
31) Copier Maintenance Service 25,000
32) Postage, Mailing Services, Equipment Lease/Maintenance 250,000
33) Rental and Laundry of Uniforms 15,000
34) Advertising 30,000
35) Printing Services 115,000
36) CRIS/LEADS Fees 35,000
37) Parking Citation Billing Service 50,000
38) Fireworks Display 35,000
39) Transportation Services 35,000

Sub-Total $11,427,000

Materials, supplies, and equipment authorized for purchase under the 2016 Budget are as follows:

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

Sub-Total $3,867,000

Total $17,437,500

is hereby amended to read:

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

Professional services contracts included in the 2016 Budget are as follows:

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

3) Financial Audit 75,000
4) Hospitalization and Health Care Benefit Consulting Services 45,000
5) Consultant for Workers Compensation 30,000
6) Risk Management Consulting Services 13,000
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10) Exams for Classified Positions 75,000
11) Housing and Building Plans Examinations 45,000
12) Lakewood Jail Medical Services 75,000
13) Band Concerts 15,000
14) Municipal Engineering Consultant 60,000
15) Debt Issuance Costs 225,000
16) Forensic Services 10,000
17) Long Term Control Plan and Storm Water Professional Services 100,000
18) Administrative Professional Services 300,000
19) Professional Services related to Lakewood Hospital 150,000

Sub-Total $2,143,000

Services contracts included in the 2016 Budget are as follows:

1) Government Agreements (WEB) 105,000
2) Government Agreements (Bd of Ed/Pools) 210,000
3) Financial Institution Service Charges 50,000
4) Electronic Payment Services 200,000
5) Property & Liability Insurance Contracts 450,000
6) Workers' Comp Stop Loss Insurance 85,000
8) Life Insurance 20,000
8) Hospitalization and Health Care Benefit Services 7,000,000
9) Medical Claims Billing Service 100,000
10) Sentenced Prisoners Full Jail Service 300,000
12) Home Delivered Meals 45,000
12) Distribution System Leak Survey 40,000
13) Disposal of Screenings and Grit (WWTP) 15,000
14) Excavation Spoils Removal 100,000
15) Roll of Box for Street Sweeping 50,000
16) Solid Waste Disposal Site 900,000
17) Organic Waste Disposal 30,000
18) Waste Collections – Condominiums 95,000
19) Biosolids Disposal 100,000
20) Roll-Off Box for Construction Debris 60,000
21) Site to Receive & Process Yard Waste 40,000
22) Lab Analysis Service 25,000
23) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts 350,000
24) Communications Services 50,000
25) Water Meter Program Maintenance 50,000
26) Telephone Service 150,000
27) Cellular Phone Service 85,000
28) Laundry Service-Police Department 12,000
29) HVAC Maintenance 100,000
30) Elevator Maintenance 25,000
31) Fire Alarm Maintenance 60,000
32) Copier Maintenance Service 25,000
33) Postage, Mailing Services, Equipment Lease/Maintenance 250,000
34) Rental and Laundry of Uniforms 15,000
35) Advertising 30,000
36) Printing Services 115,000

37) CRIS/LEADS Fees 35,000
38) Parking Citation Billing Service 50,000
39) Fireworks Display 35,000
39) Transportation Services 35,000

Sub-Total $11,492,000

Materials, supplies, and equipment authorized for purchase under the 2016 Budget are as follows:

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

Sub-Total $3,882,000

Total $17,517,500

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

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

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least five (5) of members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____ _____
President

_____
Clerk

Approved: _____ _____
Mayor

First reading & referred to
the Finance Committee 5/2/16.

SECOND READING 5/16/16.

ORDINANCE NO. 25-16 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, determining to proceed with the improvement of the shoreline abutting The Meridian Condominium, 12550 Lake Avenue, by the construction and installation of a revetment on the northerly property line by Lake Erie and including any and all appurtenances thereto.

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance 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 that the 2016 construction season is upon us; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The City shall proceed with the improvement of shoreline protection for The Meridian Condominium, 12550 Lake Avenue, by the construction and installation of a revetment on the northerly property line by Lake Erie, and including all necessary appurtenances thereto, as set forth in Resolution No. 8861-16, adopted on March 7, 2016, that resolution having been approved by the Board of Revision of Assessments (the "Board") in its final report previously filed with Council and attached hereto and made a part hereof as **Exhibit A** (the "Report").

Section 2. The City finds that the described project constitutes a public improvement.

Section 3. Except as modified herein, the Report is hereby approved and the assessments approved by the Board and set forth in its Report hereby are accepted and approved.

Section 4. Such improvement shall be in accordance with the Resolution as approved by the Board in its Report and in accordance with the plans, estimates and profiles now on file in the office of the Director of Public Works, and the character of the materials to be bid upon for the construction is shown on the plans and reference is made to said plans and specifications for additional information concerning the character of the materials for such improvements.

Section 5. The Board has reported to this Council that no claim for damages resulting from the improvements have been filed, but if it should be determined that any claims have been filed they shall be inquired into before the commencement of the proposed improvements and the Director of Law shall be and is hereby authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into any claims so filed.

Section 6. The cost of said improvement to be assessed shall be assessed in the manner and the number of installments provided in the Resolution and on the lots and lands abutting and abounding upon said improvement between and including the termini of the improvement as approved by the Board in its report, and the cost of said improvements shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances the amount thereon; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing, appropriating and otherwise acquiring therefor any required real estate or interests therein; expenses of legal services, including obtaining any approved legal opinions; the cost of labor and material, together with all other necessary expenditures.

