DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
JUNE 18, 2018
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 Special Meeting of Council held April 30, 2018.
Reading & disposal of the Minutes of the Regular Meeting of Council held May 21, 2018.
Reading & disposal of the Minutes of the Regular Meeting of Council held June 4, 2018.

Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Committee of the Whole Report Regarding Meetings Held on 6/11/18 and 6/18/18; Mr. O'Leary, Chair (to be provided)

2. **RESOLUTION NO. 9004-18** – 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, adopting the recommendations of the Foundation Planning Task Force for the creation of the Healthy Lakewood Foundation, the appointment of its initial board and the approval of its initial governing documents, all in accordance with the Master Agreement governing healthcare in Lakewood dated December 21, 2015. (REFERRED TO THE COMMITTEE OF THE WHOLE 5/21/18) (pg.1)

3. **ORDINANCE NO. 23-18** – AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 1381 Fry Avenue (PPN 312-33-054), 1379 Fry Avenue (PPN 312-33-053), and 1375 Fry Avenue (PPN 312-33-052) from C3 (Commercial, General Business) to PD (Planned Development. (READ AND REFERRED TO THE PLANNING COMMISSION 3/19/18, SECOND READING 4/2/18, THIRD READING 5/21/18) (pg.27)

4. Finance Committee Report Regarding Meeting Held 6/11/18; Mr. O'Malley, Chair (to be provided)

5. **ORDINANCE NO. 30-18** – 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 the transfer and advance of certain funds (READ AND REFERRED TO FINANCE COMMITTEE 6/4/18) (pg. 30)

6. Rules & Ordinances Committee Report Regarding Meeting Held 6/4/18; Ms. George, Chair (to be provided)

7. Communication from City Planner Katelyn Milius Regarding Planning Commission Recommendation for Adoption of Ordinance 6-18 amending Section 1134.03(k) (pg. 32)

8. **ORDINANCE NO. 29-18** – 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 at the earliest period allowed by law, enacting various sections of the Codified Ordinances of the City of Lakewood in order to codify certain provisions with respect to financial processes in the city. (READ AND REFERRED TO RULES & ORDINANCES COMMITTEE 5/21/18, SECOND READING 6/4/18) (pg. 33)

9. **ORDINANCE NO. 38-17** - 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 at the earliest period allowed by law, enacting Chapter 123,

Departments and Directors Established, of the Codified Ordinances of the City of Lakewood in order to codify the administrative departments and their directors' responsibilities within the City. (READ & REFERRED TO THE RULES & ORDINANCES COMMITTEE 11/20/17, SECOND READING 12/4/17) (pg. 36)

10. **ORDINANCE NO. 39-17** - 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 at the earliest period allowed by law, amending various sections within the Codified Ordinances of the City of Lakewood in order to update the code to reflect the adoption of the Third Amended Charter. (READ & REFERRED TO THE RULES & ORDINANCES COMMITTEE 11/20/17, SECOND READING 12/4/17) (pg. 42)

11. **ORDINANCE NO. 58-17** - 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 at the earliest period allowed by law, enacting Section 149.24, Activity of Officials and Employees Restricted, of the Codified Ordinances of the City of Lakewood in order to codify certain ethical requirements. (READ & REFERRED TO THE RULES & ORDINANCES COMMITTEE 12/4/17, SECOND READING 12/18/17) (pg. 64)

12. **ORDINANCE NO. 5-18** - 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 at the earliest period allowed by law, enacting Sections 131.01, Provisions, Alteration, Dedication and Vacation of Streets and 131.02, Board of Revision of Assessments, and amending Section 107.11, Notice of Public Hearing, of the Codified Ordinances of the City of Lakewood in order to codify certain provisions related to the establishment, naming and vacation of streets. (READ & REFERRED TO THE RULES & ORDINANCES COMMITTEE 2/5/18, SECOND READING 2/20/18) (pg. 67)

13. **ORDINANCE NO. 6-18** – 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 at the earliest period allowed by law, amending Section 1134.03, Procedures for Identification, Nomination and Designation of an HPD or HP, of the Codified Ordinances of the City of Lakewood in order to adjust the voting requirements of the Planning Commission based upon its new composition under the Third Amended Charter. (READ & REFERRED TO THE RULES & ORDINANCES COMMITTEE & PLANNING COMMISSION 2/5/18, SECOND READING 2/20/18, RECOMMENDED FOR ADOPTION BY PLANNING COMMISSION 3/1/18) (pg. 72)

14. **ORDINANCE NO. 20-18** - 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 at the earliest period allowed by law, enacting Chapter 141, Special Assessments, of the Codified Ordinances of the City of Lakewood in order to codify certain provisions with respect to the special assessment process for public improvements. (READ & REFERRED TO THE RULES & ORDINANCES COMMITTEE 3/5/18, SECOND READING 3/19/18) (pg. 74)

15. **ORDINANCE NO. 24-18** - 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 at the earliest period allowed by law, enacting Section 131.03, Franchises, of the Codified Ordnances of the City of Lakewood in order to codified certain provisions with respect to the grant of franchises in the city. (READ & REFERRED TO THE RULES & ORDINANCES COMMITTEE 3/19/18, SECOND READING 4/2/18) (pg. 82)

