DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
OCTOBER 7, 2019
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 & disposal of the Minutes of the Regular Meeting of Council held September 16, 2019.

IV. Reports, legislation and communications from Members of Council, the Mayor and other City Officials.
1. Committee of the Whole report regarding meeting held September 30, 2019. (pg. 1)

2. **SUBSTITUTE RESOLUTION 9090-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing ___Laura Ballietto the Tree Advisory & Education Board for a term beginning immediately and ending December 31, 2020. *(Referred to COW 9/16/19)* (pg. 2)

3. **SUBSTITUTE RESOLUTION 9091-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing ___Marc Dann _______ to the Tree Advisory & Education Board for a term beginning immediately and ending December 31, 2021. *(Referred to COW 9/16/19)* (pg. 3)

4. **SUBSTITUTE RESOLUTION 9092-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing ___Linda Grandstaff _______ to the Tree Advisory & Education Board for a term beginning immediately and ending December 31, 2022. *(Referred to COW 9/16/19)* (pg. 4)

5. Public Safety Committee report regarding meeting held September 23, 2019. (pg. 5)

6. Housing Committee report regarding meeting held September 23, 2019. (to be provided)

7. **RESOLUTION 9093-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor or his designee to enter into an agreement with WXZ Residential Group/Lakewood, LLC for an economic development grant, issued in the form a single rebate, for a total amount not to exceed one hundred thousand dollars ($100,000.00), in order to assist the grantee in preparing the site for residential development. *(1st read and referred to Housing Committee 9/16/19)* (pg. 7)

8. Finance Committee report regarding meeting held October 7, 2019. (to be provided)

9. **RESOLUTION 9096-19** - A RESOLUTION to formally identify agreed-upon priorities that Council would like to see reflected in the 2020 budget. (pg. 31)

10. Rules & Ordinances Committee meeting regarding meeting held October 7, 2019. (to be provided)
11. **ORDINANCE 16-19** - AN ORDINANCE enacting new Chapter 110, Access Public Records, of the Codified Ordinances of the City of Lakewood to create transparency and timely easy-of-access to public records and set requirements for the city’s online public records request system. *(1st read and referred to Rules & Ordinances Committee 5/20/19; 2nd reading 6/3/19) (pg. 34)*

12. **ORDINANCE 25-19** - AN ORDINANCE repealing 905.07 Animals, and enacting a new 905.07 Animals which require that all dogs in any park be registered with the County Fiscal Officer and wear a registration tag. *(Placed on 1st reading and referred to Rules & Ordinances 9/3/19; 2nd reading 9/16/19) (pg. 40)*

13. **RESOLUTION 9080-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor and Director of Law to enter into a purchase agreement with Emerald Light Investments, Ltd., an Ohio limited liability company, owner of the property located at 18100 Detroit Avenue, Lakewood, Ohio (PPN 311-17-013), and to execute all documents necessary to effectuate the purchase and sale according to the terms of that agreement. *(Referred to Public Safety Committee 7/15/19) (pg. 43)*

14. **ORDINANCE 26-19** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force 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. *(1st reading 9/16/19) (pg. 46)*

****NEW BUSINESS****

15. Communication from Councilmember Rader regarding resolution to recognize WIC Perks pilot project at Lakewood Farmers Market. (pg. 48)

16. **RESOLUTION 9094-19** - A RESOLUTION to recognize the success of the WIC Perks pilot project which provided fresh produce vouchers to 257 families visiting the Lakewood Farmers Market this season. (pg. 50)

17. Communication from Councilmember Bullock regarding Midwest Green Transportation Forum & Expo. (pg. 51)

18. Communication from Councilmember Rader regarding appointment to Animal Safety & Welfare Advisory Board. (pg. 53)

19. Lakewood Police Department Medal of Valor Presentation (pg. 54)

20. Communication from Mayor Summers regarding investment in Human Capital. (pg. 55)
21. Communication from Mayor Summers regarding a resolution authorizing the issuance of a design build RFQ for the adaptive reuse of Cove Church. (pg. 56)

22. **RESOLUTION 9097-19** - A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, 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 establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for design and construction for the repurposing of Cove Church without the necessity of competitive bidding; and exempting the City from certain provisions within the Ohio Revised Code related to design-build contracting for the purposes of this project. (pg. 66)

23. Communication from Director Gelsomino regarding Title III of the Older American’s Act, 2020-21 Proposal. (pg. 69)

24. **RESOLUTION 9098-19** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor or his designee to apply for and enter into an agreement with the Western Reserve Area Agency on Aging for title III of the Older Americans Act, Senior Community Services for the 2020-2021 program years. (pg. 70)

25. Communication from Director Pae regarding Amended 2019 Purchasing and Contracting Authority. (pg. 72)

26. **ORDINANCE 50-18B** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force at the earliest period allowed by law, amending Ordinance 50-18A adopted May 20, 2019, 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 2019 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (pg. 73)

27. Communication from Director Sylvester regarding authority to sell real property located at 2117 Robin Ave. (pg. 80)

28. **ORDINANCE 27-19** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the 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 or the Mayor to enter into an agreement with a licensed real estate broker to market for sale the real
property located at 2117 Robin Avenue, Lakewood, Ohio (PPN 315-22-121) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances. (pg. 81)

29. Communication from Fire Chief Dunphy regarding Fire Prevention Week 2019. (pg. 83)

30. **RESOLUTION 9095-19** - A RESOLUTION, calling upon the citizens of Lakewood to participate in fire prevention activities at home, and to heed the message, “Not Every Hero Wears A Cape... Plan and Practice Your Escape,” as the 2019 Fire Prevention Week theme suggests. (pg. 84)
October 7, 2019

Lakewood City Council
Lakewood, Ohio

Re: Committee of the Whole Report – September 30th, 2019

Dear Colleagues,

Committee of the Whole met Monday September 30th, 2019 to discuss the repurposing of the Cove Church property as a multi-generational community center and to make appointments to the newly created Tree Advisory & Education Board. The Committee was joined by Mayor Summers, Urban Designer Allison Hennie, Human Services Director Gelsomino and two members of the public who live adjacent to Cove Church.

The administration updated the Committee on its work to formulate an official set of recommendations regarding the future of the Cove Church property. The administration and the Committee devoted significant time to deliberating the pros and cons of new construction verses adaptive re-use of the existing building. Committee members expressed interest in adaptive re-use for the following reasons:

- To preserve a building with unique character
- More environmentally sustainable to re-use than to tear down and build new
- Lower cost
- With some investments, the existing building can be brought up to modern standards of efficiency.

The administration estimated that the cost of adaptive-reuse would be between $3.5-$4.5 million. The estimated cost of new construction would be between $6-$7 million. The Mayor discussed the financing of the project and identified possible sources of funding. He strongly recommended against using debt. The administration committed to return to Council in the coming weeks with a draft RFQ and more firm cost estimates.

The Committee entered executive session for approximately 15 minutes to discuss the applicants to the Tree Advisory & Education Board. Upon exiting executive session, the Committee voted to recommend three candidates to the vacant positions.

Move to receive and file this committee report.

Sincerely,

Sam O’Leary
President of Council
RESOLUTION NO. 9090-19

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing Laura Balliett to the Tree Advisory & Education Board for a term beginning immediately and ending December 31, 2020.

WHEREAS, Ordinance 23-19, establishes the Tree Advisory & Education Board for the purpose of collaborating with City officials regarding its urban tree policies and practices, promoting the City’s tree programs and educating residents regarding responsible tree stewardship and the benefits of tree planting on private property; and

WHEREAS, Ordinance 23-19 calls for Council to appoint three members to the Tree Advisory & Education Board; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the position to be occupied by this appointee is vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council appoints Laura Balliett to the Tree Advisory & Education Board for a term beginning immediately and ending December 31, 2020.

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

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

Adopted: ___________________________  PRESIDENT

______________________________  CLERK

Approved: ________________________  MAYOR
RESOLUTION NO. 9091-19

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing Marc Dann to the Tree Advisory & Education Board for a term beginning immediately and ending December 31, 2021.

WHEREAS, Ordinance 23-19, establishes the Tree Advisory & Education Board for the purpose of collaborating with City officials regarding its urban tree policies and practices, promoting the City’s tree programs and educating residents regarding responsible tree stewardship and the benefits of tree planting on private property; and

WHEREAS, Ordinance 23-19 calls for Council to appoint three members to the Tree Advisory & Education Board; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the position to be occupied by this appointee is vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council appoints Marc Dann to the Tree Advisory & Education Board for a term beginning immediately and ending December 31, 2021.

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

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

Adopted: ____________________________

PRESIDENT

_______________________________

CLERK

Approved: ____________________________

MAYOR
RESOLUTION NO. 9092-19

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing Linda Grandstaff to the Tree Advisory & Education Board for a term beginning immediately and ending December 31, 2022.

WHEREAS, Ordinance 23-19, establishes the Tree Advisory & Education Board for the purpose of collaborating with City officials regarding its urban tree policies and practices, promoting the City’s tree programs and educating residents regarding responsible tree stewardship and the benefits of tree planting on private property; and

WHEREAS, Ordinance 23-19 calls for Council to appoint three members to the Tree Advisory & Education Board; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the position to be occupied by this appointee is vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council appoints Linda Grandstaff to the Tree Advisory & Education Board for a term beginning immediately and ending December 31, 2022.

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

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the 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
Dear Colleagues and Members of the Public,

The Public Safety Committee met on September 23rd with all members present, along with members of the administration’s Law and Planning Departments and several members of the public. The committee discussed a communication from Director Sylvester regarding the Cuyahoga County Bicycle & Scooter Share Program, which appeared on Council’s September 3rd docket. Members of the committee expressed their concerns regarding the safety of e-scooters, but also considered their potential benefit in bringing residents and visitors into the non-car transportation system. Various use cases and potential failure items of the program were also reviewed. Planning Department staff David Baas and Katelyn Milius gave a presentation to the committee that presented data on e-scooter and e-bike usage and traffic incidents, highlighting their use in Columbus, Ohio, Portland, Oregon, Austin, Texas, and Los Angeles, California. Generally, the data indicates that e-scooter trips are about a mile in length, that the majority of emergency room visits resulting from e-scooter accidents come from people just falling off of them, as opposed to crashes with traffic or pedestrians, and that they serve as a means to attract people to alternative forms of transportation.

Planning Department staff also spent time reviewing the specifics of Cuyahoga County’s bicycle and scooter share program with the committee. The 4 vendors licensed to operate in the county’s pilot program for one year include Bird, Lime, Spin, and Veoride. Any municipality that elects to enter the program does so under the county’s set of rules established in its MOU with the vendors, and also has the option of providing further regulation in the form of an ordinance. E-scooter use in Cleveland was analyzed to provide more local insight into what a program might look like in Lakewood.

Members of the committee expressed a desire to update the traffic code while considering this issue, so I made a motion, seconded by Councilman Litten, for the administration to consider a traffic code update to

Re: Public Safety Committee Report
incorporate regulations for e-bikes and scooters. All members voted in favor of the motion and it subsequently passed.

Through discussions with the Planning Department, it was found that not only can these devices be regulated with code, they can also be controlled through geofencing technology and the establishment of incentivized parking stations. Through the companies use of technology, e-scooters’ speeds can be limited and devices can be locked from traveling on dangerous thoroughfares, such as highways. It was noted that e-scooter companies often provide discounts for parking in designated stations once a user has completed his or her trip. They also pay individuals to regularly collect and redistribute scooters to parking stations to keep sidewalks clear. The Planning Department is in the process of coordinating with vendors to come to the committee’s next meeting on the topic, where a demonstration of the technology will be held.

Motion to receive and file the report.

Sincerely,

[Signature]

Councilman Tom Bullock, At-Large
RESOLUTION NO. 9093-19

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor or his designee to enter into an agreement with WXZ Residential Group/Lakewood, LLC for an economic development grant, issued in the form a single rebate, for a total amount not to exceed one hundred thousand dollars ($100,000.00), in order to assist the grantee in preparing the site for residential development.

WHEREAS, WXZ Residential Group/Lakewood, LLC has purchased the property located at 13900 Lake Avenue, PPN 312-02-011; and

WHEREAS, this property is the site of the formerly operating Marathon gas station which has underground storage tanks and will require remediation; and

WHEREAS, WXZ Residential Group/Lakewood, LLC has requested assistance in order to assist with underground storage tank removal and soil contamination remediation to return the site to a usable state for residential development; and

WHEREAS, this assistance will be provided in the form of a single rebate issued after a “No Further Action” letter is obtained from the EPA for the site; and

WHEREAS, this is an opportunity to help the property reach its highest and best use, to assist the owner in restoring this site to accommodate a residential use; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, 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 grant agreement should be executed immediately to allow improvements to the real property to begin; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor of Lakewood, or his designee, is hereby authorized to enter into an agreement with WXZ Residential Group/Lakewood, LLC for an economic development grant in an amount not to exceed One Hundred Thousand Dollars ($100,000.00) toward underground storage tank removal, soil contamination remediation, and preparation of the site for residential development at 13900 Lake Avenue, Lakewood, Ohio 44107; said agreement to contain such terms
and conditions deemed necessary by the Director of Law to protect the public interest and in substantially the same form as attached as “Exhibit A.”