Section 7. The City having received bids for the completion of the work since the report of the Board, the list of estimated assessments as heretofore prepared by the Director of Finance and as approved by the Board in its report be and the same is hereby modified to reflect that the total assessment amount shall be changed from $704,000 to $_____ , and the assessments so to be levied shall be paid in 20 semiannual installments, provided that the owner of any property to be assessed may at his option pay such assessment in cash within 30 days of completion of the improvement.

Section 8. Pursuant to Article XVI, Section 16 of the Charter of the City, the Director of Public Works has certified to this Council that this estimate of the life of the improvement described herein is 20 years.

Section 9. The Director of Public Works be and he is hereby authorized and directed as soon as the funds hereof are available to make and execute a contract for materials and certain services with the lowest and best bidder after advertising according to law.

Section 10. The Clerk of this Council be and she is hereby directed to deliver to the Fiscal Officer of Cuyahoga County a certified copy of this ordinance within 15 days following its passage.

Section 11. It is found that the improvements to be made pursuant to this ordinance have been petitioned for in writing by the owners of a majority of the foot frontage to be assessed.

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

Section 13. This ordinance 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

Jennifer R. Pae
Director of Finance

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

April 18, 2016

Lakewood City Council
12650 Detroit Avenue
Lakewood, OH 44107

Re: Meridian shoreline protection project; report of Board of Revision of Assessments

Dear Members of Council:

This letter will serve as the report of the Board of Revision of Assessments, made pursuant to Article XVI of the Second Amended Charter of the City of Lakewood, related to the Meridian Condominium shoreline erosion protection project.

Having duly given notice to the residents in accordance with the charter, the Board met on Wednesday, April 6, 2016 at 6:30 p.m. in the Auditorium. Several members of the public were present. The Board received some objections and some statements in support from the affected residents related to the improvements contemplated under the project. The Board found no reason to adjust any amounts appearing in the initial assessment report, now on file in the office of City Council. Upon deliberation, by a unanimous vote the Board voted to make a finding that the project is a necessary public improvement. The Board then adjourned.

I anticipate a final assessment ordinance will be introduced separately by the administration on a future Council agenda.

Please let me know if you have any remaining questions or concerns.

Sincerely,

J Pae

Jennifer R. Pae
Secretary, Board of Revision of Assessments

cc: Mayor Mike Summers, Chair
Council President Sam O'Leary, Member
Public Works Director Joe Beno, Member
Law Director Kevin Butler, Member

First Reading and referred to Finance Committee 5/2/16.

SECOND READING 5/16/16.

ORDINANCE NO. 26-16 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 and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the **Meridian Condominium Special Assessment Revetment Project** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council.

WHEREAS, this Council by a vote of at least five (5) of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments in that certain capital improvements projects are to be undertaken this construction season in accordance with the Capital Improvement Plan for fiscal year 2016. Now therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager is hereby authorized and directed to engage architectural and/or engineering firms to provide professional services for the design, preparation of specifications, construction and engineering, construction inspection, contract administration and to advertise for bids and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood, for the following Infrastructure Improvements, contracts not to exceed the specified amounts shown, except as hereinafter provided:

Meridian Condominium Special Assessment Revetment Project **$704,000**

Section 2. That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager is hereby authorized and directed to enter into contracts as set forth above in amounts not to exceed the specified amounts without further action from Council; and to enter into contracts in excess of specified amounts only upon consent of Council evidenced by adoption of a resolution specifying the authorized amount.

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

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least five (5) of members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____ _____
President of Council

_____
Clerk of Council

Approved: _____ _____
Mayor

1ST. READING & REFERRED TO COMMITTEE OF THE WHOLE 5/16/16.

ORDINANCE NO. 28-16 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, providing for the submission to the electors of the City of Lakewood, a proposed Third Amended Charter of the City of Lakewood.

WHEREAS, the 2014 Charter Review Commission, after reviewing and researching the Second Amended Charter of the City of Lakewood, has recommended to Council that the Charter be amended; and

WHEREAS, the 2014 Charter Review Commission has proposed a Third Amended Charter of the City of Lakewood for consideration by Council and the electors of the City; and

WHEREAS, pursuant to the Second Amended Charter of the City of Lakewood and the Constitution of the State of Ohio, the Council has determined to authorize and direct the submission to the electors of the City of Lakewood of the proposed Third Amended Charter, attached hereto and incorporated herein as "Exhibit A," at the general election to be held on Tuesday, November 8, 2016, which election is not less than 60 nor more than 120 days from the effective date of this Ordinance; and

WHEREAS, this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation and enhancement of the public peace, health, safety and welfare of the City of Lakewood, in that the effective date must fall before the deadline imposed for the submission of municipal charter changes to the Cuyahoga County Board of Elections; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO, TWO THIRDS OF ALL COUNCILMEMBERS CONCURRING:

Section 1. This Council hereby determines to authorize and direct the submission to the electors of the City of Lakewood at the general election to be held at the usual places of voting in the City on Tuesday, November 8, 2016, the proposed Third Amended Charter of the City of Lakewood, attached hereto and incorporated herein as "Exhibit A."