16. **ORDINANCE NO. 26-18** – 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 at the earliest period allowed by law, amending Section 121.15, Duties of Clerk of Council, of the Codified Ordinances of the City of Lakewood in order to codify an obligation to verify training certificates found within the Third Amended Charter. (READ & REFERRED TO THE RULES & ORDINANCES COMMITTEE 4/2/18, SECOND READING 4/16/18) (pg. 85)

17. Housing Committee Report Regarding Meeting Held June 18, 2018; Mr. Anderson, Chair (to be provided)

18. **ORDINANCE NO. 2-18** – 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, amending various parts of Chapter 1306, Property Maintenance and Safety Code…(light pollution) (REFERRED TO THE HOUSING COMMITTEE 1/2/18; SECOND READING 1/16/18) (pg. 88)

19. **ORDINANCE NO. 18-18** – 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, amending Section 1306.43, Housing and Vacant Property License, and Section 1306.44, License Application Form and Fee, of the Codified Ordinances of the City of Lakewood in order to update the code with respect to the regulation of condominium associations and unit owners in the City. (REFERRED TO THE HOUSING COMMITTEE 2/5/18; SECOND READING 2/20/18) (pg. 90)

20. **ORDINANCE NO. 32-18** – 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 of the Mayor to enter into an agreement with a licensed real estate broker to market for sale the real property located at 2115 Robin Avenue, Lakewood, Ohio and 2117 Robin Avenue, Lakewood, Ohio (PPN 315-22-121) for a period of 120 days, pursuant to Section 155.07 of the Codified Ordnances. (READ AND REFERRED TO HOUSING COMMITTEE 6/4/18) (pg. 97)

21. **ORDINANCE NO. 31-18** – 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, to establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2018. (READ AND REFERRED TO FINANCE COMMITTEE 6/4/18) (pg. 99)

22. **ORDINANCE NO. 43-17A** – 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, amending Ordinance 43-17, adopted December 18, 20176, 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 2018 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. (READ AND REFERRED TO FINANCE COMMITTEE 6/4/18) (pg. 112)

******NEW BUSINESS******

23. Communication from Council President O'Leary regarding August Recess (to be provided)

24. Communication from Councilmember Litten regarding Project SOAR, Opiate Addiction Recovery Update (pg. 118)

25. Communication from Planning Director Sylvester Regarding Application to the State of Ohio through ODNR for the Nature Works Grant Program (pg. 119)

26. **RESOLUTION NO. 9009-18** - 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 Director of Planning and Development to file an application with the Ohio Department of Natural Resources requesting financial assistance from the Nature Works program for improvements to the City of Lakewood (pg.120)

27. Communication from Finance Director Pae Regarding Planning & Development Contracting Authority Amendment Ordinance (pg. 122)

28. **ORDINANCE NO. 44-17A** - 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, amending Ordinance 44-17, adopted December 18, 2017, 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 service contracts in accordance with the Administrative Code of the City of Lakewood for the Department of Planning & Development in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (pg. 123)

29. Communication from Director Beno Regarding Amendment to Design-Build Contract with Kokosing Industrial for the Waste Water Treatment Plant Digesters (pg. 126)

30. **RESOLUTION 9010-18** - 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 amendment to the design-build agreement for the wastewater treatment plant digesters between the City of Lakewood and Kokosing Industrial in order to set a fixed price for the project. (pg. 127)

31. Communication from Law Director Butler Regarding Ordinance Authorizing Mayor to Renew Lease with IceLand USA-Lakewood, LLC for Winterhurst (pg. 130)

32. **ORDINANCE NO. 33-18** - 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 Mayor to enter into a first amendment to the amended and restated lease agreement with IceLand USA-Lakewood, LLC for the lease of the real property located at 14740 Lakewood Heights Boulevard, known as Serpentini Arena at Winterhurst, pursuant to Section 155.08 of the Codified Ordinances. (pg. 131)

REFERRED TO THE COMMITTEE OF THE WHOLE
5/21/18.

RESOLUTION NO. 9004-18 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, adopting the recommendations of the Foundation Planning Task Force for the creation of the Healthy Lakewood Foundation, the appointment of its initial board and the approval of its initial governing documents, all in accordance with the Master Agreement governing healthcare in Lakewood dated December 21, 2015.

WHEREAS, pursuant to the terms of Section 4.1 of the master agreement governing healthcare in Lakewood dated December 21, 2015, the City and Lakewood Hospital Association must (i) jointly agree upon a process for the creation of a new Ohio nonprofit corporation that is formed for the purpose of addressing community health and wellness needs in the City of Lakewood; (ii) develop the new foundation's governing documents; (iii) file articles of incorporation for the new foundation with the Ohio Secretary of State; (iv) select the new foundation's initial board; and (v) cause new foundation to apply for federal tax-exempt status with the Internal Revenue Service; and

WHEREAS, the Foundation Planning Task Force has been appointed to make recommendations to the City for the creation of the new foundation, proposed as the Healthy Lakewood Foundation, and has duly made those recommendations; and

WHEREAS, the Foundation Planning Task Force's recommendations to the City include the Healthy Lakewood Foundation's mission, vision, and guiding principles, articles of incorporation and code of regulations; and

WHEREAS, the Foundation Planning Task Force's recommendations to the City also include the Healthy Lakewood Foundation's initial board members; and

WHEREAS, the Foundation Planning Task Force's recommendations to the City have separately been approved by Lakewood Hospital Association in accordance with Section 4.1 of the master agreement, under a board resolution dated _____, 2018; 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 ensure its obligations with respect to Section 4.1 of the Master Agreement are fulfilled prior to the occurrence of other events triggering the work of the foundation; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The City of Lakewood hereby adopts the recommendations of the Foundation Planning Task Force for the creation of the Healthy Lakewood Foundation, the appointment of its initial board and the approval of its initial governing documents, all in accordance with the Master Agreement governing healthcare in Lakewood dated December 21, 2015.