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal actions, 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 two thirds of the 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
ECONOMIC DEVELOPMENT GRANT AGREEMENT

Between
The City of Lakewood
And
WXZ Residential Group/Lakewood, LLC

THIS GRANT AGREEMENT (the “Agreement”) is entered into as of ____________, 2019 by and between the CITY OF LAKEWOOD (the “City” or “Grantor”), an Ohio municipal corporation, and WXZ Residential Group/Lakewood, LLC (“Grantee”) an Ohio limited liability company located at 22720 Fairview Center Dr # 150, Cleveland, OH 44126 duly organized and validly existing under the laws of the State of Ohio, by and through its duly authorized representative.

W I T N E S S E T H:

A. WHEREAS, the Grantee has requested an economic development grant (the “Grant”) to assist with the environmental assessment, petroleum storage tank removal, environmental remediation and site preparation including demolition of the existing service station and placing clean fill to grade (collectively, the “Environmental/Site Work”) at the site at 13900 Lake Avenue, PPN 312-05-011 (the “Project Site”);

B. WHEREAS, the City has determined that the project is an economic development project as explained in the City of Lakewood Financial Policies and Guidelines adopted by Lakewood City Council;

C. WHEREAS, WXZ Residential Group/Lakewood, LLC has requested assistance in order to complete a financial package to conduct the Environmental/Site Work at the Project Site; and

D. WHEREAS, The City’s funding will be used for a portion of the Environmental/Site Work, recognizing this as an opportunity to convert a former non-conforming use and environmental hazard to a residential use more compliant with the character of Lake Avenue; and

E. WHEREAS, the City desires to make the Grant (as defined herein) to Grantee so that Grantee can carry out its plans, subject to the terms and conditions of this Agreement as set forth below; and
F. WHEREAS, City Council adopted Resolution _____ on _______, approving the Grant as described below attached hereto as Exhibit A.

G. WHEREAS, this Agreement and any documents required under this Agreement shall be referred to herein as the “Grant Documents”.

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

**ARTICLE I – PROJECT**

Section 1.01 Grant Project

Grantee shall undertake, or cause to be undertaken, the activities described in the Grantee’s application (collectively referred to as the “Project”), as more fully described in Exhibit C to this Agreement.

The Project shall include the Environmental/Site Work necessary to make the Project Site ready for residential development. The total cost of Project construction is approximately $3,000,000. The total cost of the Environmental/Site Work is estimated at $350,000.

Section 1.02 Sources and Uses of Funds for the Project

The total cost of the Environmental/Site Work is approximately $350,000 and shall be financed from the following sources:

1. A reimbursement grant from City to Grantee which shall be in the amount of One Hundred Thousand Dollars ($100,000) in accordance with Article II and the other provisions of this Grant Agreement (the “Funds” or “Grant Funds” or “Grant”).

2. Private funds in the amount of $250,000.

The grant shall be contingent upon the Grantee’s procuring either a contract from a reputable lender and/or showing documented evidence of the equity necessary to complete the work as outlined in Exhibit C. Grantee shall not employ financing sources other than those identified above unless Grantee receives the prior written approval of the City.

**Use of City Grant Funds**

The Grant from the City to the Grantee shall be made in accordance with Article II and the other provisions of this Grant Agreement. Such Grant Funds shall be used for the Environmental/Site Work as more fully described in the scope of work included as Exhibit C attached hereto.

Section 1.03 Timetable for Project Activities

Grantee shall perform the Project in accordance with the following schedule:
<table>
<thead>
<tr>
<th>Activity</th>
<th>Commencement Date</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental/ Site Work</td>
<td>On or Before September 15, 2019</td>
<td>September 15, 2021</td>
</tr>
</tbody>
</table>

### Section 1.04 Guarantee of Completion

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

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

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

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

### Section 1.05 Documentation Requirements

#### Completion Requirements

Upon completion of the required environmental remediation work, Grantee will file for an receive a No Further Action Letter (NFA) from the Bureau of Underground Storage Tank Regulation (BUSTR) bringing the site to appropriate environmental standards for residential re-use. Upon issuance of the NFA letter, Grantee will submit invoices for qualifying expenses. Grantee will be eligible for up to $100,000 rebate of qualifying expenses.

#### Documentation Requirements

Prior to rebate payment, Grantee shall complete and submit:

1. BUSTR No Further Action letter indicating that the site is cleared for residential re-use
2. Invoices and Proof of Payment for environmental remediation activities.
ARTICLE II - THE GRANT

Section 2.01 Grant and Rebate Structure

AMOUNT OF FINANCING: 100% rebate of eligible costs, not to exceed a maximum of $100,000.

ELIGIBLE USE OF PROCEEDS: Environmental/Site Work as further detailed in Exhibit C.

OTHER CRITERIA:
- Demonstrated ability to complete project.
- Grantee must complete all improvements within two (2) years of approval.
- All property taxes must be paid up to date at the time of each rebate application.
- Project site may be inspected by the City prior to rebate issuance.

Section 2.02 Disbursement of Grant Funds

A. Requirements for Disbursement:

(i) The Grant Funds shall not be disbursed until Grantee has submitted to the City, and had accepted by the City, any certificates, documents and instruments required by this Grant Agreement or documents in forms satisfactory to the City and its attorneys; and

(ii) The grant funds shall not be disbursed until Grantee has submitted to City, and had accepted by the City, evidence of payment or an invoice for materials or services in connection with the Project.

B. City to Disburse Funds to Grantee:

Upon receipt of the above information required above and any other requirement set forth by this Agreement, the City shall disburse Grant Funds to the Grantee for eligible costs, as listed in Section 1.02.

C. Disbursement Checks:

The Rebate disbursement check shall be mailed to the following address until otherwise specified by the Grantee:

WXZ Residential Group/Lakewood, LLC
c/o WXZ Development, Inc.
22720 Fairview Center Dr # 150
Cleveland, OH 44126
ARTICLE III - REPRESENTATIONS AND WARRANTIES

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

Section 3.01 Organization

Grantee is an Ohio limited liability company, duly organized, validly existing, and in good standing under the laws of Ohio and has power to carry on its business as it is presently being conducted, to enter into and observe the provisions of the Grant Documents and to borrow hereunder.

Section 3.02 Authorization

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

Section 3.03 Enforceability

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

Section 3.04 Litigation

There are no legal actions, suits, or proceedings pending, or, to the knowledge of Grantee, threatened against Grantee before any court or arbitrator, or administrative agency, which, if determined adversely to Grantee, would have an adverse effect on the financial condition or business of Grantee which have not been disclosed to the City.

Section 3.05 Governmental Consents

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

Section 3.06 Absence of Default

Grantee is not in default of any obligation, covenant, or condition contained in any bond, debenture, note, or other evidence of indebtedness or any mortgage or collateral instrument securing the same.
Section 3.07  Tax Returns and Payments

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

Section 3.08  No Adverse Change

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

Section 3.09  Material Fact

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

Section 3.10  Prohibition of Conflict of Interest

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

Nothing in this section shall prevent an individual connected with the Project from acting on a board which acts only in an advisory capacity, if that individual’s connection to the Project is made known to the advisory body so that the advisory body may take action to address any conflict, including committee assignment, voting privileges, or attendance at meetings involving issues which may affect the Project.

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

Section 3.11  Full Understanding and Voluntary Acceptance

Grantee represents that Grantee has had reasonable opportunity in the negotiation of this Agreement. Therefore, in any construction of this Agreement, the Agreement shall not be construed against any party on the basis that the party was the drafter.
In entering this Agreement, Grantee represents that it relied upon the advice of its attorneys who are attorneys of their own choice and that the terms of this Agreement and attached Exhibits and documents have been completely read and explained to Grantee by Grantee’s attorneys, and that the terms are fully understood and voluntarily accepted by Grantee. Grantee represents that the City afforded Grantee the opportunity to completely read and ask questions of the City concerning the terms of this Agreement and attached Exhibits and documents and that Grantee fully understands and voluntarily accepts those terms.

**ARTICLE IV - CONDITIONS OF GRANT**

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

**Section 4.01 Execution and Delivery of Grant Documents**

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

**Section 4.03 Governmental Approval**

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

**Section 4.04 Approval of Others**

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

**Section 4.05 No Event of Default and Representations and Warranties**

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

**ARTICLE V - AFFIRMATIVE COVENANTS**

Grantee shall comply with the following covenants set forth in this article from the Execution Date until the end of the project, or until the Grant Funds have been issued, unless the City otherwise consents in writing.

**Section 5.01 Payment of Other Indebtedness**

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

**Section 5.02 Maintain and Insure Property**

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

Section 5.04 Payment of Taxes

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

Section 5.05 Information

During the term of this Agreement, Grantee shall:

(1) Keep and maintain records, books of account and other documents relating directly to all matters covered by this Agreement, including its receipt and disbursement of Grant funds, in which complete entries will be made reflecting all of its business and financial transactions, such entries to be made in accordance with generally accepted accounting principles consistently applied.

Section 5.07 Disclosure of Documents

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

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

Section 5.08 Inspection

Grantee shall permit any duly authorized representative of the City, or any other appropriate governmental official, at all reasonable hours, upon reasonable notice, and as often as reasonably requested, to have the right to (1) inspect Borrower’s books of account with respect to this Project (and to make copies of and/or extracts therefrom); or (2) discuss with agents and employees of Grantee: Grantee’s affairs, employment and contracting goals, finances, accounts and compliance with the terms of this Agreement with respect to this Project.

Grantee shall provide statements, records, data and the City free access and entry to any portion of Grantee’s premises for the purposes of such inspections and discussions until the terms of this Agreement have been complied with and fulfilled.
**Section 5.09  Notice of Default**

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

**Section 5.10  Indemnification**

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

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

**ARTICLE VI – EVENTS OF DEFAULT**

The disbursement of Grant funds will end, without any other notice or demand of any kind of presentment or protest, if any one of the following events occurs (an “Event of Default”) whether it is voluntary or involuntary or, without limitation, occurring or brought about by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body.

**Section 6.01  Default and Cure**

1. **Default Under Agreement** -- If Grantee shall fail to comply with its obligations under this Agreement.

2. **Payment Default Under Other Indebtedness** -- If default shall exist in the payment when due of any installment of principal or interest on any of Grantee’s other indebtedness and if such default shall remain unremedied for thirty (30) days whether such other indebtedness is in existence at the Execution Date or incurred after such date;

3. **Incorrect Representations or Warranties** -- If any representation or warranty contained in or made in connection with the execution and delivery of this Agreement or in any certificate furnished pursuant hereto shall prove to have been incorrect or untrue in any material respect when made;

4. **Default in Covenants** -- If Grantee defaults in the performance of any other term, covenant, or agreement contained in the Grant Documents and such default shall continue unremedied for thirty (30) days after the earlier of either: (1) the default becoming known to an executive officer of Grantee; or (2) written notice thereof was given to Grantee by City;
(5) **Voluntary Insolvency** -- If Grantee becomes insolvent, ceases to pay its debts as they mature, voluntarily files a petition seeking reorganization of, or the appointment of a receiver, trustee, or liquidator, for itself or a substantial portion of its assets, with the purpose of effecting a plan or other arrangements with creditors, is adjudicated bankrupt, or makes a voluntary assignment for the benefit of creditors;

(6) **Involuntary Insolvency** -- If an involuntary petition is filed against Grantee under any bankruptcy, insolvency, or similar law seeking the reorganization of, or the appointment of any receiver, trustee, or liquidator, for Grantee or a substantial part of its assets, or a writ or warrant of attachment or similar process is issued against a substantial part of Grantee’s assets, and such petition is not dismissed, or such writ or warrant is not released or bonded, within thirty (30) days after the filing or levy; and

(7) **Judgments** -- If final judgment is entered against Grantee for the payment of money and such judgment is not fully covered by liability insurance and is in excess of Ten Thousand Dollars ($10,000.00) and is not discharged or appealed with execution of said judgment stayed pending appeal, or, if such judgment be affirmed on appeal and not discharged within thirty (30) days.