Section 2. The Board of Elections of Cuyahoga County is hereby directed to submit the following question to the electors of the City at the general election on November 8, 2016:

Shall the proposed Third Amended Charter of the City of Lakewood, as reported by the City Council of the City of Lakewood, Ohio be adopted?

Section 3. The Clerk of this Council is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not less than 60 days and not more than 120 days prior to November 8, 2016.

Section 4. If the majority of electors vote in favor of adopting the Third Amended Charter of the City of Lakewood, it shall become effective January 1, 2017, and all prior charters shall be repealed, except as may otherwise be provided in such Third Amended Charter.

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, 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

EXHIBIT A

(Proposed Third Amended Charter on Following Pages)

Draft of the

THIRD AMENDED CHARTER

OF THE CITY OF LAKEWOOD, OHIO

August 12, 2014

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Draft of the

THIRD AMENDED CHARTER

OF THE CITY OF LAKEWOOD, OHIO

August 12, 2014

PREAMBLE

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

ARTICLE ONE.
MUNICIPAL POWERS

1.1 MUNICIPAL POWERS

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

1.2 MANNER OF EXERCISE

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

1.3 INTERPRETATION

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

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

ARTICLE TWO.
COUNCIL

2.1 MEMBERSHIP, ELECTION AND TERM

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

2.2 QUALIFICATIONS AND VACANCIES

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

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

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

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

2.3 COUNCIL SALARIES

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

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

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

2.4 COUNCIL MEETINGS AND ELECTION OF OFFICERS

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

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

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

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

until the president of council is elected.

2.5 ORGANIZATION AND PROCEDURES

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

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

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

2.6 PRESIDENT AND VICE PRESIDENT OF COUNCIL

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

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

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

2.7 CLERK AND OTHER STAFF OF COUNCIL

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

2.8 ENACTMENT OF ORDINANCES AND RESOLUTIONS

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

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

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

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

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

2.9 MAYOR'S APPROVAL OR DISAPPROVAL OF LEGISLATION

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

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

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

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

2.10 RECORDING AND CODIFICATION OF LEGISLATION

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

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

2.11 PUBLICATION

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

2.12 EFFECTIVE DATE OF LEGISLATION

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

period of time specified in Section 2.12(b).

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

ARTICLE THREE.
OFFICE OF THE MAYOR

3.1 EXECUTIVE AND ADMINISTRATIVE POWERS

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

3.2 RESIDENCY, TERM AND QUALIFICATIONS OF MAYOR

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

3.3 MAYOR EX-OFFICIO DIRECTOR

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

3.4 MAYOR'S APPOINTMENT POWER

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

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

3.5 SALARY OF THE MAYOR

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

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

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

3.6 GENERAL POWERS AND DUTIES OF MAYOR

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

3.7 MAYOR'S INVESTIGATION

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

3.8 ACTING AND INTERIM MAYOR

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

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

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

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

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

3.9 LOCATION OF OFFICE; FULL-TIME POSITION

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

3.10 RIGHT OF MAYOR AND DIRECTORS IN COUNCIL

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

ARTICLE FOUR.
DEPARTMENTS AND OFFICERS

4.1 GENERAL PROVISIONS

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

4.2 DIRECTORS OF DEPARTMENTS

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

4.3 DEPARTMENT OF LAW

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

4.4 DEPARTMENT OF FINANCE

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

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

ARTICLE FIVE.
FINANCE

5.1 DIRECTOR OF FINANCE

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

5.2 BONDS REQUIRED

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

5.3 FISCAL YEAR

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

5.4 APPROPRIATIONS

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

5.5 BUDGET DOCUMENT

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

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

(b) comparisons of proposed current estimates with the corresponding items of expenditures for the last two completed fiscal years and with an estimate of expenditures necessary to complete the current fiscal year;

(c) reasons for proposed increases or decreases in expenditures compared with the current fiscal year;

(d) a schedule for each department listing required operations of the department for the next fiscal year and any additional activities desired to be undertaken;

(e) compensation increases as either additional pay to current employees, or for additional employees;

(f) an itemization of all anticipated revenue from taxes and other sources;

(g) the amounts required to pay interest on the city's debt, and for bond retirement funds as required by law;

(h) the total amount of the outstanding city debt with a schedule of maturities of bond issues and any other long-term financial obligations of the city; and

(i) any other information as may be required by council.

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

5.6 REPORTS

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

5.7 CAPITAL PLAN

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

5.8 ASSESSMENTS

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

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

5.9 MUNICIPAL INCOME TAX

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

5.10 PROPERTY TAX LEVIES

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

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

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

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

5.11 CHARTER EXCEPTIONS FOR DEBT INSTRUMENTS

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

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

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

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

ARTICLE SIX.
CIVIL SERVICE COMMISSION

6.1 APPOINTMENT AND TERM OF MEMBERS

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

6.2 PRESIDENT; SECRETARY

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

6.3 CLASSIFIED AND UNCLASSIFIED SERVICE

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

6.4 PROCEDURE

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

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

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

6.5 SALARIES AND COUNCIL APPROPRIATION

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

6.6 SUSPENSION AND REMOVAL OF COMMISSION MEMBER

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

6.7 SALARY RECOMMENDATIONS

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

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

ARTICLE SEVEN.
BOARDS AND COMMISSIONS

7.1 GENERAL PROVISIONS

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

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

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

7.2 PLANNING COMMISSION

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

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

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

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

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

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

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

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

7.3 BOARD OF ZONING APPEALS

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

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

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

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

(1) there exists practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved;