Section 2. Specifically, the City of Lakewood hereby approves of the name of the Healthy Lakewood Foundation and of its mission, vision, and guiding principles; articles of incorporation; and code of regulations, attached to this resolution as **Exhibits A-1, A-2** and **A-3**, respectively.

Section 3. Specifically, the City of Lakewood hereby approves of the initial board of the Healthy Lakewood Foundation, the listing of board members being attached to this resolution as **Exhibit B**.

Section 4. The City of Lakewood hereby instructs the Healthy Lakewood Foundation or its incorporators to apply for federal tax-exempt status with the Internal Revenue Service forthwith.

Section 5. In view of the foregoing Sections 1, 2, 3 and 4 of this resolution, the City of Lakewood hereby states and avers that its obligations pursuant to Section 4.1 of the Master Agreement are fulfilled and discharged.

Section 6. 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 an any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 7. 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-1

Healthy Lakewood Foundation Vision, Mission and Guiding Principles

(see following page)

Healthy Lakewood Foundation

Vision

Lakewood is a place where all people achieve their fullest health potential

Mission

To advance programs, policies, and practices that inspire a Lakewood community in which health and wellness are reflected in all aspects of life

Guiding Principles

The stewardship of resources is rooted in humility, integrity, and community voice.

Organizational practices should be transparent and informed by authentic dialogue and engagement.

Health and wellness can be promoted in ways that are both innovative and evidence-based.

Opportunities, initiatives, and strategies should leverage new and existing resources that result in sustainable impact.

Positive change is driven by shared priorities, coordinated efforts, and trust.

Exhibit A-2

Healthy Lakewood Foundation Articles of Incorporation

(see following pages)

Form 532B Prescribed by:

JON HUSTED
Ohio Secretary of State

Toll Free: (877) SOS-FILE (877-767-3453)
Central Ohio: (614) 466-3910
www.OhioSecretaryofState.gov
bussery@OhioSecretaryofState.gov
File online or for more information: www.OHBusinessCentral.com

Mail this form to one of the following:

Regular Filing (non expedite)
P.O. Box 670
Columbus, OH 43216

Expedite Filing (Two business day processing time. Requires an additional $100.00)
P.O. Box 1390
Columbus, OH 43216

For screen readers, follow instructions located at this path.

Initial Articles of Incorporation
(Nonprofit, Domestic Corporation)
Filing Fee: $99
(114-ARN)
Form Must Be Typed

Please check the box if this nonprofit corporation is being formed for the following purpose:

☐ Community Improvement Corporation (Economic Development or Land Reutilization) - Please see Ohio Revised Code Chapter 1724 or the instructions at the end of this form for more information.

First: Name of Corporation: Healthy Lakewood Foundation

Second: Location of Principal Office in Ohio

1275 East Ninth Street, 29th floor, Cleveland
City

Ohio
State

Cuyahoga
County

Optional: Effective Date (MM/DD/YYYY) _____ (The legal existence of the corporation begins upon the filing of the articles or on a later date specified that is not more than ninety days after filing.)

Third: Purpose for which corporation is formed

To advance programs, policies and practices that inspire a Lakewood community in which health and wellness are reflected in all aspects of life and to do whatever is deemed necessary, advisable, or conducive to effectuate the foregoing including the exercise of all other authority and powers permitted to corporations generally by virtue of the provisions of the Ohio Nonprofit Corporation Law and as are permitted by organizations exempt from taxation pursuant to section 501(c)(3) of the IRS Code.

** Note: for Nonprofit Corporations: The Secretary of State does not grant tax exempt status. Filing with our office is not sufficient to obtain state or federal tax exemptions. Contact the Ohio Department of Taxation and the Internal Revenue Service to ensure that the nonprofit corporation secures the proper state and federal tax exemptions. These agencies may require that a purpose clause be provided. **

** Note: ORC Chapter 1702 allows for additional provisions to be included in the Articles of Incorporation that are filed with this office. If including any of these additional provisions, please do so by including them in an attachment to this form. **

Original Appointment of Statutory Agent

The undersigned, being at least a majority of the incorporators of

Healthy Lakewood Foundation
(Name of Corporation)

hereby appoint the following to be Statutory Agent upon whom any process, notice or demand required or permitted by statute to be served upon the corporation may be served. The complete address of the agent is:

Susan O. Scheutzow
(Name of Statutory Agent)

1375 East Ninth Street
(Mailing Address)

Cleveland
(Mailing City)

OH
(Mailing State)

44114
(Mailing ZIP Code)

Must be signed by the incorporators or a majority of the incorporators.