**Section 6.02 Remedies**

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

I. Wholly or partially terminate this Grant Agreement and the rights given to the Grantee in it;

II. Temporarily or permanently withhold or reduce funds not yet paid to the Grantee;

III. Recover funds previously paid to the Grantee;

IV. Disallow all or part of the cost of a noncompliant activity;

V. Wholly or partially suspend the Agreement;

VI. Exercise any and all additional rights the City may have in law or equity.

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

**ARTICLE VII- MISCELLANEOUS**

**Section 7.01 Waivers**

The City’s failure or delay in exercising any right, power, or remedy hereunder shall not operate as a waiver thereof. The City’s single or partial exercise of any such right, power or remedy shall not preclude any other or further exercise thereof of the exercise of any other right, power or remedy hereunder.
No modification or waiver of any provision of the Grant Documents, nor any consent to any departure by Grantee therefrom, shall in any event be effective or established by a court, custom, or course of dealing unless the same is in writing and executed by Grantee and the City. Such waiver of consent shall be effective only for the specific purpose for which it was given or limited to the particular breach so waived. Notice to or demand on Grantee in one instance shall not entitle Grantee to any other further notice or demand in other circumstance.

Section 7.02 Agreement Amendments

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

Section 7.03 Notices and Communications

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

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

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

With a copy to:

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

If to the Grantee:

WXZ Residential Group/Lakewood, LLC
22720 Fairview Center Dr # 150
Cleveland, OH 44126
ATTN: Jim Wymer, President
With a copy to:

Cary J. Zabell Co., L.P.A.
25201 Chagrin Blvd., Suite 130
Beachwood, OH 44122
Attn: Cary J. Zabell, Esq.

Section 7.04  Survival of Representations and Warranties

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

Section 7.05  Successors and Assignments

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

Section 7.06  Counterparts

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

Section 7.07  Prohibition Against Assigns

Grantee shall remain primarily liable for all obligations, terms, conditions and covenants stated herein. Grantee shall not assign, delegate, or transfer any or all of its rights or obligations under the Grant Documents without obtaining the prior written approval of the City, which permission shall not be unreasonably withheld; provided, however, that if the City approves such assignment or transfer, then Grantee and/or the permitted assignees shall be bound by the terms and conditions of the Agreement.

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

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

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

Section 7.09  Severability

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

**Section 7.10  Choice of Law**

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

**Section 7.11  Term of Agreement**

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

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

Signed and acknowledged in the presence of: 

______________________
By: ________________________________
Michael P. Summers, Mayor

______________________
Print

Address: 12650 Detroit Avenue
Lakewood, Ohio 44107

Signed and acknowledged in the presence of:

______________________
By: ________________________________
James R. Wymer, President

______________________
Print

Address: 22720 Fairview Center Dr # 150
Cleveland, OH 44126

Approved as to Legal Form:

By: ________________________________
Law Department
On this ____________ day of ________________, 2019, BEFORE ME, __________________ a Notary Public duly authorized in and for said County and State aforesaid to take acknowledgments, personally appeared Michael P. Summers, to me known to be Mayor of the CITY OF LAKEWOOD, an Ohio municipal corporation, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed and the free act and deed of said CITY OF LAKEWOOD.

IN WITNESS WHEREOF, I have hereunto set my hand and affix my official seal at __________________, Ohio, this ______ day of ____________, 2019.

____________________________________
Notary Public
Exhibit A

City Council Resolution
Exhibit B

Economic Development Grant Summary
WXZ Development
Economic Development Grant
Project Summary
June 2019

Project Overview

Project Site: 13900 Lake Avenue

WXZ Development has acquired the former Marathon Gas Station site at 13900 Lake Avenue. The former gas station requires environmental remediation in order to be suitable for residential use.

Partner: WXZ Development

Project Scope: Environmental remediation and site preparation including:
- Removal of Underground Storage Tanks
- Excavation and disposal of contaminated soil
- Backfill and grading with clean fill
- Demolition and disposal of the existing building and equipment
- Site preparation including grading and stormwater improvements

Timeline: Project is scheduled to begin in September 2019. Completion of the build-out is anticipated in late 2020.
Contact Name: Dan Wymer, President WXZ

Project Financials

Total Project Cost $3,000,000
Total Remediation and Site Preparation Cost: $350,000
Public Financing: $100,000  
28.5% of remediation cost.  
3% of completed project value

- City contribution capped at $100,000.  
- Single submission of qualifying expenses for rebate.  
- Rebate of up to $100,000 in environmental remediation costs if No Further Action Letter (NFA) is achieved

Private Financing: Approximately 97% of completed project value

- WXZ will utilize existing capital and private funds to complete the remediation and residential construction project.
Rationale for City Assistance:

The site requires approximately $350,000 in environmental remediation and site preparation work in order to meet all environmental requirements for residential re-use.

The city’s financial assistance is strictly for permanent physical improvements to the site. The goal is to make this property suitable for residential redevelopment that is more consistent with the base zoning of the district and the character of the neighborhood.

Project Description:

WXZ Development has proposed a four-unit townhome development for the 0.6 acre site. The four homes proposed would have first-floor master suites and architecturally complement the existing homes in the corridor.

WXZ is an innovative developer which has delivered quality residential projects throughout the region, most notable in the University Circle Neighborhood.

Converting this site from vacant lot which previously was the site of a non-conforming use is a priority for the city. We estimate that with target sales prices of $600,000 per unit, the property will generate approximately $75,000 per year in real estate taxes. Along with an estimated $4,000 / year in income taxes from four new households, the payback period for these grant funds is 1.5 years.
WXZ will submit invoices and proof of payment for qualifying expenses. 100% of approved costs will be rebated by the City after a No Further Action letter is obtained by the Bureau of Underground Storage Tank Regulation (BUSTR). City contributions will be capped at $100,000.

**City Protections:**

- Developer must secure commitments for private financing prior to issuance of Economic Development funds.
- WXZ Development will sign a completion guarantee.
- Environmental remediation of the site is crucial to redevelopment of this parcel. It is zoned as a Planned Development. The Planned Development approved by Council is residential. The site does not currently meet environmental standards for residential construction.
Exhibit C  
Scope of Work

Rebate-eligible activities:

- Underground Storage Tank removal: Remove (3) UST systems following BUSTR guidelines including fracturing and disposal of concrete paving over UST’s and product piping, draining and disposing of residual product in the tanks and lines, purge volatile vapors from UST’s, removing and disposing of the dispensers, product lines, and tanks. Collect soil and ground water samples for laboratory analysis of petroleum Group I & II chemicals of concern.

- Environmental Remediation: Excavation and disposal of contaminated soil, backfill the soil remediation, tank, and product line excavation areas with clean-engineered backfill.

- Demolition: Razing and disposal of the existing service station building, drives, parking areas and underground utilities.

- Site Preparation: Import and place clean engineered fill to bring the site up to sub-grade, replace storm drainage system.
RESOLUTION NO. 9096-19

BY: O’Malley

A Resolution to formally identify agreed-upon priorities that Council would like to see reflected in the 2020 budget.

WHEREAS, in recent years the Administration has taken charge of compiling the annual budget book and related appropriations ordinances; and

WHEREAS, with the support and encouragement of the Administration and all of Council, the Finance Committee initiated a series of meetings this September with the expressed goal of engaging Councilmembers early and actively in the budget process; and

WHEREAS, Councilmembers considered a number of proposed ideas for projects and policies to benefit the community, evaluated them by criteria such as alignment with City goals, achievability, and the number of residents benefitted, among many others; and

WHEREAS, at the culmination of this series of meetings, Council expressed support for the priorities included in the accompanying attachment(s); and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government, and the power to enact laws that are for health, safety, and welfare; now, therefore

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

Section 1. That this Council hereby establishes as among its preliminary priorities for the 2020 fiscal year those policies, projects, and initiatives included in the attachment and requests that the Administration consider these priorities in preparing its budget book and accompanying budget and appropriations legislation for fiscal year 2020.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. The Clerk of Council is hereby authorized and directed to forward a certified copy of this resolution to the Mayor and a copy of this Resolution shall be spread upon the minutes of this meeting.
Adopted: __________________________

__________________________________
President

__________________________________
Clerk

Approved: __________________________

__________________________________
Mayor
Attachment A - Council Budget Priority Proposals for FY 2020

To be provided
ORDINANCE NO. 16-19  

BY: GEORGE, RADER

AN ORDINANCE enacting new Chapter 110, Access Public Records, of the Codified Ordinances of the City of Lakewood to create transparency and timely easy-of-access to public records and set requirements for the city’s online public records request system.

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

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

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. New Chapter 110, Access Public Records, of the Codified Ordinances of the City of Lakewood, shall be enacted to read as follows:

CHAPTER 110  
Access to Public Records

Sec 110.10 Definitions
Sec 110.20 Records available to the public
Sec 110.30 Public Records Administrator
Sec 110.40 Records Retention Schedules
Sec 110.50 Records Request
Sec 110.60 Payment for Records
Sec 110.70 Public Records Training
Sec 110.80 Administrative Policy
Sec 110.90 Penalty

110.10 DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) “Document” means any method of storing information, including but not limited to spoken words, handwriting, typewriting, printing, photostating, photographing and any other form of communication or reproduction, whether a draft or final copy, upon any medium, including but not limited to computer data, paper, magnetic or paper tape, photographic film or prints, magnetic or punched cards, discs, drums and phonographic records.

(b) “Public record” means any document, device, or item, regardless of physical form or characteristic, including electronic records, created or received by or coming under the jurisdiction of any public office, which serves to document the organization, functions, policies, decisions, procedures, operation, or other activities of the office. All records which meet this definition are public records, unless exempted under section 149.43 of the Ohio Revised Code.
110.20 RECORDS AVAILABLE TO THE PUBLIC

(a) Except as provided by other provisions of municipal, state or federal law, the municipality shall make all public records open to inspection by any person, subject to guidelines regulating the time, place and manner of inspection.

(b) The types of records and information open to public inspection pursuant to this chapter shall include but shall not be limited to the following:

1. Financial and operational cost information, including information as to revenues, expenditures, indebtedness, departmental budget requests and formal departmental recommendations in regard to project priority.

2. Information relating to contracts to which the municipality is a party, including payment provisions, information relating to bids and requests for proposals received or solicited by the municipality, and information relating to the status of goods or services furnished pursuant to contract.

3. Regulatory, financial, assessment and tax information concerning real property located within the municipality.

4. Salary levels and fringe benefits accorded municipal officers and employees by law, including information in regard to the pay range and step grade of an employee or officer, and statistical analyses or compilations relating to municipal practices and policies concerning compensation for various occupational groups, departments and divisions.

5. Feasibility, management, cost effectiveness and similar reports prepared by the municipality or for the municipality under contract, whether in draft or final form, when such reports are prepared with municipal or other government monies.

(c) The City will maintain its records in a rational, coherent fashion, so as to comply with reasonable record requests.

(d) Redaction and removal of non-public information from requested documents shall be done in accordance with section 149.43 of the Ohio Revised Code. There shall be no redactions, removal of information or exempting of documents unless specifically allowed by or required by state or federal law. It shall be the policy of the City of Lakewood to construe those exemptions and exceptions in the most narrow possible manner.

(e) If a public records request is denied, in part or in whole, the public office shall provide the requestor with an explanation for the denial as provided for in Section 149.43(B)(3) of the Ohio Revised Code.

110.30 PUBLIC RECORDS ADMINISTRATOR

(a) This city shall designate a Public Records Administrator who shall be responsible for the maintenance of the public records for the City of Lakewood and for handling public records requests.

(b) The Public Records Administrator shall be a full-time employee of the City of Lakewood.
(c) The Public Records Administrator shall take all necessary actions to procure the requested documents from the relevant Department(s), shall distribute the documents for review to the Law Department, when necessary, and shall then provide to the requesting party the documents, or an explanation as to the reasons of any denial. The Administrator shall follow up with the appropriate department which holds the records at that time on a daily basis, until the records are obtained and released to the requesting party. If the request is denied, in addition to the explanation of the denial, the Administrator shall provide a statement recommending how, if possible, a records request might be reframed to obtain information that falls within the scope of the Public Records laws of Ohio and the City of Lakewood. The Administrator shall work with the requesting party to try to determine the intent of the request, by disclosing how the City’s records are kept and suggesting ways to reframe the request to obtain the information sought by the requestor. The Public Records Administrator is obligated to take all necessary actions to ensure optimal speed and thoroughness in responding to the public records request.

(d) The City shall list, on its website and in its directory, the physical location of the Public Records Administrator. The city shall also maintain hours of operation each day for a record request to be made and list those hours publicly.

110.40 RECORDS RETENTION SCHEDULES

Each department of the city shall have a records retention schedule in place, which shall specify, consistent with state law, the methods by which and the length of time that records shall be kept. Such schedule shall be kept on file by each public office as a public record and compiled in a central location in the public records portal. For any department that has a records retention schedule in place at the time that this chapter of the Lakewood Codified Ordinances becomes effective, that records retention schedule shall remain in effect until it is amended according to the procedure set forth in Section 149.38 of the Ohio Revised Code. Each department that does not have a records retention schedule in place at the time that this chapter becomes effective shall create a records retention schedule, in accordance with the procedure set forth in Section 149.38 of the Ohio Revised Code, not later than December 31, 2019.