(2) there are special circumstances or conditions applying to the land or buildings and not applying generally to land or buildings in the neighborhood, and that the circumstances or conditions exist so that strict application of the provisions of the ordinances of the city would deprive the applicant of the reasonable use of the land or buildings;

(3) the granting of the variance is necessary for the reasonable use of the land or building and that the variance granted by the board is the minimum variance that will accomplish this purpose; and

(4) the granting of the variance will be in harmony with the general purpose and intent of the ordinances of the city and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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

7.4 BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

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

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

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

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

(1) approve or disapprove materials, types of construction, appliances, devices and designs proposed for use under the building and property maintenance codes;

(2) make, amend and repeal rules and regulations for carrying into effect all provisions of the building and property maintenance codes, other than those relating to zoning;

(3) hear and decide appeals from and review upon motion of a member of the board any order, requirement, decision or determination of any administrative official or agency of the city relating to a matter regulated by the building and property maintenance codes, except that matters relating to zoning shall not come within the province or jurisdiction of the board. In taking any action, the board may vary or modify the application of any provision of the building and property maintenance codes, except those relating to zoning, when the enforcement would do manifest injustice, impose unnecessary hardship or be contrary to the intent and purpose of the codes or the public interest;

(4) review upon the motion of a member of the board any rule, regulation or decision of the board, but no review shall prejudice the rights of any person who has acted in good faith before the decision is reversed or modified;

(5) exercise with respect to any building situated in the city the same powers as are exercised by the board of building standards under the laws of the state, all as permitted by general law;

(6) formulate and submit to council changes in and amendments to the building and property maintenance codes that the board determines are desirable;

(7) establish rules and regulations for its own procedure not inconsistent with this section or any ordinances of the city;

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

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

7.5 CHARTER REVIEW COMMISSION AND CHARTER AMENDMENTS

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

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

ARTICLE EIGHT.
ETHICS AND TRAINING

8.1 ETHICS

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

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

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

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

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

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

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

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

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

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

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

8.2 TRAINING FOR COUNCIL AND MAYOR

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

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

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

ARTICLE NINE.
ELECTIONS, INITIATIVE, REFERENDUM, RECALL

9.1 ELECTIONS

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

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

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

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

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

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

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

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

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

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

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

9.2 INITIATIVE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.3 REFERENDUM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.4 RECALL

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

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

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

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

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

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

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

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

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

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

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

ARTICLE TEN.
APPROPRIATION OF PROPERTY

10.1 APPROPRIATION

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

10.2 INITIAL RESOLUTION

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

10.3 NOTICE

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

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

10.4 FURTHER PROCEEDINGS

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

ARTICLE ELEVEN.
GENERAL PROVISIONS

11.1 CONTINUANCE OF OFFICERS, ORDINANCES AND CONTRACTS

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

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

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

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

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

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

11.2 SEVERABILITY

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

CHARTER REVIEW COMMISSION 2014

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

Dr. Larry Keller, Staff Director

1ST READING & REFERRED TO THE FINANCE COMMITTEE 5/16/16.

ORDINANCE NO. 29-16 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 is hereby authorized to make the following transfers and advances:

			2016	
		2nd Quarter		
	Fund	Transfers Out		Transfers In
101	General Fund	$ 219,039		
	Special Revenue Funds			
250	Office on Aging IIIB			$ 172,500
	Internal Service Funds			
600	Hospitalization			$ 43,093
601	Workers' Compensation			$ 3,446
	Debt Service Payment s			
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

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

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

Adopted: _____

_____
President of Council

_____
Clerk of Council

Approved: _____

_____
Mayor

12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.onelakewood.com
Lakewood City Council
SAM O'LEARY, PRESIDENT
DAVID ANDERSON, VICE PRESIDENT

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

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

June 6, 2016

Dear Members of Council

Health and Humans Services Committee Meeting was held on May 9, 2016.

Director Gelsomino, Chief Gilman, committee members Anderson and Litten were in attendance along with Mary Leigh from our Planning Department, Denise Romano and Stephanie McConoughey from Cuyahoga County Board of Health, Allison Urbanik Housing Outreach Director at Lakewood Alive and residents of Lakewood Doctors Kilroy and Reibel and Dean Dilzell.

The dangers of high levels of lead in blood have been in the news related to water and we found Lakewood to be proactive in monitoring the lead levels in our water supply and our water to be within safe levels. However, according to the latest 2014 statistics from the Cuyahoga County Board of Health, 7.8% of the children tested in Lakewood have increased blood lead levels due to lead exposure most likely to lead paints used in our older homes.

Whether it's inhaled, swallowed, or, more rarely, absorbed through the skin (just by touching a product that contains lead), lead can act as a poison. Children ages 6 to 72 months who live in or are frequent visitors to buildings built prior to 1978 make up the highest priority group. Because the highest concentrations of lead in paint were used in the early 1900s, homes built before about 1960 are of greatest concern. Children whose homes are being renovated are also at extremely high risk. Lakewood is considered a high-risk community due to the age of our homes.

Protecting children from exposure to lead is important to lifelong good health. Even low levels of lead in blood have been shown to affect IQ, ability to pay attention, and academic achievement. And effects of lead exposure cannot be corrected. The most important step parents, doctors, and we as a city can take is to **prevent lead exposure before it occurs**.