(Signature)

(Signature)

(Signature)

Acceptance of Appointment

The Undersigned, Susan O. Scheutzow, named herein as the
(Name of Statutory Agent)

Statutory agent for Healthy Lakewood Foundation
(Name of Corporation)

hereby acknowledges and accepts the appointment of statutory agent for said corporation.

Statutory Agent Signature
(Individual Agent's Signature / Signature on Behalf of Business Serving as Agent)

By signing and submitting this form to the Ohio Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document.

Required

Articles and original appointment of agent must be signed by the incorporator(s).

If the incorporator is an individual, then they must sign in the "signature" box and print his/her name in the "Print Name" box.

If the incorporator is a business entity, not an individual, then please print the entity name in the "signature" box, an authorized representative of the business entity must sign in the "By" box and print his/her name and title/authority in the "Print Name" box.

Signature

By (if applicable)

Print Name

Signature

By (if applicable)

Print Name

Signature

By (if applicable)

Print Name

ADDITIONAL ARTICLES TO THE ARTICLES OF INCORPORATION OF HEALTHY LAKEWOOD FOUNDATION

ARTICLE FOURTH. No part of the net earnings of the Corporation shall inure to the benefit of any Incorporator or Director of the Corporation, or any other private individual, except that the Corporation is authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article THIRD. No substantial part of the activities of the Corporation shall consist of carrying on propaganda or otherwise attempting to influence legislation, and no activity of the Corporation shall consist of participating in, or intervening in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

It is intended that the Corporation shall have the status of an organization (i) that is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, (ii) to which contributions are deductible for federal income tax purposes under Section 170(c)(2) of the Internal Revenue Code, and (c) to which gifts and bequests are deductible for federal gift tax and federal estate tax purposes under Sections 2522(a)(2) and 2055(a)(2) of the Internal Revenue Code, respectively, for so long as such taxes apply. These Articles of Incorporation shall be construed, and all authority and activities of the Corporation shall be limited, accordingly.

ARTICLE FIFTH. The Corporation may be dissolved upon the adoption of a resolution of dissolution (i) without a meeting, by the written consent of all the Directors, or (ii) at a meeting of the Board of Directors held for that purpose, by the vote of a majority of the full number of Directors. Upon the dissolution of the Corporation, the Directors shall, after paying or making provision for the payment of all liabilities of the Corporation, distribute all of the assets of the Corporation to the City of Lakewood, Ohio, to be used exclusively for public purposes, so long as it then qualifies as a political subdivision described in Section 170(c)(1) of the Internal Revenue Code and/or to such organizations described in Section 501(c)(3) of the Internal Revenue Code, organized and operated for charitable purposes similar to the Corporation's purposes, as may be determined by the Directors, in such amounts as are determined by the Directors.

ARTICLE SIXTH. These Articles of Incorporation may be amended, or new Articles of Incorporation may be adopted (i) without a meeting, by the written consent of all the Directors, or (ii) at a meeting of the Board of Directors held for that purpose, by the vote of a majority of the full number of Directors.

ARTICLE SEVENTH. All references in these Articles of Incorporation to Sections of the Internal Revenue Code shall be considered references to the Internal Revenue Code of 1986, as from time to time amended, and to the corresponding provisions of any similar law subsequently enacted, and to all regulations issued under those Sections and provisions.

Exhibit A-3
Healthy Lakewood Foundation Code of Regulations

(see following pages)

CODE OF REGULATIONS
OF

HEALTHY LAKEWOOD FOUNDATION

Effective as of _____, 2018

CODE OF REGULATIONS

OF

HEALTHY LAKEWOOD FOUNDATION

ARTICLE I
GENERAL

Section 1. Name. The name of the Corporation will be Healthy Lakewood Foundation (the "Corporation").

Section 2. Creation. The Corporation is organized and established as a nonprofit corporation under Chapter 1702, Ohio Revised Code (the "Ohio Nonprofit Corporation Law").

Section 3. Purposes. The Corporation will have such purposes as are now, or may hereafter be, set forth in its Articles of Incorporation, as amended from time to time (the "Articles of Incorporation").

Section 4. Mission. "To advance programs, policies and practices that inspire a Lakewood community in which health and wellness are reflected in all aspects of life."

Section 5. Vision. "Lakewood is a place where all people achieve their fullest health potential."

Section 6. Powers. The Corporation will have those rights and powers, express or implied, as are now, or may hereafter be, granted by the Ohio Nonprofit Corporation Law, its Articles of Incorporation, and this Code of Regulations, each as amended.

Section 7. Office. The principal office of the Corporation will be in the City of Lakewood, County of Cuyahoga, Ohio, as determined from time to time by the Board of Directors.

ARTICLE II
MEMBERS

Section 1. Membership. The Corporation shall have no Members other than the members of the Board of Directors (each, a "Director" and collectively, the "Directors"). For purposes of any statute or rule of law relating to corporations, the Directors shall be considered the Members of the Corporation, and they shall have all the rights and privileges of Members. The Directors, when exercising the rights and privileges of Members at a meeting, shall comply with the provisions of Sections 3

through 12 of Article III below.

ARTICLE III
BOARD OF DIRECTORS

Section 1. General Powers. All of the business and affairs of the Corporation shall be managed and controlled by the Board of Directors.