110.50 RECORDS REQUEST

(a) Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity and specificity to allow the relevant public office to identify, retrieve, and review the records. Except as provided in 110.20 (B) The City may decline to create a record that contains the information requested if the record does not already exist, or to seek out and retrieve records that contain specific information that may be of interest to the requester.

(1) If a requester makes an ambiguous or overly broad request or has difficulty in making a request and before a request is denied, the city shall encourage the requester to revise the request to be specific as possible in terms of which records are being sought, time frame when the records may have been created and/or other information that may help the city in locating the record and aid in fulfilling the request.

(2) The requester is not required to know where a record is located or what time period a record was created. The City shall informing the requester
of the manner in which records are maintained by the public office and
accessed in the ordinary course of the public office's or person's duties to
help the requester in clarifying their revise request. Requesting that the
requester make clear and specific requests is only meant to aid in the
timely fulfillment of requests in accordance with ORC 149.43(B)(2)

(b) Requests may be made through the online records request system, in person, by
telephone, by email, or in writing. The City may not condition the availability of
public records by requiring disclosure of the requester’s identity or the intended use
of the requested public record. Should it facilitate a response or enhance the ability
of the City to identify, locate, or deliver the public records sought by the requester,
the City may inquire about the requester’s identity and/or the intended use of the
information requested. The City may do so, however, only after disclosing to the
requester that a written request is not mandatory and that requesters may decline to
reveal their identity or to provide information about the intended use of the
requested information.

(c) The City of Lakewood shall implement a processed public records request
system. This system shall perform the following functions:

1. The processing of records requests by having one online (on the city website)
location where any individual can submit a request for any public records they
believe are in the city’s possession, as well as a designated brick and mortar
location in the Public Records Administrator’s office for an individual to submit an
in-person request anonymously, should the requester choose to be anonymous;

2. Track requests in real time, including the time it takes to respond and fulfill the
request;

3. Allow direct two-way communication between the individual who submitted the
request and the Public Records Administrator;

4. Fulfill the request by delivering the requested material digitally through the
same system;

5. Save and store all requests, accessible to and searchable by the public and for
review and reporting purposes, in accordance with the appropriate retention
schedule.

(d) If a requester makes a public records request in person, via phone, email, or by
any means other than the online system to any employee of the city, that employee
is to either input the request into the online system, to track the request, or forward
the request to the Public Records Administrator for input into the online system and
further processing.

(e) Any employee who receives a public records request is encouraged to respond to
the requester with requested public record(s) if said public record(s) are accessible
by the employee and known by the employee to be public records. The public
records request online system is not intended to hinder in any way any employee’s
ability to respond to and fulfil records requests.

1. An employee of the city must immediately notify the Law Department for
guidance if they:

   i. Are unsure if the information requested is a public record or may contain
information that is exempt under the law;

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(ii) Receive a records request from an attorney or in the form of a subpoena.

(2) In all cases, a public records request is to be entered into the online request system for tracking upon receipt or shortly after fulfillment of the request. This may be done by any employee who received a request or by the Public Records Administrator.

(f) If a requester makes a request that is overly broad or ambiguous such that the City cannot reasonably identify what public records are being requested, the City is to provide the requester with an opportunity to revise the request. In doing so, the City shall assist the requester by informing the requester of the manner in which the department keeps its records.

(g) Should a request not be considered “routine”, such as a request seeking a voluminous number of copies or requiring extensive research or review, the City department should, whenever practicable, follow-up within two (2) days, indicating that it is in receipt of the request and that responsive records will be made available for inspection or copied as soon as practicable.

(h) The City may not limit the number of public records requests that a single individual can make, nor limit the number of public records that will be made available during a fixed period of time.

(i) When a public records request is made to examine a personnel file, the City department will, to the extent practicable, notify the employee that his or her records have been requested and, if known, the name of the individual making the request. Any request for law enforcement or firefighter personnel records shall be immediately forwarded to the Law department for redaction pursuant to the applicable statute.

(j) The city shall make this system available to the public no later than one (1) month after the effective date of this ordinance and shall keep the system live and available to the public, with only the exception of necessary maintenance, in perpetuity.

(k) The city shall monitor all requests and respond to all requests with confirmation of receipt within two (2) regular business days of receipt. Business day shall be defined as any day that City Hall is open, i.e. Monday through Friday except holidays.

110.60 PAYMENT FOR RECORDS

(a) The City may require prepayment of costs associated with producing copies, including actual copying and mailing expenses. The City may only charge its actual costs of producing copies of the records.

(b) The city shall create, and update as needed, a fee schedule to be used to assess the requester for actual cost of the production of records.

(c) This fee schedule shall be made publicly available on the city’s website and upon request.

110.70 PUBLIC RECORDS TRAINING

All elected public officials and the public records administrator shall attend training on public records policy approved by the Ohio Attorney General, as provided for in
Section 109.43 of the Ohio Revised Code. Each public office shall encourage other appropriate persons to receive public records training.

110.80 ADMINISTRATIVE POLICY

The city, at the discretion of the Mayor or the mayor’s designee, may develop policies to help guide the public access to records processes and to guide the implementation of the records request system, provided these polices do not in any way infringe upon, or conflict with this ordinance.

110.90 PENALTY

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records failed to comply with an obligation in accordance this section, beginning with the day on which the requester files a mandamus action to recover statutory damages, up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

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 deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: ___________________________  PRESIDENT

______________________________

CLERK

Approved: ___________________________  MAYOR

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AN ORDINANCE repealing 905.07 Animals, and enacting a new 905.07 Animals which require that all dogs in any park be registered with the County Fiscal Officer and wear a registration tag.

WHEREAS, the greater Lakewood community values the inclusion of dogs in its neighborhoods and parks; and

WHEREAS, the general welfare of all animals in need of shelter, food and care at the Cuyahoga County Animal Shelter remains a vital need for hundreds of dogs and animals every year; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That Section 905.07, Animals, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

905.07 ANIMALS.

(a) Animals Prohibited. No dogs or other animals shall be allowed within the parks, with the exception of those animals specifically authorized by the Director of Public Works or by ordinance.

(b) Feeding of Animals Prohibited. No person shall feed or otherwise provide food to geese, other wild animals and/or birds within the parks.

(c) Molesting Animals. No person shall use any weapon, stick, stone or missile of any kind in the destruction or injury of or to, or in such manner as to disturb or molest, any wild or domestic fowl, animal or fish properly within the park limits.

(d) If dogs are permitted within any park pursuant to subsection (a) hereof, no person shall fail to adhere to the following rules and restrictions:

(1) Any dog must be on a leash that is extended no farther than six feet and must wear a collar or harness that must be specifically made or manufactured to be the proper size and strength for that particular dog.

(2) Any dog must be under control of a person who possesses discretion and physical strength sufficient to exercise reasonable restraint and control conforming to the animal’s weight, size and strength.

(3) Any person bringing a dog into a park or exercising control of a dog while in a park shall promptly clean up any waste from the dog and place it in the receptacles provided.

(4) At Lakewood Park:

   A. Any person walking a dog on paved paths shall yield way to any and all traffic on the paths without dogs and shall obey other rules related to traffic on paved paths at the park posted by the Director of Public Works.

   B. Dogs shall be prohibited on July 4 and on any days or portions of days during which widely-attended public events, including but not limited to City-sponsored events or events for which a “Special Event Permit” has been issued, shall be staged wholly or in part at Lakewood Park and at which the Chief of Police or the Director of Public Works determines that prohibiting leashed dog walking at Lakewood Park would be conducive to public safety. At such times that dogs shall be prohibited in a park, signs indicating the prohibition shall be conspicuously posted at entrances to the park.
Notwithstanding any provision of this section, dogs shall be prohibited from the following areas within Madison Park, Lakewood Park and Kauffman Park:

A. Playground equipment, playground areas, and 30 feet immediately surrounding;
B. The athletic fields, courts and skating areas, whether or not they are in use;
C. Any garden or decorative areas planted with vegetables;
D. Flowers, shrubs or other decorative vegetation;
E. The Kiwanis Pavilion; and
F. The handicap-accessible ramp which extends from the eastern end of the top of the bluff to the lower lakefront promenade.

is hereby repealed.

Section 2. Section 905.07 Animals, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

905.07 ANIMALS.
(a) Animals Prohibited. No dogs or other animals shall be allowed within the parks, with the exception of those animals specifically authorized by the Director of Public Works or by ordinance.
(b) Feeding of Animals Prohibited. No person shall feed or otherwise provide food to geese, other wild animals and/or birds within the parks.
(c) Molesting Animals. No person shall use any weapon, stick, stone or missile of any kind in the destruction or injury of or to, or in such manner as to disturb or molest, any wild or domestic fowl, animal or fish properly within the park limits.
(d) If dogs are permitted within any park pursuant to subsection (a) hereof, no person shall fail to adhere to the following rules and restrictions:
   (1) Any dog must be on a leash that is extended no farther than six feet and must wear a collar or harness that must be specifically made or manufactured to be the proper size and strength for that particular dog.
   (2) Any dog must be under control of a person who possesses discretion and physical strength sufficient to exercise reasonable restraint and control conforming to the animal’s weight, size and strength.
   (3) Any person bringing a dog into a park or exercising control of a dog while in a park shall promptly clean up any waste from the dog and place it in the receptacles provided.
   (4) Any dog must be registered with the County Fiscal Officer and wear a registration tag.
   (5) At Lakewood Park:
      A. Any person walking a dog on paved paths shall yield way to any and all traffic on the paths without dogs and shall obey other rules related to traffic on paved paths at the park posted by the Director of Public Works.
      B. Dogs shall be prohibited on July 4 and on any days or portions of days during which widely-attended public events, including but not limited to City-sponsored events or events for which a “Special Event Permit” has been issued, shall be staged wholly or in part at Lakewood Park and at which the Chief of Police or the Director of Public Works determines that prohibiting leashed dog walking at Lakewood Park would be conducive to public safety. At such times that dogs shall be prohibited in a park, signs indicating the prohibition shall be conspicuously posted at entrances to the park.
      (5) Notwithstanding any provision of this section, dogs shall be prohibited from the following areas within Madison Park, Lakewood Park and Kauffman Park:
         A. Playground equipment, playground areas, and 30 feet immediately surrounding;
         B. The athletic fields, courts and skating areas, whether or not they are in use;
         C. Any garden or decorative areas planted with vegetables;
         D. Flowers, shrubs or other decorative vegetation;
         E. The Kiwanis Pavilion; and
F. The handicap-accessible ramp which extends from the eastern end of the top of the bluff to the lower lakefront promenade.

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

Adopted: _________________________ ____________________________________

President of Council

____________________________________

Clerk of Council

Approved: ________________________ ____________________________________

Mayor
RESOLUTION NO. 9080-19

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor and Director of Law to enter into a purchase agreement with Emerald Light Investments, Ltd., an Ohio limited liability company, owner of the property located at 18100 Detroit Avenue, Lakewood, Ohio (PPN 311-17-013), and to execute all documents necessary to effectuate the purchase and sale according to the terms of that agreement.

WHEREAS, the City has determined that it is in the best interests of the citizens to purchase a portion of the property located at 18100 Detroit Avenue for the purpose of expanding the City’s adjacent Fire Station No. 2, and has come to terms with the property owner for its purchase and sale; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government, and the power to enact laws that are for the health, safety, welfare; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that it is necessary and in the best interest of the City to purchase this property and immediately put it to use for the benefit of the citizens; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor and Director of Law are hereby authorized to enter into an agreement, in substantially the same form as attached as Exhibit A, with Emerald Light Investments, Ltd., an Ohio limited liability company, owner of the property located at 18100 Detroit Avenue, Lakewood, Ohio (PPN 311-17-013), and to execute all documents necessary to effectuate the purchase and sale according to the terms of that agreement.

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

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of the 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
Purchase Agreement
(to be provided)
ORDINANCE NO. 26-19

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force 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, American Legal Publishing seeks to complete a revised and updated version 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, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, 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 June 2019 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:

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>06-19</td>
<td>7/1/2019</td>
<td>549.051, 549.03, 549.04, 549.06, 549.08, 549.12, 549.27</td>
</tr>
<tr>
<td>22-19</td>
<td>7/1/2019</td>
<td>Chapter 1308</td>
</tr>
<tr>
<td>09-19</td>
<td>7/15/2019</td>
<td>1105.02</td>
</tr>
<tr>
<td>20-19</td>
<td>7/15/2019</td>
<td>Chapter 159</td>
</tr>
<tr>
<td>19-19</td>
<td>9/3/2019</td>
<td>541.04</td>
</tr>
<tr>
<td>05-19</td>
<td>9/3/2019</td>
<td>331.345</td>
</tr>
</tbody>
</table>

Section 2. The Third 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 two thirds of the 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
October 7, 2019

Lakewood City Council
Lakewood, Ohio

Re: WIC Perks pilot project at Lakewood Farmers Market.