A vibrant discussion was had regarding the importance of educating our community, residents and landlords alike, about the Lead Safe Cuyahoga paint abatement program. About 1/3 of our children are tested randomly. We discussed how Lakewood might be proactive in assuring a healthy environment for all our children through testing children 5 and younger, code changes to require all registered contractors to be trained in working lead safe, educational outreach and sharing information regarding financial assistance available to homeowners for lead paint remediation.

We also discussed the method of obtaining a community health needs assessment other than that provided by the Cleveland Clinic. The Committee agreed that it would be best to obtain data on the most granular level, ideally by census tract. Commissioner Terry Allen from the Cuyahoga County Board of Health could not attend this meeting. The Committee agreed to schedule a meeting in June at a time where Commissioner Allen can be present to offer his advice on how we might move forward obtaining this data.

Meeting adjourned at 7:33 PM

Sincerely,

Cindy Marx
Councilmember At-Large

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

June 6, 2016

Lakewood City Council
Lakewood, OH 44107

Re: Resolution supporting the Federal Railroad Administration's proposed ruling requiring two-person crews.

Dear Members of Council:

The Federal Railroad Administration (FRA) has proposed a new rule requiring that trains in the United States be operated by a crew of no fewer than two people. The FRA is seeking comment from individuals and local communities who might be impacted by this ruling. As Lakewood is a community of some 27 railroad crossings – almost all of which are proximate to homes, businesses, and walkways – I believe we should be supportive of this proposed rule.

There was a time when most trains were operated by a minimum of five engineers and conductors. Those staffing levels have dwindled, to the point where some trains are being operated by a single crew member. There are a host of problems with single-person train crews, including lack of notice for such occurrences as block signals and railroad crossing mechanical failures and many other eventualities. Single-person crews are indeed a rarity, but this ruling would bar them. Given the considerable public safety implications of this ruling, other neighboring communities are weighing in as well. Cleveland City Council unanimously passed a similar resolution on May 2nd.

I ask my colleagues to join me in supporting this resolution. Thank you for your consideration.

Sincerely,

Daniel J. O'Malley
Councilmember, Ward 4

RESOLUTION NO. BY:

A RESOLUTION Supporting the Federal Railroad Administration's proposed ruling requiring two-person crews.

WHEREAS, the safe operation of freight and passenger trains are vital to commerce; and the city of Lakewood supports efforts to keep train operations safe in our community, and

WHEREAS, the Federal Railroad Administration (FRA) has published a notice of proposed rulemaking (NPRM) regarding adequate staffing on trains, a factor we believe is vital to ensuring safe train operations, and

WHEREAS, polling across America from North Dakota to Alabama shows overwhelming bi-partisan support of two-person crews, with 83 to 87 percent of those polled in favor of mandating that trains be operated by a crew of at least two qualified individuals, and

WHEREAS, national studies show that a minimum of two on-board crew members are vital to operate a train safely and minimize the likelihood of train-related accidents; and

WHEREAS, virtually all trains in North America are already operated by crews of at least two individuals, making the economic impact of this proposed rule minimal, and

WHEREAS, the FRA agrees that, while advancements in automated technology such as Positive Train Control (PTC) systems improve railroad safety, they are not a substitute for a train's on-board crew members; now, therefore:

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

Section 1. That this Council supports the FRA's proposed ruling, requiring that trains operated in America be operated by no less than a two-person crew; and

Section 2. That this resolution be filed with the United States Department of Transportation in the form of comments in support of the proposed federal rule.

Adopted:_____

_____
PRESIDENT

_____
CLERK

Approved:_____

_____
MAYOR

12650 DETROIT AVENUE • 44107 • 216/529-6600 • fax 216/529-5652
Website: www.onelakewood.com

MICHAEL P. SUMMERS
MAYOR

May 25, 2016

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Dear Members of Council,

As we continue to address health care changes in Lakewood, we have, over the past several months had discussions about the community wellness foundation planning.

With this letter I am proposing a resolution to create a Foundation Planning Task Force charged with recommending a process for the creation of a new Ohio nonprofit corporation that is formed for the purpose of addressing community health and wellness needs in the City of Lakewood as set forth in Article IV of the Master Agreement among City of Lakewood, Lakewood Hospital Association, and the Cleveland Clinic Foundation regarding the Future of Health Care Services in the Lakewood Community dated December 21, 2015.

I ask that you refer this resolution to the appropriate committee for further discussion and review.

Respectfully Submitted,

Michael P. Summers,
Mayor, City of Lakewood

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, establishing the Foundation Planning Task Force for the purpose of creating a new Ohio nonprofit corporation charged with addressing community health and wellness needs in the City of Lakewood.

WHEREAS, Article IV of the Master Agreement among the City of Lakewood, Lakewood Hospital Association, and the Cleveland Clinic Foundation, dated December 21, 2015, provides for the creation of a foundation for the purpose of addressing the wellness needs in the City of Lakewood; and

WHEREAS, in order to form the foundation, a task force made up of residents should be appointed to engage the community in the process; and

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

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Foundation Planning Task Force is hereby created for the purpose of planning the establishment of a new Ohio nonprofit corporation which will address community health and wellness needs within the City of Lakewood, pursuant to the Master Agreement among the City of Lakewood, Lakewood Hospital Association, and the Cleveland Clinic Foundation, dated December 21, 2015.