Section 2. Number, Election and Tenure.

(a) Number. The Board of Directors shall consist of not less than eleven (11) and not more than seventeen (17) Directors.

(b) Staggered Terms; Term Limits. The Directors named by the Incorporator shall be divided into three (3) approximately equal groups; the individuals named to one group shall be appointed to a term to last until the Annual Meeting in 2020, the individuals appointed to the second group shall be appointed to a term to last until the Annual Meeting in 2021, and the individuals named to the third group shall be appointed to a term to last until the Annual Meeting in 2022. Directors shall serve until their respective successors are duly elected. Thereafter, except for Directors elected to fill a vacancy pursuant to Section 16 below, Directors shall be elected to serve terms of three (3) years or until their successors are duly elected. Directors may be elected for a maximum of three (3) three (3) year terms. All initial terms, even if for one (1) or two (2) years shall be considered a full term for purposes of the limitation of three (3) consecutive terms. Once a Director has served nine (9) years as a Director, such individual shall not be eligible to be reelected to the Board of Directors at any time.

(c) Qualifications.

Cleveland Clinic Directors. The Cleveland Clinic Foundation ("Cleveland Clinic") shall have the right to appoint two (2) individuals as Directors. Such individuals shall be appointed to two different groups so that their terms will not end at the same time. The Directors appointed by the Cleveland Clinic shall be subject to the same term limits as other Directors. This right of the Cleveland Clinic to appoint two Directors is derived from the agreement made by and between the Cleveland Clinic, the City of Lakewood and Lakewood Hospital Association with an effective date of December 21, 2015 regarding the future of health care services in the Lakewood community (the "Master Agreement"). As is more fully described in Article IV and Section 6.1 of the Master Agreement, this right of the Cleveland Clinic to appoint two Directors shall cease one (1) year after the later of (i) the date the Cleveland Clinic makes its final annual contribution payment to the Corporation; or (ii) the date on which the Cleveland Clinic ceases to own and operate the family health center created pursuant to the Master Agreement ("Appointment Right

Termination Date"). On the Appointment Right Termination Date, the Corporation shall have the right, but not the obligation, to remove the Directors appointed by the Cleveland Clinic; and all rights of the Cleveland Clinic to appoint Directors shall cease. If at any time prior to the Appointment Right Termination Date the Cleveland Clinic fails to appoint any individuals to serve as Directors (including replacing any Directors who have been removed), the two Director positions shall remain unfilled until such time, if any, that the Cleveland Clinic appoints such Directors; however, the unfilled positions shall not be counted for any quorums, voting, or other matters related to the authorized number of Directors.

Lakewood Residents. Two-thirds or more of the number of non-Cleveland Clinic Directors serving at any time shall be residents of the City of Lakewood, Ohio ("Lakewood"). (For example, if the Board has determined the number of Directors is to be 15, there will be 13 non-Cleveland Clinic Directors and at least two-thirds (9) must be individuals residing in the City of Lakewood.) In the event a Director lived in Lakewood when initially elected or appointed but moves out of Lakewood, for purposes of this two-thirds requirement, such individual shall continue to be counted as a Lakewood resident, until the completion of such Director's term but shall not be counted as a Lakewood resident for any renewal terms.

Board Diversity. It is intended that the Board of Directors be diverse with respect to a number of factors which are attached to this Code of Regulations ("Diversity Factors") and made a part hereof. While each Board will not have Directors meeting all of the Diversity Factors, and as is more fully defined in Section 17, there is no requirement that individual Directors be selected based on meeting any diversity criteria, prior to each election of Directors to the Board, the Chair of the Board, or the Chair of the nominating committee, if any, shall review with the Board the diversity on the Board related to the Diversity Factors, which shall be considered by the Board when electing new Directors; however, such Diversity Factors do not need to be the sole criteria for selecting new Directors.

Task Force Members. The initial Directors named by the Incorporator shall include at least two (2) individuals who served on the City of Lakewood Task Force, which provided advice regarding the creation of the Corporation ("Task Force"). Directors who served on the Task Force shall be divided approximately equally across the staggered terms.

Section 3. Annual Meeting. The Annual Meeting of the Board of Directors shall be held at such time after the close of the calendar year as is necessary to permit the Board to receive a report of finances and activity for the prior year, but in no event shall it be after the end of the month of March. (In the event the Board directs the financials of the Corporation to be audited, there is no requirement that such audit be completed prior to the Annual Meeting.) The purpose of the Annual Meeting shall be to elect Directors

and officers, receive annual reports for the previous year, and to transact such other business as may come before the meeting. The Annual Meeting shall be held at the place and time specified in the notice of said Annual Meeting required by Section 7 below.

Section 4. Regular Meeting. There shall be at least three (3) Regular Meetings of the Board of Directors each year in addition to the Annual Meeting. Regular meetings may be held on such days and at such places and times as the Board of Directors specifies from time to time.

Section 5. Special Meetings. Special Meetings of the Board of Directors may be called by the Chair or by any two Directors at such times and places as the person or persons calling such meeting shall specify in the notice of said meeting required by Section 7 below.

Section 6. Location of Meetings. Meetings of the Board of Directors may be held at any place within the State of Ohio as specified in the notice of the Meeting.