Dear Members of Council,

Please join me in recognizing the Lakewood Farmers Market, the MetroHealth System – Cuyahoga County WIC, and Ohio State University Extension for its successful partnership piloting WIC Perks at the Lakewood Farmers Market this season.

The purpose of WIC Perks is to increase access to fresh fruits and vegetables for WIC recipients. The way it works is that WIC recipients were given the opportunity to participate in a brief cooking demonstration or education table on two separate occasions at the Lakewood Farmers Market. In exchange for their participation, they received a $20 farmers market voucher. Of the four farmers markets in Cuyahoga County that participated in WIC Perks, the Lakewood Farmers Market experienced the highest turnout of eligible participants, resulting in these families receiving an additional $5,140 to spend on fresh fruits and vegetables.

I am proud that the Lakewood Farmers Market was selected as one of the pilot markets for WIC Perks and distinguished itself with its high turnout. At this time, I would like to recognize representatives from the Lakewood Farmers Market, the MetroHealth System – Cuyahoga County WIC, and Ohio State University Extension who are here with us tonight and invite them to say a few words.

Move to receive and file this communication.

Sincerely,

Tristan Rader
Councilmember At Large
It's the healthy way to stretch your SNAP.

Buy a little Get a lot

Are you shopping with SNAP/EBT today?
Visit the Customer Service Booth to get up to $20 in FREE fruits & vegetables with Produce Perks!

Cuyahoga County
Women, Infants & Children (WIC) Program
For WIC information call: 216-957-9421
RESOLUTION NO. 9094-19  BY: RADER

A RESOLUTION to recognize the success of the WIC Perks pilot project which provided fresh produce vouchers to 257 families visiting the Lakewood Farmers Market this season.

WHEREAS, the Lakewood Farmers Market, the MetroHealth System – Cuyahoga County WIC, and Ohio State University Extension partnered together to increase access to fresh produce for WIC recipients and to support the Lakewood Farmers Market and the farmers who sell produce there; and,

WHEREAS, the WIC Perks pilot project provided participating families a $20 produce voucher, redeemable at farmers markets, in exchange for participating in either a 15-minute cooking demonstration or information table intended to support families in making healthy food choices; and,

WHEREAS, the WIC Perks pilot project is the first of its kind in Ohio and is directly responsive to the recommendations of a 2017 USDA Committee which called for increasing the produce value of WIC vouchers to encourage increased consumption of key nutrients; and,

WHEREAS, of the four farmers markets in Cuyahoga County that participated in WIC Perks, the Lakewood Farmers Market experienced the highest turnout of eligible participants, resulting in these families receiving an additional $5,140 to spend on fresh fruits and vegetables; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That this Council recognizes and thanks the Lakewood Farmers Market, the MetroHealth System – Cuyahoga County WIC, and Ohio State University Extension for its successful partnership piloting WIC Perks in Lakewood.

Section 2. That this Council embraces the goal of WIC Perks to increase access to fresh produce for those who experience food insecurity.

Section 3. That the Clerk of Council is hereby authorized and directed to transmit this resolution to leaders from the Lakewood Farmers Market, the MetroHealth System – Cuyahoga County WIC, and Ohio State University Extension and that a copy of this resolution be spread upon the minutes of this meeting.

Adopted: ___________________________ ______________________________

PRESIDENT

CLERK

Approved: ___________________________ ______________________________

MAYOR
October 7, 2019

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: Report on findings from 2019 Midwest Green Transportation Forum & Expo

Dear Colleagues,

I recently attended the 2019 Midwest Green Transportation Forum & Expo in Columbus to learn about the latest clean fuels and clean vehicle technologies hitting the market as well as advanced transportation topics such as connected and autonomous vehicles. The conference provided many learning opportunities from vendors, commercial developers, planners, fleet owners, and municipalities that have experience in these areas—an excellent experience that I recommend to you for next year. This communication serves as a report on my findings and a placeholder for deliberations on steps the City might take.

**Trends:**
- The acronym “ACES” summarizes a constellation of advanced transportation trends: Autonomous, Connected, Electric, Shared. In addition to emissions reduction, the anticipated benefits include lower costs, superior coordination, and new efficiencies.
- Micromobility is a fast-emerging trend. An example of this is the electric scooters seen in Cleveland.
- Electric vehicle (EV) adoption is expanding rapidly: there are more than 60 million EVs on the road today, and this number will more than double by 2025. New car sales are projected to be 55 percent of electric by 2040 (source: Bloomberg New Energy Finance, May 2018).

**Findings:**
- On top of fuel cost savings, idle reduction and switching away from diesel and gasoline can produce significant savings in maintenance. Lakewood’s short distances and moderate speeds magnify this trend.
- Our fleet can adopt a two-prong strategy: purchase clean technology when for new vehicles and retrofit existing vehicles with anti-idling systems to make cost and emissions gains during their usable life.
- Our metric for measuring progress should be based on conventional fuel displaced from a business-as-usual case, versus tallying vehicle numbers and type.
- Lakewood attracted a high level of interest from EV charging infrastructure vendors and from the Ohio EPA, since we are viewed as early adopters in Northeast Ohio, which so far lags behind central Ohio.
• The State of Ohio is a national leader in field testing connected and autonomous vehicles, which includes the stationary computer hardware that they communicate with. ODOT funds and owns this equipment in the City of Dublin, which anticipates being able to manage parking via smart tools, among other benefits.

**Opportunities:**
- Early adoption of EVs could lead to opportunities for early adoption of connected and autonomous vehicles, which are closely correlated with EVs.
- Early adoption could position Lakewood for successful grant application to Ohio EPA & ODOT.
- Long-term, use of smart transportation could result in parking and traffic efficiencies as mode shift away from single-occupancy automobiles, reducing externalities (i.e. the normally unaccounted-for costs of parking, congestion, emissions and health impacts).

**Action Items:**
- Pilot anti-idling systems for potential broader use;
- Learn about all-electric heavy-duty vehicles for potential acquisition, including the nation’s first all-electric automated side-loader refuse truck;
- Continue learning about electric charging infrastructure to expand options available to the City and to private property owners in Lakewood;
- Join Clean Fuels Ohio as a dues-paying member to access from consulting services for advanced fuels and vehicle technologies;
- Develop a strategy to attain a “green fleet” certification from Clean Fuels Ohio in the near future—a designation based on conventional fuel displaced from business-as-usual operations.

I urge the City to continue our leadership in this area and to carve out a leadership position in the emerging field of clean, smart transportation. I request a referral of this communication to the Public Works Committee for further discussion.

Sincerely,

Thomas R. Bullock III  
Member of Council, at Large
October 7, 2019

Lakewood City Council
Lakewood, Ohio

Re: Animal Safety & Welfare Advisory Board Appointment

Dear Members of Council,

It is my pleasure to inform you that I am officially re-appointing Cassie Gaffney to the Animal Safety & Welfare Advisory Board for a two-year term beginning January 1, 2020 and expiring December 31, 2021. I am grateful that Ms. Gaffney stepped up earlier this year to fill an unexpired term and I appreciate that she is enthusiastic about remaining on the Board.

Ms. Gaffney has been an engaged member of the Board thus far and brings with her a love of animals as well as valuable experience as an advocate at multiple levels of government.

Please join me in thanking Cassie Gaffney for her continuing commitment to the Animal Safety & Welfare Advisory Board! Move to receive and file this communication.

Sincerely,

Tristan Rader
Councilmember At-Large
October 7th, 2019

Lakewood City Council
12650 Detroit Ave.
Lakewood Ohio 44107

Dear Members of Council,

On July 12th, 2019 two of our Lakewood Police Officers, Ron Bunner and Jakub Mejstrik, spent over 40 minutes on the roof of a ten-story building with a person in crisis. Both are trained Crisis Intervention Officers and they utilized all their skills in saving the male from jumping from the roof and obtaining needed treatment for him. These officers put their own lives in jeopardy to save another’s life. Please assist me in congratulating them and awarding them both the Lakewood Police Department Medal of Honor.

Sincerely,

Chief Timothy J. Malley
October 2, 2019

Lakewood City Council Members
Lakewood, Ohio 44107

Re: Investment in Human Capital

Dear Members of City Council,

The most significant aspect of our organization’s capacity to serve our citizens includes the effort and performance of our employees. Over 75% of our costs are related to our human resources.

A unique aspect of our city’s work is that much of it is performed by self-directed employees. Think of our street crews working to patch a watermain break, our police officers on patrol, our refuse crews collecting refuse in the neighborhoods, parks employees working independently maintaining our 75 acres of parkland. There are many more examples of why it is appropriate to invest in our human capital to serve and advance the interests of our citizens.

Tonight, Leslie Yerkes, of Catalyst Consulting will share the scope and results of our investment in our organization’s leadership capacity.

You will learn how a consortium of Organization Behavior experts have worked together to grow the abilities of nearly 100 of our employees. You will learn how they gained improved self-understanding of their personal strengths and weakness, identified opportunities to improve their leadership abilities, and added new skills for their leadership effectiveness.

Catalyst Consulting has worked with the Lakewood Board of Education, First Federal of Lakewood, Lakewood Congregational Church, as well as hundreds of organizations across the world.

Sincerely

Michael P. Summers
October 2, 2019

Lakewood City Council Members
Lakewood, Ohio 44107

Re: Resolution Authorizing the Issuance of a Design Build RFQ for Adaptive Reuse of Cove Church

Dear City Council Members,

On September 30, 2019 we began a more in depth discussion about the future of the Cove Church property. Following this letter is legislation authorizing the issuance of an RFQ for the Design Build Adaptive Reuse of Cove Church. A Design Build approach to this project is recommended as the best approach because it will provide the city with more opportunity to participate in the design and the managing of the budget. In addition, the city will have one contract with the contractor who will have contracts with the rest of the contractor’s team - the architect/designers and other subcontractors. This minimizes the City’s involvement in any potential conflict amongst the builders and designers.

I thought it would be helpful as we continue our discussions about the Cove Church property to have a draft RFQ for Design Build for Intergenerational Community Center Adaptive Reuse of the former Cove United Methodist Church to review. That draft RFQ is attached to this letter.

I look forward to continued discussions and future decisions about the plans for Cove Church and the RFQ and Design Build process. Thank you for referring this matter to the appropriate committee for further discussion.

Sincerely,

Michael P. Summers
CITY OF LAKEWOOD

REQUEST FOR QUALIFICATIONS FOR DESIGN-BUILD SERVICES

RFQ
The City of Lakewood’s Intergenerational Community Center
Adaptive Reuse of the former Cove United Methodist Church

Issued October 22, 2019

Statement of Qualifications due by 4:00pm on November 12, 2019

(Image taken from original 1969 architectural drawings)
GENERAL DESCRIPTION OF WORK

The City of Lakewood is seeking a contractor-led design-build team to provide professional design and construction services for the adaptive reuse of the former Cove United Methodist Church and its surroundings for the city’s Intergenerational Community Center – The Gathering Place (“Project”). The Project will consolidate the Department of Human Services (DOHS) from (3) buildings around the city into one building, while expanding the capacity of unique services provided by a city government.

The existing Cove Church property is located on a 1.77-acre site. The building, constructed around 1969, is approximately 18,000 sf (lower level, ground floor, and loft space). The site includes green space and a +/-40 space parking lot. There is an additional one-car detached garage on the property excluded from the building square footage.

The building stopped religious services in May 2018 and was decommissioned. The city acquired the property in June of 2019 after determining the building will accommodate the square footage needs of the Department of Human Services three divisions – Early Childhood, Youth Services and Aging. The Department of Human Services facilities currently includes three separate buildings, totaling more than 25,000sf.

The adaptive reuse of the Project is expected to include, but not limited to, interior and exterior building improvements, compliance with universal design standards, as well as mechanical, electrical and plumbing upgrades. Additional site improvements may include, but not limited to, landscaping and hard scapes, reimagined entry, and signage. The final scope of work for site improvements is pending determination of the city’s storm water management plan.

The Design-Builder will be responsible for developing the final design criteria package for the project with the Owner, design and permitting documents, evaluation of existing conditions, and for all modifications of the Project including, but not limited to, improvements to the core, shell, and interior of the building, and site improvements. Additional and complimentary improvements may include, but not limited to selection of fixtures, furniture and equipment, and assisting staff with community engagement to determine new programming elements.