Section 2. The Foundation Task Force shall be composed of thirteen members, seven of whom shall be appointed by Council and six of whom shall be appointed by the Mayor. The appointees shall have no formal term and may select a chairperson from among them. Council may appoint a representative from among councilmembers to attend task force meetings as a non-voting member. The Mayor or any designee of his or her choosing shall serve as a non-voting member. The administration shall appoint a staff member for purposes of creating public notices, keeping minutes and performing other clerical duties to staff the task force.

Section 3. The task force shall be disbanded without further action upon creation of the Ohio nonprofit corporation contemplated by Article IV of the Master Agreement among the City of Lakewood, Lakewood Hospital Association, and the Cleveland Clinic Foundation, dated December 21, 2015, and the completion of all necessary initial organizational documents for the governance of the corporation.

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

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

Adopted: _____

_____
President of Council

_____
Clerk of Council

Approved: _____

_____
Mayor

KEVIN M. BUTLER
DIRECTOR OF LAW

PAMELA L. ROESSNER
CHIEF PROSECUTOR

JENNIFER L. SWALLOW
ASSISTANT LAW DIRECTOR

ANDREW N. FLECK
ASSISTANT PROSECUTOR/
ASSISITANT LAW DIRECTOR

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

June 6, 2016

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: Resolution permitting Mayor Summers to enter into agreement with AT&T for Centrex telephone service

Dear Members of Council:

Please find attached a resolution that, if adopted, would permit Mayor Summers to enter into an updated agreement with AT&T Corp. for the purchase of citywide Centrex telephone service. The service provides critical analog lines used by the city.

The city is currently in an expiring agreement with AT&T, dating back to 2012, covering the same service.

Please refer the resolution to a committee of your choosing, such as Finance, for further review and discussion.

Very truly yours,

Kevin M. Butler

Kevin M. Butler

RESOLUTION NO. BY:

A RESOLUTION to take effect immediately provided it receives the vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor to enter into a three-year agreement with AT&T Corp. for the sale and purchase of citywide Centrex telephone service; authorizing the expenditure of funds in an amount not to exceed $60,000.00 in order to effectuate the intent of the agreement; and exempting the contract from competitive bidding pursuant to L.C.O. § 111.04(a)(10).

WHEREAS, the administration wishes to enter into an agreement with AT&T Corp. for the sale and purchase of citywide Centrex telephone service; and

WHEREAS, Centrex service is required to maintain certain phone lines in the City; and

WHEREAS, historically, the City has not treated utility providers as those subject to the competitive bidding requirements of Section 111.04 of the Codified Ordinances because of market regulation and the sole-source provision of services; and

WHEREAS, utility market deregulation subjects the provision of utility service to competitive bidding in certain circumstances under the ordinances; and

WHEREAS, the city administration has determined and Council determines that it is impractical and costly to award the services provided under the proposed AT&T Centrex contract under competitive bidding procedures because AT&T owns the Centrex phone lines used by the City, because advertising for bids is unduly expensive under the circumstances; and

WHEREAS, the city administration and Council determine that it in the best interests of the City to award the contract without competitive bidding under the circumstances; and

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

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that the City wishes to enter into the AT&T Centrex agreement immediately, as the city will save money required under an older agreement the sooner this agreement is signed; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor is hereby authorized to enter into a three-year agreement in substantially the form as the agreement attached hereto as Exhibit A with AT&T Corp. for the sale and purchase of Centrex telephone service, and authorizing the expenditure of funds in an amount not to exceed $60,000.00 in order to effectuate the intent of the agreement.

Section 2. Pursuant to L.C.O. § 111.04(a)(10) and for the reasons set forth in the preamble, Council determines that it is impractical and costly to award the services provided under the proposed AT&T Centrex contract under competitive bidding procedures and that it in the best interests of the City to award the contract without competitive bidding.

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.

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

KEVIN M. BUTLER
DIRECTOR OF LAW

PAMELA L. ROESSNER
CHIEF PROSECUTOR

JENNIFER L. SWALLOW
CHIEF ASSISTANT
LAW DIRECTOR

ANDREW N. FLECK
ASSISTANT LAW DIRECTOR/
ASSISTANT PROSECUTOR

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

kevin.butler@lakewoodoh.net
(216) 529-6034

June 6, 2016

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: 2016 second quarter codification ordinance

Dear Members of Council:

Attached please find an ordinance authorizing the inclusion of those ordinances of a general and permanent nature adopted by Council on or before May 1, 2016 into the Codified Ordinances of the City of Lakewood.

The Walter H. Drane Company has completed the editing and printing of the 2016 second quarter replacement pages for the Codified Ordinances.

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

Please adopt the ordinance after the customary three readings or refer it to an appropriate committee for further discussion.

Very truly yours,

Kevin M. Butler

Kevin M. Butler

ORDINANCE NO. BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances 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 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 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 the publication and distribution of the May 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:

Ord. No.	Date	C.O. Section
2-16	4-18-16	541.08, 1329.01 to 1329.17, 1329.99; Repeals 1151.01 to 1151.04
4-16	4-4-16	505.03
15-16	4-18-16	557.05
16-16	3-7-16	1143.05
18-16	3-21-16	331.08

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 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

Jennifer R. Pae
Director of Finance

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

June 6, 2016

Lakewood City Council
Lakewood, OH 44107

Re: 2017 Tax Budget, 2017 Tax Advance Resolution and 2017 Tax Rate Resolution

Dear Members of Council:

Attached is a Resolution to allow the City of Lakewood Finance Department to submit the 2017 Tax Budget to the Cuyahoga County Fiscal Officer for review and approval to maintain the City's existing property tax rate of 17.4 mills.