Section 7. Notice. The following provisions will govern notice:

(a) Written notice of the time and place of each meeting of the Board of Directors (the "Notice") shall be delivered to each Director either by personal delivery or by electronic mail, or facsimile telecopy at least two (2) days before the meeting, or by mail at least seven (7) days before the meeting, which notice need not specify the purpose of the meeting.

(b) Notice of adjournment of a meeting need not be given if the time and place to which it is adjourned are fixed and announced at the meeting.

(c) If the Notice is mailed, it will be deemed to be delivered when deposited in the United States mail addressed with postage thereon prepaid.

(d) If the Notice is given by electronic mail, telegram or facsimile telecopy, such notice shall be deemed to be delivered when the electronic mail, telegram or facsimile telecopy is delivered to the receiving facility.

(e) Any Director may waive notice of any meeting. The attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 8. Action Without a Meeting. Any action which may be taken at a meeting of the Board of Directors may be taken without a meeting (unless otherwise prohibited by this Code of Regulations or Ohio law) if a consent in writing or by electronic means is obtained from a majority of the Directors entitled to vote. For purposes of taking an action without a meeting, such action may be taken by mail or

electronic vote. The receipt of a vote by a Director shall constitute consent to taking an action by electronic voting, and waiver of any notice requirements.

Section 9. Voting. Each Director will be entitled to one vote.

Section 10. Quorum. A majority of the Directors then in office is necessary to constitute a quorum for a meeting of the Board of Directors. If a quorum is not present, a majority of the Directors present may adjourn and reconvene the meeting from time to time without further notice. The act of a majority of the Directors present at a meeting at which a quorum is present is the act of the Board of Directors, unless such greater number of votes is required in this Code of Regulations.

Section 11. Use of Communications Equipment. Electronic or other communications equipment which satisfies the requirements of Ohio Revised Code Sections 1702.01(Q) and 1702.17 may be used to conduct meetings of the Board of Directors. Participation by a Director in a meeting through the use of any of the means of communication described in this Section 11 constitutes presence in person of that Director at the meeting for purposes of determining a quorum and other purposes.

Section 12. Procedure. The Chair will preside at the meetings of the Board of Directors.

Section 13. Compensation; Expenses. Directors shall not receive any compensation for their services. The Board of Directors may choose to provide reimbursement for out-of-pocket expenses that Directors reasonably incurred in connection with the performance of Directors' duties.

Section 14. Resignation. Any Director of the Corporation may resign at any time, either by oral tender of resignation at any meeting of the Board of Directors or by giving written notice thereof to the Secretary of the Corporation. Such resignation shall take effect at the time specified therefore and, unless otherwise specified with respect thereto, the acceptance of such resignation shall not be necessary to make it effective.

Section 15. Removal. A Director may be removed, with or without cause, at a meeting for which notice is given that the purpose, or one of the purposes, of the meeting is to consider the removal of a Director.

Section 16. Vacancies. Any vacancy occurring in the Board of Directors will be filled by the affirmative vote of a majority of the remaining Directors, except for a vacancy occurring by the resignation of either of the Cleveland Clinic representatives which vacancy shall be filled by the Cleveland Clinic. A Director elected to fill a vacancy occurring in the Board of Directors shall be elected for the unexpired term of his or her predecessor in office.

Section 17. Nominating Process. At least six (6) months prior to the anticipated date for the Annual Meeting at which Directors shall be elected, the Board

shall determine the nominating process for selecting Directors. Such process may be through the use of a nominating committee or other means deemed appropriate by the Board of Directors. It is the intent that there be community involvement in the nominating process and a diverse Board of Directors and as such the process shall include reviewing the diversity of the Board and shall include a method of obtaining names of persons to be considered for nomination from both current Directors and from sources outside of the Corporation. Such process should include, at a minimum, publication in local media, social media, and notification to nonprofit or governmental organizations performing health and wellness services in Lakewood which the Corporation has identified may be able to assist the Corporation in identifying potential Board Members. The process may be different each year depending upon the number and Diversity Factors of Directors sought.

ARTICLE IV
COMMITTEES

Section 1. Committees. The Board of Directors may from time to time appoint Committees which in its discretion it deems necessary or desirable and which Committees shall consist of no fewer than three (3) persons. The Chair of any such Committee shall be a Director; other Committee Members do not need to be Directors.

ARTICLE V
OFFICERS

Section 1. Officers. The officers of the Corporation shall consist of a Chair, a Vice-Chair, a Treasurer, and a Secretary, and, if desired, such other officers and assistant officers as may be deemed necessary, each of whom may be designated by such other titles as determined by resolution of the Directors. All officers shall be Directors. Any two (2) or more offices (except for the offices of Chair and Vice-Chair) may be held by the same person, but no officer shall execute, acknowledge, or verify any instrument in more than one capacity if the instrument is required to be executed, acknowledged, or verified by two (2) or more officers.