PROJECT GOALS

1. Relocate the Department of Human Services into one facility that meets and exceeds the needs of the current core services
   a. Division of Aging – +1100 seniors
      i. provides 100+ meals on-site per day
      ii. Provides 100+ meals off-site per day
      iii. Meets transportation needs of the Aging population for non-emergency medical appointments
   b. Division of Early Childhood - +300 families
      i. Recreates the Family Room environment to provide a place for families to connect and engage with others during a vulnerable time
      ii. Allow for smaller environments within the larger Family Room for conversations, gathering, play and age-related activities
   c. Division of Youth Services – comprised of Juvenile Diversion and H2O (Help to Others)
      i. Rooms require privacy / confidential conversations / supervision
      ii. Meeting room available day/night allowing for play, education, and meals
      iii. Storage specific to H2O needs for off-site work
   d. Commonalities
      i. Kitchenette for staff, informal meeting space, community members
      ii. Storage / File storage room
      iii. Community Rooms / Meeting Rooms / Visitation Rooms / Multi-purpose space / Curated outdoor space
iv. Expanding programming needs to reach a larger audience, including hours of operation

2. Follows the “Café Model” community center by providing:
   a. Congregate meals for multi-generational families from 8am-2pm, and ability to expand to evening meals
   b. A creative blend of the health and wellness focus through traditional and innovative programs as expressed in the city’s community vision
   c. Supplemented programming through lifelong learning opportunities – arts and creativity, technology, music and entertainment
   d. The creativity to allow for a revenue stream, such as a catering kitchen available to a wider public

3. Design excellence is achieved with:
   a. A memorable design solution that exceeds the Owner’s vision and defined functional requirements to provide high-quality services unique to a city government both today and moving forward
   b. Creative space for a robust volunteer program to cross pollinate populations in order to create Lakewood’s intergenerational community center
   c. State of the art structures and facilities that are high performance with an innovative approach to energy efficiency and sustainability
   d. Successful incorporation of programming needs based on community input into the final design
   e. Attracting an underserved population aging from 18-59, who are not raising children
   f. A holistic awareness that considers the context, site, and the environment

PROJECT LOCATION
The boundaries of the project site include Lake Ave to the north, Cove Ave to the west, Clifton Blvd to the south and private residential properties to the west.

CRITERIA ARCHITECT
The Owner will serve as the criteria architect for the project (or Owner’s designee).

PROJECT BUDGET
The Owner has established the following budget for the project:
$4 million total project costs, including but not limited to design, selective demolition, fixtures, furniture, equipment, and construction, and as defined by project goals and design-builder responsibilities.
Identification of additional funding sources will occur concurrently and may impact the pace of the project schedule.

PROJECT DELIVERY AND DESIGN BUILDER’S RESPONSIBILITIES
The Project will be constructed using the Design-Build project delivery model as generally described below.

1. Design Criteria
   The Owner will serve as the Criteria Architect and work with the Design-Builder to develop the final program, scope, and design of the Project, and to validate design intent during completion of design by the Design-Builder’s architect/engineer (“A/E”). Additional input related to programming needs will be gathered by the Owner through community engagement to be incorporated into the final design criteria package. The A/E team members will be responsible for, among other duties, reviewing select shop drawings and other submittals with the Owner in order to certify pay applications and verify dates of substantial and final completion.
(Preliminary Design Criteria package attached.)
2. Design-Builder
The Design-Builder will be selected in a two-stage process in accordance with ORC 153.693, which shall include a statement of qualifications (SOQ) from firms desiring to be considered, followed by a selection of a short list of firms requested to provide a cost proposal for pre-construction and design fees, as well as fees associated with the project based on the Owner’s estimate of construction costs. Separate GMPs may be requested for separate sections of the Project.

The Design-Builder shall work cooperatively with Owner/Criteria Architect and other design professionals to provide, among other services, design, structural and MEP, cost estimating, due diligence, budgeting, value engineering, constructibility, scheduling, pre-construction, construction phasing throughout the pre-construction phase of the Project. The Design-Builder, through its A/E, shall produce the detailed design development documents and construction documents.

3. Development of the GMP
When the design documents are at a 30% stage of completion, or as agreed upon by the Owner and Design-Builder, the Design-Builder shall submit its proposed GMP to Owner/Criteria Architect, and the proposal shall include, at a minimum, the following:

- Detailed breakdown of the GMP to include Cost of Work, detailed by each subcontract, trade, or bid division, the Design-Builder’s contingency for the work, Design-Builder’s staffing cost, General Conditions, Overhead and Profit. Work to be self-performed by the Design-Builder shall be pre-approved by the Owner. Competitive prices for rented equipment and materials shall be secured, in addition to, pre-established labor rates
- Schedule of values that allocates the GMP among the various categories of work and services being provided by the Design-Builder
- Construction schedule
- Complete Design Development documents as approved by the Owner/Criteria Architect
- List of any incomplete design elements and a statement of intended scope with respect to such incomplete elements
- List of any qualifications and assumptions relating to the GMP

4. Construction Documents
After the GMP is established, the Design-Builder, through the A/E, shall proceed to complete the construction documents. During this stage of document production, the design documents will continue to be reviewed by the Owner/Criteria Architect for consistency with design intent of the documents prepared by the Owner and the GMP documents as approved by Owner.

5. Coordination of Documents
Design-Builder shall be responsible for the quality, completeness, accuracy and coordination of the construction documents. Design-Builder shall provide for all testing and inspections required by sound architectural and engineering practices and by government authorities having jurisdiction over the Project. Design-Builder shall secure all necessary approvals to complete the work.

6. Open Book
The parties will engage in an “open book” process in which Owner/Criteria Architect and Design-Builder will review bids for trade work as available at the time the GMP is established, the costs proposed for the general conditions, of the Design-Builder and the fee of the Design-Builder. For each subcontract, there will be a competitive pricing obtained from a list of mutually agreed-upon subcontractors. Self-performed work shall be pre-approved by Owner in strict accordance with the Request for Proposals (RFP)
7. **Construction Phase Services**
   The Design-Builder shall construct the Project pursuant to the construction documents and in accordance with the Owner’s schedule requirements. The Design-Builder shall hold all subcontracts and shall be fully responsible for the means and methods of construction, project safety, project completion within an agreed upon schedule in the pre-construction phase, monitoring compliance with all equal employment, prevailing wage requirements and funding sources, as well as submitting monthly reports of these activities to the Owner.

**PROJECT SCHEDULE** (DRAFT - Subject to Change)
- Design-Builder Contract Negotiation: January 2020
- Final Design Criteria Package: March 2020
- Design Documents begins: April 2020
- Furniture Package: May – August 2020
- Initial GMP proposal and 30% DDs: June 2020
- *Phased Construction/Repairs Begin: July 2020
- GMP Proposal and 75% CDs: Sept 2020
- Main Construction Begins: October 2020
- Project Completion: July 2021

*Abatement schedule/process /cost to be determined

**STATEMENT OF QUALIFICATIONS**

**SOQ Format Requirements**
Electronic SOQs shall be formatted in a searchable .pdf format. Hard copies to be bound. Pages shall be 8.5 x 11 inches, except for relevant Projects of Similar Scope and Complexity pages, which may be presented in 11x17 inch format if limited to only graphics, images, and/or designs and may not be used for narratives. Font shall be no smaller than 10 point.

**SOQ EVALUATION CRITERIA AND SUBMITTALS INFORMATION**

**SOQ Evaluation and Ranking**
- General Firm Information (No points)
- Technical and Management Qualifications (Total 100%)
  - Project Team Organization (5%)
  - Projects of Similar Scope and Complexity (30%)
  - Design-Build A/E Past Performance (30%)
  - Design-Build Construction Past Performance (30%)
  - Team’s Benefit and Integration into Project (5%)

**General Firm Information**
- Letter of Interest must include: the name, address, phone number, and email address of the offices where personnel assigned to the Project will be based; name, title, and phone number of principal contact person
- Company Overview for each of the firms listed above, to include: years of existence, legal form of firm (corporation, partnership, joint venture, etc.), location of home office, general firm history
- Insurance Certificate documenting firm’s current limits of liability for commercial general liability, business automobile liability and professional liability insurance
- Performance and Payment Bond confirming ability to obtain performance/payment bond in the amount of (xxxxxx)
- Sub-Consultants planned to be utilized for the Project (ie, architect, structural engineer, landscape architect, MEP engineers, community engagement consultant). Please be certain all disciplines are
included. Provide the same items required of the prime firm (ie, cover letter, company overview, insurance certificate).

Technical and Management Qualifications
The SOQ shall demonstrate the Design-Builder’s ability to undertake the Project by providing the technical and management qualifications of Teams and Key Team Members. Emphasis will be placed on past performance and expertise in performing substantive work on projects that are of Similar Scope and Complexity. The Owner reserves the right to award more points that have characteristics as set forth as defined in the Projects of Similar Scope and Complexity. The Owner also reserves the right to award more points to successful projects in which Key Team Members have previously worked on under the Design-Builder.

- Project Team Organization (5%)
  Resumes of principals of each firm (Design-Build, A/E, and sub-consultants) and that of each key team member expected to work on the project. Each resume should include one paragraph of the anticipated duties and responsibilities for the Project. List prior experience of Key Team Members on similar projects. (Max. 1-page per team member)

  Key Team Members should include at a minimum:
  - person responsible for overall management of the Project and design-build contract
  - designer of record
  - person responsible for overall construction management
  - site superintendent
  - person responsible for quality assurance
  - person responsible for risk management
  - person responsible for cost controls and budgeting
  - person responsible for scheduling
  - person responsible for systems testing, configuration and commissioning

Describe the anticipated working relationship between the Design-Builder, A/E, and any sub-consultants, and relationship and history of coordination of the Team.

Provide a list of the present significant projects and any heavy workload considerations or deadlines for the Design-Builder, A/E, and sub-consultants.

- Projects of Similar Scope and Complexity (30%) (Max. 10 projects, 20 pages)
  Relevant projects of similar nature, in particular cost and constructability analysis, projects completed for city governments, and adaptive reuse projects, and that had many or all of the following characteristics:
  - Projects which utilized an integrated project delivery method requiring strong coordination and integration of design and construction professionals and early involvement of all construction professionals during design
  - Projects where the Design-Builder was selected prior to the establishment of the final price and schedule where the Design-Builder collaborated with the Owner to develop the final price and schedule
  - Projects of a similar size and budget that included design and construction
  - Projects which incorporated input from community members related to programming needs

Include the following for each project:
  - Description of the project and services provided, including key staff members and role
  - Name, title, and telephone number of client contact most familiar with your services on the project
- Initial contract price, final contract price, and explanation for any differences between the two
- Initial date scheduled for substantial completion, the actual date of substantial completion, and an explanation for any differences between the two dates
- Narrative explaining community engagement
- History of collaboration between firms on team

- **Design-Build A/E Past Performance (30%)**
  - Describe the Design-Builder Team's past performance in managing the design process
  - Describe the Design-Builder’s experience with cost and constructibility planning related to the adaptive reuse of existing buildings, innovation related to energy efficiency and sustainability
  - Describe any issues or problems that arose on a project of similar scope and complexity and how those issues or problems were resolved.

- **Design-Build Construction Past Performance (30%)**
  - Describe the Design-Builder Team’s past performance with management and construction.
    - Include the Team’s approach for the following:
      - Sequencing construction activities to maximize efficiency and minimize impact on the owner
      - Assessing whether the Design-Builder has achieved performance requirements
      - Change orders
      - Configuration, commissioning and testing for Projects of Similar Scope and Complexity

- **Team’s Benefit and Integration into Project (5%)**
  - Describe firm’s reason for interest in the project, anticipated added value to the project, and approach to community engagement and inclusivity. (Max. 1-page)

**INTERVIEWS AND SELECTION**

**Short List**
This RFQ invites firms to submit SOQs describing in detail their technical, management, and financial qualifications to design, permit, construct, commission and close out the Project. The issuance of this RFQ is the first phase of the procurement process. All SOQ will be evaluated solely in accordance with the criteria established in the RFQ and any Addenda issued thereto. The evaluation criteria are listed above, including the relative weight or importance for each criterion. Not more than three responsive and responsible firms will be selected as short listed. Only those short listed firms will be invited to submit a Proposal in response to the Request for Proposals (RFP).

**Request for Proposals**
The short listed firms shall be sent an RFP inviting firms to submit a pricing proposal containing their proposed fees for services. The RFP will further explain the evaluation criteria and elements of the RFP process.

**Interviews**
In addition to submitting a response to the RFP, short listed firms will be interviewed by the Owner. The purpose of the interview will be to meet the proposed project team, become familiar with key team members, and understand the Project approach and ability to meet Owner’s stated objectives for the Project. Please be prepared to discuss with specificity the firm’s capacity to conduct the design-builder services in compliance with the Owner’s budget and schedule.
Selection of Design-Builder
Owner shall enter into contract negotiations with the team/firm deemed to be the best value and best qualified for this Project. Upon negotiation of contract terms, an agreement shall be entered into between Owner and the firm chosen to be the Design-Builder.