The Tax Budget Ordinance must be adopted by City Council in order to be submitted to the County Fiscal Officer on or before July 20, 2016 in accordance with the provisions of Sections 5705.28 and 5705.30 of the Ohio Revised Code.

The Tax Budget is a projection of revenues and expenditures completed primarily to establish the City's existing property tax rate for the 2016 tax year / 2017 collection year, and will be presented in committee for discussion.

Also attached is a resolution authorizing the Director of Finance to request from the Cuyahoga County Treasurer real and personal property tax, estate tax and special assessment advances when collected and available to the City in 2017. Participation in the tax advance program enhances the City's cash flow management and "funds invested" amount.

The County Fiscal Officer requires the City to file this resolution stating the City's intent to receive advances in 2017 prior to October 1, 2016.

Finally, attached is the tax rate resolution maintaining the City of Lakewood's property tax rate of 17.40 mills for the tax year 2017.

Respectfully,

Jennifer R. Pae
Director of Finance

RESOLUTION NO. BY:

A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, approving the Tax Budget of the City of Lakewood, Ohio for the year 2017, and authorizing the filing of same with the Cuyahoga County Fiscal Officer.

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 to provide for the usual daily operation of the City in that the Tax Budget must be submitted to the County Fiscal Office on or before July 20, 2016; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The annual Tax Budget submitted by the Director of Finance of the City of Lakewood, showing the amount of money needed and the necessary expenditures in the various departments of the municipality for the year 2017, be and the same is hereby approved and the Clerk of Council is hereby ordered and directed to file the same with the Fiscal Officer of Cuyahoga County pursuant to the statutes of the State of Ohio.

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 of Council

_____
Clerk of Council

Approved: _____ _____
Mayor

RESOLUTION NO. BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law requesting the Cuyahoga County Fiscal Officer to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real, personal property and estate taxes and special assessments collected in the year 2017 in such amounts as may be requested and available.

WHEREAS, Ohio Revised Code Section 321.34 (A)(1) provides that "[W]hen the local authorities by resolution so request, the county auditor shall pay township clerks, treasurers of municipal corporations, the treasurer of any board of education, and the treasurer of any other political subdivision or taxing district whose funds derived from taxes or other sources are payable by law to the county treasurer, any money that may be in the county treasury to the accounts of such local authorities, respectively, and lawfully applicable to the purpose of the current fiscal year in which such request is made. The auditor and county treasurer shall retain any amounts needed to make such payments of obligations of local political subdivisions or taxing districts as are required by law to be paid directly by the county authorities;" and

WHEREAS, Ohio Revised Code Section 321.341 provides that "... [A]t any time prior to a settlement under section 5731.46 of the Revised Code, the fiscal officer of a municipal corporation or a township may request the county auditor to make payment to such subdivision from the fund of an amount not to exceed seventy-five per cent of taxes paid into such fund and standing to the credit of the subdivision, including both taxes with respect to which a final determination has been made under section 5731.27 of the Revised Code and taxes subject to review and final determination under section 5731.26 of the Revised Code. Within five days of the receipt of such request the auditor shall draw a warrant in such amount upon such fund, payable to the subdivision;" 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 to provide for the usual daily operation of the City in that the Cuyahoga County Fiscal Officer requires the City to file this resolution stating the City's intent to receive advances in 2017 prior to October 1, 2016; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Cuyahoga County Fiscal Officer be requested to draw and the Cuyahoga County Treasurer be requested to pay to the City of Lakewood Director of Finance an advance of all real, personal property, estate taxes and special assessments collected in the year 2017 in such amounts as may be requested and available.

Section 2. The Director of Finance is hereby directed to forward a certified copy of this resolution upon passage to the Cuyahoga County Fiscal Officer.

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.

Section 4. That this resolution is hereby declared to be an emergency measure necessary for the usual daily operation of City for the reasons set forth in the preamble to this resolution, and provided it receives the affirmative vote of at least five of its members 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

RESOLUTION NO. BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer.

WHEREAS, this Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2017; and

WHEREAS, the Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part is within the ten mill tax limitation; 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 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 to provide for the usual daily operation of the City; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The amounts and rates as determined by the Budget Commission in its certification, be and the same are hereby accepted.

Section 2. There be and is hereby levied on the tax duplicate of said City, and rate of each tax necessary to be levied within and without the ten mill limitation as follows:

	Fiscal Officer's Estimate of Tax Rate to be Levied	
	Inside 10 Mill Limitation	Outside 10 Mill Limitation
General Fund	-0-	8.65
General Bond Retirement Fund	3.47	-0-
Police Pension Fund	-0-	1.60
Fireman Pension Fund	-0-	1.68
Sewage Disposal Fund	-0-	2.00
	3.47	13.93

Section 3. This resolution is hereby declared to be an emergency measure necessary for the usual daily operation of City for the reasons set forth in the preamble to this resolution, and provided it receives the affirmative vote of at least five of its members, 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

12650 DETROIT AVENUE . 44107 . 216/529-6613 . FAX 216/529-5669
Website: www.onelakewood.com

Jean M. Yousefi, SPHR
Director of Human Resources

June 6, 2016

Sam O'Leary, President
Lakewood City Council
12650 Detroit Avenue
Lakewood, OH 44107

Re: Purchase Request

Dear Council President O'Leary:

In 2014 the Wellness Committee received permission from City Council to purchase the Fitbit Flex and sold them to employees at a discounted rate. It was a very successful program. Over 100 employees purchased the Fitbit and competitions and challenges were held. Again this year the Wellness Committee has made a recommendation to Administration to purchase the newer model FitBit HR and sell them to employees at a reduced cost.