Section 2. Election and Term of Office. The officers of the Corporation, except for the Chair shall be elected annually by the Board of Directors at its Annual Meeting. The Chair of the Board shall be elected for a three (3) year term, such election to take place every three (3) years at the Annual Meeting of the Directors. Each officer shall hold office until his or her successor has been duly elected and accepted office or until his or her death, resignation or removal (in the manner provided below). The Chair of the Board may not be elected for additional consecutive terms; other officers may be reelected for up to a total of three (3) consecutive terms. In the event a Director is elected Chair for a three (3) year term and serving such three (3) year term shall cause the Director to exceed the maximum number of years the Director is eligible to serve, such Director shall continue to serve as Chair throughout his or her term as Chair. At such time as the Chair's maximum amount of time serving as a Director ends and the person serving as Chair would ordinarily rotate off the Board, the Board of Directors may elect

another person to fill that position and to serve a three (3) year term (and such Director may be reelected as provided for in this Code of Regulations.) The Chair shall nevertheless continue to serve as a Director through his or her term as Chair even if this causes the Board of Directors to have eighteen (18) Directors.

Section 3. Removal. Any officer elected by the Board of Directors may be removed with or without cause by the majority action of the Board of Directors present at a meeting.

Section 4. Vacancies. A vacancy in office because of death, resignation, removal, disqualification or otherwise may be filled by the Board of Directors for the unexpired portion of the term. In the event of a vacancy in the office of Chair, the individual filling the vacancy, if filling the vacancy for one (1) year or less, shall be eligible for re-election to a full three (3) year term as Chair. In the event the individual elected to fill a vacancy as Chair serves in that position for more than a year, such individual shall not be eligible to be re-elected to serve a full three (3) year term as Chair.

Section 5. Chair. The following provisions shall govern the office of Chair:

(a) The Chair shall be elected from among the Directors of the Corporation and shall preside at all meetings of the Board of Directors.

(b) The Chair shall be an ex officio member of all committees which may be from time to time elected or appointed.

(c) The Chair may sign, with the Secretary or any other officer of the Corporation authorized by the Board of Directors, any deeds, mortgages, bonds, contracts or other instruments which have been authorized to be executed, except in cases where the signing and the executions thereof would be expressly delegated by the Board of Directors or by this Code of Regulations or by statute to some other officer or agent of the Corporation; and in general, the Chair shall perform all duties incident to the function of a Chair of the Board and such other duties as may be prescribed by the Board of Directors from time to time.

Section 6. Vice-Chair. A Vice-Chair shall be elected from among the Directors and, in the absence of the Chair, the Vice-Chair shall perform the duties of Chair when the office of Chair is vacant or the Chair is unable or unavailable to act.

Section 7. Treasurer. The following provisions will govern the office of Treasurer:

(a) Subject to the discretion of the Board of Directors, the Treasurer shall have charge and custody of and be responsible for all funds and securities of the Corporation; receive and give receipts for all monies due and payable to the Corporation from any source whatsoever; deposit all such

monies in the name of the Corporation in the banks, trust companies or other depositories as shall be selected in accordance with the provisions of this Code of Regulations; and in general perform all the duties incident to the office of Treasurer and the other duties as from time to time may be assigned to the Treasurer by the Chair or by the Board of Directors.

(b) If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his or her duties in the sum and with the surety as the Board of Directors determines.

Section 8. Secretary. The following provisions will govern the office of Secretary:

(a) Subject to the discretion of the Chair, the Secretary shall (i) keep the minutes of the meetings of the Board of Directors in one or more books provided for that purpose, (ii) assure that minutes of all meetings of any Committees are prepared and filed with the records of the Corporation, (iii) assure that all notices are given in accordance with the provision of this Code of Regulations or as required by law, (iv) be custodian of the Corporation's records, and (v) perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to the Secretary by the Chair or the Board of Directors.

(b) In the absence of the Vice-Chair, the Secretary shall perform the duties of the Chair when the office of Chair is vacant, or the Chair is unable or unavailable to act.

Section 9. Assistant Treasurer and Assistant Secretaries. Any Assistant Treasurer or Assistant Secretary shall perform such duties as shall be assigned to him or her by the Treasurer, the Secretary or the Board of Directors, as the case may be.

ARTICLE VI
COMMUNITY ENGAGEMENT AND ACCOUNTABILITY

The Board of Directors shall strive for broad-based community involvement in the activities of the Corporation through the nomination process for Directors, reports to the community and other activities. At least every three (3) years (starting no later than one (1) year after the first Board of Directors is constituted) the Board of Directors shall develop and adopt a Community Engagement and Accountability Plan which shall specify the methods by which the Corporation shall seek and obtain significant community involvement. Without limiting the foregoing, the Board of Directors shall at a minimum hold at least one (1) public meeting each year which is publicized and to which all interested members of the City of Lakewood community are invited to attend. In addition to the Corporation reporting to the attendees the activities of the Corporation (which reporting shall include the finances of the Corporation including the source and amounts of and any grants received by the Corporation from other entities and the

recipients and amounts of any grants, loans or other assistance provided by the Corporation to other entities), the meeting shall provide an opportunity for the attendees to provide their input to the Directors as to actions taken by the Directors, future actions the attendees wish the Directors to consider and other issues the attendees wish to raise. The Corporation shall make available on its website the report(s) made at any public meetings and shall make such reports available to any person upon request. The Board shall prepare an annual report regarding the community engagement and accountability activities of the previous year. Nothing contained herein shall prohibit the Board from amending the Community Engagement and Accountability Plan prior to the development of the next Community Engagement and Accountability Plan if the Board determines such amendment is necessary to obtain significant community involvement.