SELECTION SCHEDULE (DRAFT - Subject to Change)

- October 22: RFQ issued (council meeting October 21)
- October 28 (5pm): Questions Submitted to (contact name)
- November 1 (5pm): Owner Responses posted
- November 12 (4pm): RFQ submittal deadline
- November 22: Short List and RFP issued
- November TBD: Mandatory walk-through
- December 13: RFP submittal deadline
- December 16-20: Interviews
- December 23: Selection/Recommendation of Design-Builder
- January 2020: Design-Builder Contract Negotiations

INSTRUCTIONS FOR SUBMISSION
Submit X hard copies and (1) .pdf copy on a thumb drive of the Statement of Qualifications by 4:00pm on November 12, 2019. Responses must be sent to: Allison Hennie, RA
City of Lakewood
Planning and Development
12650 Detroit Ave
Lakewood OH 44107

LIST OF ATTACHMENTS (TBD)
- Existing drawings (1969)
- Preliminary fit plans
- Programming matrix
- Supplementary programming documents
- Images of existing conditions at DOHS facilities, as well as Cove Church
- Following list TBD (Not all may be complete by release of RFQ)
  - Initial MEP assessment, Appraisal, Environmental report

Communications
Firm’s considering responding to this RFQ are required to conduct the preparation of the SOQs with professional integrity and prohibited from communicating with any member of the Owner’s staff, representatives or consultants.

Expenses
Owner accepts no liability for the costs and expenses incurred by firms submitting a SOQs.

Conflict of Interest
The role of the Consultant was limited to the provision of preliminary design or “low-level” documents incorporated into the design-builder procurement process and did not include assistance in development of instructions or evaluation criteria for the SOQs. All documents delivered to the Owner by the Consultant are made available to all firms.

Owner Rights
- Owner reserves the rights to cancel the RFQ process and reject any and all SOQs. Owner shall have no liability to any firm arising out of such cancellation or rejection.
- Owner reserves the right to waive minor variations in the selection process.
• Owner reserves without limitation to approve or disapprove of the use of particular Sub-
consultants, Sub-contractors, or Key Team Members, and/or substitutions and or changes from
those identified in the SOQ. Such approval or disapproval shall not be unreasonably exercised.
• Owner reserves the right to contact references who are not listed in the firm’s SOQs and
investigate statements on the SOQs and/or qualification of the firms or individuals identified in the
SOQ.

Public Disclosure
All documentation and submittals provided to the Owner may be considered public documents under
applicable laws and may be subject to disclosure. Firms recognize and agree that the Owner will not be
responsible or liable in any way for any losses firms may suffer from the lawful disclosure of information
or materials to third parties.

Any materials requested to be treated as confidential, proprietary, or trade secrets must be clearly
identified and readily separable from the balance of the SOQ. Such designations will not necessarily be
conclusive, and firms may be required to justify why such material should not, upon written request, be
disclosed by the Owner under the applicable public records act. The owner will endeavor to provide at
least (2) business days notice of a public records request for material submitted pursuant to this process.
Firms must respond to the notice in writing with any objection to the production of the documents within (2)
business days of receipt of notice. All costs incurred by firms associated with any public records request
are the responsibility of the firms.
RESOLUTION NO. 9097-19

BY:

A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, 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 establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for design and construction for the repurposing of Cove Church without the necessity of competitive bidding; and exempting the City from certain provisions within the Ohio Revised Code related to design-build contracting for the purposes of this project.

WHEREAS, Lakewood has traditionally contracted for public works improvements using the design-bid-build project delivery system, with construction contracts let under the City’s competitive-bidding regulations; and

WHEREAS, Ohio law changed substantially in 2011 and 2012, and many new project delivery systems, such as design-build, are now available to cities; and

WHEREAS, newer project delivery models may result in efficiencies in the contracting process and substantial cost savings, but cannot be used by following traditional competitive-bidding regulations; and

WHEREAS, Lakewood has a need for a community center that combines all human services delivery in one location with flexible spaces that can be used by all participants and meet the future needs of the community; and

WHEREAS, Section 111.04 of the Codified Ordinances permits exceptions to competitive bidding under certain circumstances, including for contracts involving professional or technical services; contracts with construction managers; contracts which may be awarded without competitive bidding under state statutes; and contracts where Council determines that it is either impractical to award the contract under competitive bidding procedures, or cost-effective and in the best interests of the City to award the contract without competitive bidding; and

WHEREAS, it is in the City’s best financial interest to employ the design-build project delivery system for design and construction for the repurposing of Cove Church, and to exempt the City from state design-build statutes and rules using its home-rule authority; 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, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and
WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, 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 create the design-build delivery model for this project so that Requests for Qualifications can be made prior to the end of this year; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager may establish procedures for and engage in the process of letting of one or more contracts with one or more qualified entities for the design and construction for the repurposing of Cove Church under the design-build project delivery system without the necessity of competitive bidding.

Section 2. Council shall approve the final award of contract(s) related to this project and the final form of the contract(s).

Section 3. As a home-rule charter City, the City shall not be obligated to follow Ohio statutory procedures regarding contracting for this project including, but not limited to, R.C. §§ 7.12, 9.31, 9.311, 9.312, 9.313, 9.315, 9.32, 9.33 through 9.335, 153.12-.14, 153.50-.52, 153.54, 153.56, 153.57, 153.571, 153.63, 153.67-.71, 153.80, 735.05-.09, 735.074, and other applicable sections within the Revised Code and its Chapter 153.

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

Section 5. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of the 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.
October 1, 2019

Lakewood City Council
12650 Detroit Avenue
Lakewood, OH 44107

RE: Title III of the Older American’s Act, 2020-21 Proposal

Dear Members of Council:

The Department of Human Services, Division of Aging, will be submitting a proposal to the Western Reserve Area Agency on Aging for Title III funding which will support ongoing community-based senior services for the 2020-21 program years. This RFP must be submitted by October 18, 2019. Therefore, I have attached for your consideration an Emergency Resolution authorizing the Mayor or designee to submit the proposal, a requirement of the request for proposal, and to enter into a contract for services upon receipt of the grant award.

The Western Reserve Area Agency on Aging has been our valued partner for over 40 years, particularly in the areas of senior nutrition and transportation. In 2019, the Division of Aging will serve 17,284 congregate meals; deliver 27,195 home delivered meals and provide 8,454 one-way trips with Title III program support.

I respectfully request your approval to meet the October 18, 2019 proposal application deadline.

Sincerely,

Antoinette B. Gelsomino, Director
Department of Human Services

The City of Lakewood, Department of Human Services, provides a continuum of responsive programs and services that enhance and promote the health and well-being of individuals, families and the community.
RESOLUTION NO. 9098-19

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor or his designee to apply for and enter into an agreement with the Western Reserve Area Agency on Aging for title III of the Older Americans Act, Senior Community Services for the 2020-2021 program years.

WHEREAS, the City of Lakewood received notification from Western Reserve Area Agency on Aging of the deadline for proposals to accept funding under Title III of the Older Americans Act for the Senior Community Services program for the 2020 and 2021 program years, such deadline being October 7, 2019; and

WHEREAS, the WRAAA Request for Proposal requires the City of Lakewood to produce a resolution permitting contracting authority and authority to submit a proposal along with the proposal; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that this legislation is necessary to include this resolution with the proposal for 2020-2021 Senior Community Services programs and the proposal is due on or before October 7, 2019; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor or his designee is hereby authorized to enter into an agreement with the Western Reserve Area Agency on Aging for Title III of the Older Americans Act, Senior Community Services for the 2020-21 program years.

Section 2. The Mayor or his designee is hereby authorized to submit a grant proposal to Western Reserve Area Agency on Aging for the provision of program services for the 2020 and 2021 program years.

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

Section 4. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and
defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of the 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
October 7, 2019

Re: Amended 2019 Purchasing and Contracting Authority

Dear Members of Council:

We are requesting an increase of $70,000 in the Organic Waste Disposal Services line of the Purchasing and Contracting Authority Ordinance from $30,000 to $100,000. These services were recently re-bid and submitted prices came in extremely high. Contractors do not want to take on more leaf and yard waste material, as they have more than they can process into other products.

Please refer to the Finance Committee for further discussion.

Sincerely,

Jennifer R. Pae
Director of Finance
ORDINANCE NO: 50-18B

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force at the earliest period allowed by law, amending Ordinance 50-18A adopted May 20, 2019, 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 2019 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 2019 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, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, 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 delay could impair the City’s ability to provide necessary services in a timely manner for fiscal year 2019, now, therefore,

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

Section 1. Section 1 of Ordinance 50-18A, adopted May 20, 2019, 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 2019 Budget are as follows:

1) Legal Services.......................................................................................... 250,000
2) Recodification of Ordinances................................................................. 12,500
3) Financial Audit ..................................................................................... 75,000
4) Hospitalization and Health Care Benefit Consulting Services ............. 40,000
5) Consultant for Workers Compensation ........................................... 30,000
6) Risk Management Consulting Services ......................................... 15,000
7) Healthcare, Physicals, Drug & Alcohol Testing ............................... 25,000
8) Employee Assistance Program .................................................... 15,000
9) Supervisor / Manager / Employee Training .................................... 205,000
10) Exams for Classified Positions .................................................... 75,000
11) Housing and Building Plans Examinations .................................. 75,000
12) Lakewood Jail Medical Services ................................................ 80,000
13) Band Concerts ............................................................................... 25,000
14) Municipal Engineering Consultant ............................................. 80,000
15) Debt Issuance Costs .................................................................... 250,000
16) Integrated Wet Weather Plan Professional Services ....................... 1,100,000
17) Administrative Professional Services ......................................... 300,000
18) Professional Services related to Lakewood Hospital ....................... 300,000

Sub-Total ........................................................................................... $2,952,500

Services contracts included in the 2019 Budget are as follows:

1) Government Agreements (WEB) ...................................................... 115,000
2) Government Agreements (Bd of Ed/Pools; Rockport TIF) .................. 800,000
3) Financial Institution Service Charges ............................................ 60,000
4) Electronic Payment Services .......................................................... 275,000
5) Property & Liability Insurance Contracts .................................... 500,000
6) Workers’ Comp Stop Loss Insurance .......................................... 95,000
7) Life Insurance ............................................................................. 20,000
8) Hospitalization and Health Care Benefit Services ......................... 8,500,000
9) Medical Claims Billing Service ..................................................... 100,000
10) Sentenced Prisoners Full Jail Service ......................................... 200,000
11) Home Delivered Meals ................................................................. 47,500
12) Distribution System Leak Survey ............................................... 25,000
13) Disposal of Screenings and Grit (WWTP) ..................................... 15,000
14) Excavation Spoils Removal ......................................................... 100,000
15) Roll of Box for Street Sweeping ................................................... 60,000
16) Solid Waste Disposal Site ............................................................. 900,000
17) Organic Waste Disposal ................................................................. 30,000
18) Waste Collections – Condominiums ........................................... 110,000
19) Biosolids Disposal ...................................................................... 110,000
20) Roll-Off Box for Construction Debris .......................................... 75,000
21) Site to Receive & Process Yard Waste ......................................... 50,000
22) Lab Analysis Service ................................................................. 25,000
24) Communications Services ........................................................... 100,000
25) Water Meter Program Maintenance ...................................................... 25,000
26) Telephone Service ........................................................................ 95,000
27) Cellular Phone Service .................................................................... 250,000
28) HVAC Maintenance ........................................................................ 125,000
29) Elevator Maintenance ..................................................................... 25,000
30) Fire Alarm Maintenance ................................................................... 50,000
31) Copier Maintenance Service ............................................................. 25,000
32) Postage, Mailing Services, Equipment Lease/Maintenance ............. 260,000
33) Rental and Laundry of Uniforms ....................................................... 45,000
34) Advertising .................................................................................... 30,000
35) Printing Services ............................................................................... 165,000
36) CRIS/LEADS Fees ........................................................................... 20,000
37) Parking Citation Billing Service ....................................................... 50,000
38) Fireworks Display ........................................................................... 35,000
39) Transportation Services ................................................................... 100,000
40) Lakewood Hospital Demolition, Hazmat Abatement & Site Prep ...... 500,000
41) Cove Church Hazmat Abatement & Site Prep .................................. 250,000

Sub-Total ............................................................................................. $14,937,500

Materials, supplies, and equipment authorized for purchase under the 2019 Budget are as follows:

1) Sand and Aggregate ........................................................................ 45,000
2) Concrete Supplies ........................................................................... 60,000
3) Asphalt Materials ............................................................................ 50,000
4) Asphalt Cold Patch ......................................................................... 25,000
5) Crack Sealant .................................................................................. 40,000
6) Road Salt (Sodium Chloride) ............................................................ 300,000
7) Fire Hydrants, Sewer and Water Appurtenances ......................... 100,000
8) Water Meter Supplies & Materials .................................................. 40,000
9) Sign Shop-Supplies, Blanks & Reflective Material ......................... 195,000
10) Polymer Flocculants ...................................................................... 30,000
11) Wastewater Treatment Chemicals ................................................... 150,000
12) Tires and Road Service .................................................................. 95,000
13) Automotive Repairs, Parts and Supplies ........................................ 625,000
14) Oil and Lubricants ........................................................................... 40,000
15) Fuel (Gasoline and Diesel) ............................................................... 500,000
16) Purchase Uniforms and Gear – Public Works ............................... 25,000
17) Electrical Supplies .......................................................................... 50,000
18) Hardware Supplies ......................................................................... 45,000
19) Janitorial Supplies ......................................................................... 50,000
20) Landscape Materials ....................................................................... 40,000
21) Lumber Supplies ............................................................................ 100,000
22) Plumbing Supplies ......................................................................... 45,000
23) Pool Supplies – Chemicals ................................................................. 45,000
24) Small Tools and Equipment .......................................................... 130,000
25) Prisoner Food Supplies ................................................................. 35,000
26) Purchase Uniforms & Gear – Safety Forces ................................. 75,000
27) Ammunition .................................................................................. 30,000
28) Office Supplies .............................................................................. 40,000
29) Computer Supplies ........................................................................ 10,000
30) Computer Software ........................................................................ 45,000
31) Communications Equipment ......................................................... 100,000
32) Paper Supplies ............................................................................... 15,000
33) Lease Copier Equipment ................................................................. 35,000
34) Subscriptions/Publications ............................................................. 30,000
35) Reforestation ................................................................................. 250,000
36) Police Operating Equipment ......................................................... 150,000
37) Fire/EMS Operating Equipment .................................................... 150,000
38) Waste Water Treatment Plant Operating Equipment ................... 150,000
39) Fitness Equipment/Devices .............................................................. 10,000

Sub-Total ............................................................................................ $3,950,000
Total .................................................................................................. $21,840,000

Shall be and 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 2019 Budget are as follows:

1) Legal Services .................................................................................. 250,000
2) Recodification of Ordinances ......................................................... 12,500
3) Financial Audit .............................................................................. 75,000
4) Hospitalization and Health Care Benefit Consulting Services .......... 40,000
5) Consultant for Workers Compensation .......................................... 30,000
6) Risk Management Consulting Services .......................................... 15,000
7) Healthcare, Physicals, Drug & Alcohol Testing .............................. 25,000
8) Employee Assistance Program ...................................................... 15,000
9) Supervisor / Manager / Employee Training ..................................... 205,000
10) Exams for Classified Positions ...................................................... 75,000
11) Housing and Building Plans Examinations ................................... 75,000
12) Lakewood Jail Medical Services .................................................. 80,000
13) Band Concerts ............................................................................... 25,000
14) Municipal Engineering Consultant .............................................. 80,000
15) Debt Issuance Costs .......................................................... 250,000
16) Integrated Wet Weather Plan Professional Services ................. 1,100,000
17) Administrative Professional Services .................................... 300,000
18) Professional Services related to Lakewood Hospital ............... 300,000

Sub-Total ............................................................................... $2,952,500

Services contracts included in the 2019 Budget are as follows:

1) Government Agreements (WEB) ........................................... 115,000
2) Government Agreements (Bd of Ed/Pools; Rockport TIF) .......... 800,000
3) Financial Institution Service Charges .................................. 60,000
4) Electronic Payment Services .................................................. 275,000
5) Property & Liability Insurance Contracts ............................... 500,000
6) Workers’ Comp Stop Loss Insurance .................................... 95,000
8) Life Insurance ..................................................................... 20,000
8) Hospitalization and Health Care Benefit Services .................. 8,500,000
9) Medical Claims Billing Service ............................................ 100,000
10) Sentenced Prisoners Full Jail Service .................................. 200,000
12) Home Delivered Meals ....................................................... 47,500
12) Distribution System Leak Survey ....................................... 25,000
13) Disposal of Screenings and Grit (WWTP) ............................. 15,000
14) Excavation Spoils Removal ............................................... 100,000
15) Roll of Box for Street Sweeping ......................................... 60,000
16) Solid Waste Disposal Site .................................................. 900,000

17) Organic Waste Disposal ...................................................... 100,000
18) Waste Collections – Condominiums .................................... 110,000
19) Biosolids Disposal ............................................................. 110,000
20) Roll-Off Box for Construction Debris ................................. 75,000
21) Site to Receive & Process Yard Waste .................... 50,000
22) Lab Analysis Service .......................................................... 25,000
24) Communications Services .................................................. 100,000
25) Water Meter Program Maintenance .................................... 25,000
26) Telephone Service ............................................................ 95,000
27) Cellular Phone Service ....................................................... 250,000
28) HVAC Maintenance ........................................................... 125,000
29) Elevator Maintenance ......................................................... 25,000
30) Fire Alarm Maintenance ..................................................... 50,000
31) Copier Maintenance Service ............................................. 25,000
32) Postage, Mailing Services, Equipment Lease/Maintenance ........ 260,000
33) Rental and Laundry of Uniforms ........................................ 45,000
34) Advertising ................................................................... 30,000
35) Printing Services ............................................................ 165,000
36) CRIS/LEADS Fees ........................................................... 20,000
37) Parking Citation Billing Service ........................................................... 50,000
38) Fireworks Display ................................................................................ 35,000
39) Transportation Services ......................................................................100,000
40) Lakewood Hospital Demolition, Hazmat Abatement & Site Prep ........500,000
41) Cove Church Hazmat Abatement & Site Prep .....................................250,000

Sub-Total ..............................................................................................$15,007,500

Materials, supplies, and equipment authorized for purchase under the 2019 Budget are as follows:

1) Sand and Aggregate ............................................................................. 45,000
2) Concrete Supplies ................................................................................ 60,000
3) Asphalt Materials ................................................................................ 50,000
4) Asphalt Cold Patch ............................................................................. 25,000
5) Crack Sealant ....................................................................................... 40,000
6) Road Salt (Sodium Chloride) .............................................................. 300,000
7) Fire Hydrants, Sewer and Water Appurtenances ................................100,000
8) Water Meter Supplies & Materials ..................................................... 40,000
9) Sign Shop-Supplies, Blanks & Reflective Material ............................. 195,000
10) Polymer Flocculants .......................................................................... 30,000
11) Wastewater Treatment Chemicals .................................................... 150,000
12) Tires and Road Service ..................................................................... 95,000
13) Automotive Repairs, Parts and Supplies ........................................... 625,000
14) Oil and Lubricants ............................................................................. 40,000
15) Fuel (Gasoline and Diesel) ................................................................. 500,000
16) Purchase Uniforms and Gear – Public Works .................................... 25,000
17) Electrical Supplies ........................................................................... 50,000
18) Hardware Supplies ........................................................................... 45,000
19) Janitorial Supplies .......................................................................... 50,000
20) Landscape Materials ......................................................................... 40,000
21) Lumber Supplies ............................................................................. 100,000
22) Plumbing Supplies ........................................................................... 45,000
23) Pool Supplies – Chemicals ................................................................ 45,000
24) Small Tools and Equipment .............................................................. 130,000
25) Prisoner Food Supplies .................................................................. 35,000
26) Purchase Uniforms & Gear – Safety Forces ...................................... 75,000
27) Ammunition ...................................................................................... 30,000
28) Office Supplies ............................................................................... 40,000
29) Computer Supplies .......................................................................... 10,000
30) Computer Software ........................................................................ 45,000
31) Communications Equipment ......................................................... 100,000
32) Paper Supplies ................................................................................. 15,000
33) Lease Copier Equipment ................................................................. 35,000
34) Subscriptions/Publications ............................................................... 30,000
35) Reforestation ................................................................................. 250,000
36) Police Operating Equipment ...................................................... 150,000
37) Fire/EMS Operating Equipment .................................................. 150,000
38) Waste Water Treatment Plant Operating Equipment ............... 150,000
39) Fitness Equipment/Devices ......................................................... 10,000

Sub-Total .......................................................................................... $3,950,000

Total .................................................................................................. $21,910,000

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. The Third Amended Charter published in the Codified Ordinances is the official charter of the City of Lakewood.

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

Section 5. 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 two thirds of the 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
October 2, 2019

Lakewood City Council
Lakewood, OH 44107

Re: Authority to sell real property

Dear Members of Council:

I am requesting re-authorization to list and sell the City-owned property located at 2117 Robin Avenue, one of two City-owned new single-family homes in Birdtown constructed with Federal HOME funds.

Under previously Council authority, the unit had been under a sales agreement with an eligible homebuyer. Unfortunately, just prior to closing, the lender discovered it was unable to provide financing due to a Fannie Mae loan product policy. Although staff was able to work with Fannie Mae to resolve the issue, due to the delay in closing the family decided to withdraw their offer.

Your consideration and approval of this resolution is necessary to meet Department of Housing and Urban Development (HUD) timely expenditure requirements. Federal HOME Program regulations require that units are sold within six months of the final construction payment or they must be converted to rental units. Our deadline to sell the unit is January 26, 2020. As soon as we have approval, the property will be re-listed.

I’d be happy to address questions at an upcoming committee meeting. Thanks for your consideration.

Sincerely,

Bryce Sylvester, AICP
Director of Planning and Development
AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the 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 or the Mayor to enter into an agreement with a licensed real estate broker to market for sale the real property located at 2117 Robin Avenue, Lakewood, Ohio (PPN 315-22-121) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances.

WHEREAS, the City is the owner of the above-listed properties that have been developed by Payne and Payne Construction; and

WHEREAS, the single-family attached residential property is complete and ready to place on the market; and

WHEREAS, this Council has determined it is in the best interest of the City to sell said real property and that such sale shall further the interest of the City and its residents; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that this property should be marketed for sale as soon as is reasonably possible to recover funds invested in them; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Director of Planning and Development (“Director”) or Mayor 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 2117 Robin Avenue, Lakewood, Ohio (PPN 315-22-121) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordinances.

Section 2. Either the Director, Mayor 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 two thirds of the 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.

Approved: __________________________  __________________________________

Mayor

Adopted: __________________________  __________________________________

President

Clerk

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October 7, 2019

Lakewood City Council
Lakewood, Ohio

RE: Fire Prevention Week 2019

Dear Members of Council:

Attached please find a resolution for your consideration, proclaiming October 6th – 13th, 2019 as Fire Prevention Week.

The Lakewood Fire Department will be visiting elementary students to speak to the children about the importance of having a fire escape plan and demonstrate firefighting equipment. The 2019 Fire Prevention Week Theme “Not Every Hero Wears A Cape… Plan and Practice Your Escape.” effectively serves to remind us all the simple actions we can take to stay safe from fire injuries at home.

Thank you for your favorable & timely consideration.

Sincerely,

Timothy Dunphy
Fire Chief
RESOLUTION NO. 9095-19

A RESOLUTION, calling upon the citizens of Lakewood to participate in fire prevention activities at home, and to heed the message, “Not Every Hero Wears A Cape… Plan and Practice Your Escape,” as the 2019 Fire Prevention Week theme suggests.

WHEREAS, according to a National Fire Protection Association survey, only one of every three American households have developed and practiced a home fire escape plan; and,

WHEREAS, in a typical home fire, one may have as little as one to two minutes to escape safely from the time the smoke alarm sounds; and,

WHEREAS, the Lakewood Fire Department is dedicated to reducing the occurrence of fires and injuries through prevention education; and,

WHEREAS, the Lakewood Fire Prevention Bureau will visit elementary schools from October 7th through October 11th, to speak to children about the importance of fire safety in their home and will demonstrate firefighting equipment; and,

WHEREAS, Fire Prevention Week effectively serves to remind us of the simple actions we can take to stay safe from fires at home; now therefore,

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

Section 1. That this Council and Mayor designate and proclaim October 6th – 13th, 2019 as Fire Prevention Week in the City of Lakewood and call upon the citizens of Lakewood to participate in fire prevention activities at home.

Section 2. That the Clerk of Council be, and she is hereby authorized and directed to forward a copy of this Resolution to Timothy Dunphy, Fire Station No. 1, 14601 Madison Avenue, Lakewood, Ohio and that a copy of this Resolution be spread upon the minutes of this meeting.

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

Adopted: ___________________________ ______________________________

PRESIDENT

CLERK

Approved: ___________________________ ______________________________

MAYOR

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