In order to get a discounted price from the manufacturer the City would be required to purchase 100 units at the reduced rate of $127.95/each (which includes shipping), regularly each unit starts at $145. I believe we can easily sell 150 units. The total purchase price will be $19,192.50. We plan to sell them to employees at $64 each which will recoup $9,600.00 of that purchase price. The remaining $9,592.50 will be reimbursed to the city by Medical Mutual of Ohio through our wellness grant. Once all of the units are sold the actual cost to the city will be nothing.

I am asking for Council's permission to allow this purchase outside of the normal bidding process in order to capitalize on the quoted discount. My own research has shown that the price of this device is less than or equal to other manufacturer's devices, many of which have less functionality and or lower consumer ratings. Additionally, the Fitbit company was easy to work with in 2014 when some devices needed to be replaced. The monies to purchase the devices up-front are available in the Hospitalization fund.

Due to the three – four week shipping estimate and the committee's interest in holding challenges and competitions throughout the summer, I am respectfully asking that Council suspend the rules and approve this request on first reading in order to ensure the devices may be made available to employees by the end of June.

Please feel free to contact me with any questions or concerns you may have regarding this reorganization.

Sincerely,

Jean M. Yousefi
Director of Human Resources

Cc: City Council
Law Director
Mayor

RESOLUTION NO. BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Purchasing Manager to purchase Fitbit devices without the necessity of bidding in accordance with Lakewood Codified Ordinance §111.04(a)(10) in accordance with the City of Lakewood standard purchase order terms and conditions.

WHEREAS, the City of Lakewood has kicked off Be Well, Lakewood, an employee wellness program; and

WHEREAS, a recommendation was made from the wellness committee to offer employees electronic health monitoring devices at a reduced cost; and

WHEREAS, competitive pricing has been obtained directly from Fitbit, Inc. with the purchase of a quantity of 150 devices; and

WHEREAS, it is in the best interest of the City to purchase these devices without bidding in order to make them available to employees as soon as possible and not incur the expense of the bidding process; 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 order to take advantage of this competitive pricing before the quote expires; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council hereby determines that it is impractical to award the purchase of electronic health monitoring devices under competitive bidding procedures, and that it is more cost-effective and in the best interests of the City to award the contract without competitive bidding, and thus authorizes the Purchasing Manager to award a contract to Fitbit, Inc. for the purchase of Fitbit devices.

Section 2. Council specifically approves the quote provided by Fitbit, Inc. attached as Exhibit A, together with the City of Lakewood's standard purchase order, as the contract for this matter.

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 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.

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 of Council

_____
Clerk of Council

Approved: _____ _____
Mayor

Exhibit A

Swallow, Jennifer

From:	Michael Bohme <mbohme@fitbit.com>
Sent:	Wednesday, May 18, 2016 5:06 PM
To:	Yousefi, Jean
Subject:	Re: City of Lakewood + Fitbit Wellness
Follow Up Flag:	Follow up
Flag Status:	Flagged

Jean,

I wanted to update you on our pricing, as the Flex price has gone down $10 for a limited time. Exclusive of taxes and shipping, the bulk order discount to the employer for orders between 100 and 499 units is below:

- Fitbit Surge - $212.50 (in stock)
- Fitbit Blaze - $170.00 (in stock)
- Fitbit Charge HR - $127.45 (in stock)
- Fitbit Alta - $110.50 (in stock)
- Fitbit Flex - $75.00/unit (in stock)
- Fitbit One - $85.00/unit (in stock)
- Fitbit Zip - $51.00/unit (in stock)
- Fitbit Aria Scale - $110.50/unit (in stock)

Orders must be made in multiples of 10 for the same size and color Tracker.

To move forward with an order, please follow the following link and fill out the requested information: https://docs.google.com/a/fitbit.com/forms/d/1liLjgoI_OKSxMg-ZQZ4w7AcTCFzhhmupv9ZtuEkzusg/viewform

Let me know if you have any additional questions or how I can help!

Thank you,

—
Michael Bohme
Business Development – Fitbit Wellness
mbohme@fitbit.com
fitbit wellness
405 Howard St., Suite 550 | San Francisco, CA 94105

From: Michael Bohme <mbohme@fitbit.com>
Date: Tuesday, April 5, 2016 at 1:14 PM
To: "Yousefi, Jean" <Jean.Yousefi@lakewoodoh.net>
Subject: Re: City of Lakewood + Fitbit Wellness

Jean,

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

07710350085 PERMIT NUMBER	NEW TYPE	BOARD OF PARK COMMISSIONERS CLEVELAND METRO PARK DISTRICT DBA EMERALD NECKLACE MARINA 1500 SCENIC PARK DR LAKEWOOD OH 44107
ISSUE DATE		
03 28 2016 FILING DATE		
D1 D2 D3 PERMIT CLASSES		
18 TAX DISTRICT / 286 / C	B14292 RECEIPT NO.	

FROM 05/09/2016

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

MAILED 05/09/2016 RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/09/2016

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 NEW 0771035-0085
(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

DLC 4052 REV. 03/09