ARTICLE VII
EMPLOYEES

The Board of Directors may establish such positions of employment as it deems desirable from time to time and shall fix the salaries and other terms of employment for such positions.

ARTICLE VIII
AGENTS AND REPRESENTATIVES

The Board of Directors may appoint such agents and representatives of the Corporation with such powers and to perform such acts and duties on behalf of the Corporation as the Board of Directors may see fit, so far as may be consistent with the Articles of Incorporation and this Code of Regulations, to the extent authorized or permitted by law.

ARTICLE IX
LIMITATION OF LIABILITY IN DAMAGES AND INDEMNITY

Section 1. Limitation of Liability in Damages of a Director. Other than in connection with an action or suit in which the only liability asserted against a Director is for voting for or assenting to a statutorily prescribed asset distribution or loan, a Director of the Corporation will be liable in damages for any action he or she takes or fails to take as a Director only if it is proved by clear and convincing evidence in a court of competent jurisdiction that his or her action or failure to act involved an act or omission either undertaken with deliberate intent to cause injury to the Corporation or undertaken with reckless disregard for the best interests of the Corporation.

Section 2. Indemnification. The Corporation shall defend, indemnify and save harmless each person, and the heirs, legal representatives, executors and administrators of such person, who is, or was, a Director, Member, officer, advisor, Employee or agent of this Corporation or who is, or was, serving at the request of this Corporation and for the benefit of this Corporation ("Covered Positions") against all costs and expenses (including, but not limited to, attorneys' fees and disbursements, judgments, fines, penalties and amounts paid in settlement) as permitted by Ohio Nonprofit Corporation law; provided, however, that the Corporation shall not indemnify any such person with respect of any claim, suit, issue or matter, brought by or in the right of this Corporation.

Section 3. Insurance. This Corporation shall purchase and maintain insurance, in such amounts and upon such terms as deemed appropriate by the Board of Directors, on behalf of any person who is, or was, serving in a Covered Position against any liability asserted against him or her or incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not this Corporation would have the power to indemnify him or her against such liability under the Ohio Nonprofit Corporation Law.

Section 4. No Mandatory Indemnification of Volunteers. Section 1702.12(E)(5) of the Ohio Nonprofit Corporation Law shall not apply to the Corporation to the extent that it requires the indemnification of volunteers (as that term is defined in Section 1702.01(M) of the Ohio Nonprofit Corporation Law) other than Directors, officers or advisors of the Corporation or directors or officers of another domestic or foreign nonprofit corporation or corporation for profit, or partnership, joint venture, employee benefit plan, trust or other enterprise serving at the request of the Corporation.

ARTICLE X
CONTRACTS AND BANKING

Section 1. Contracts. The Board of Directors may authorize any one or more officers or agents to enter into any contract or execute or deliver any instrument in the name of or on behalf of the Corporation, and the authority may be general or confined to special instances.

Section 2. Deposits. All funds of the Corporation not otherwise employed will be deposited from time to time to the credit of the Corporation in the banks, trust companies, or other depositories as the Board of Directors may select.

Section 3. Checks. All checks, drafts or other orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as from time to time determined by resolution of the Board of Directors.

ARTICLE XI
GIFTS/FUND-RAISING

Section 1. Acceptance of Gifts. The Board of Directors or a Committee appointed for that purpose, may apply for and accept on behalf of the Corporation any gift, grant, bequest, contribution, or devise for the general purposes or any special purpose of the Corporation. The Board of Directors, or a Committee appointed for that purpose, may agree to administer the same in accordance with any conditions that the testator or donor may impose, provided only that the purpose of the devise, bequest or gift is within the powers and purposes of the Corporation.

Section 2. Distributions. The Board of Directors may make outright contributions, grants and gifts of property, both real and personal, to any program fulfilling any of the purposes of the Corporation as are set forth in the Articles of Incorporation, subject to any and all restrictions imposed from time to time upon the grant-making activities of organizations exempt from income tax under Sections 501(a) and 501(c)(3) by the Internal Revenue Code of 1986, as amended.

ARTICLE XII
CONFLICTS OF INTEREST AND CODE OF CONDUCT

Section 1. Code of Conduct. The Corporation shall develop a Code of Conduct applicable to each Director and any Corporation employees or independent contractors ("Employees"), and shall obtain on an annual basis from each Director, and any such Employees, the acknowledgment that the Director has read the Code of Conduct and agrees to be bound by it. The Code of Conduct shall include, but not be limited to: a prohibition on any Director or Employee seeking any personal benefit or advantage from their association with the Corporation, (other than reasonable compensation for any Employees, and reasonable reimbursement of expenses for anyone so entitled); the requirement of confidentiality for Corporation business intended to be confidential; and the continual disclosure of conflicts of interest and any matter which could be perceived as a conflict of interest.

Section 2. Conflicts of Interest. At least annually all Directors and Corporation personnel shall disclose to the Board of Directors any positions, paid or volunteer, which the Director or Corporation personnel hold in an organization which competes with, contracts with, or which is a grantee of, the Corporation. In the event the Corporation is considering doing business with, or granting funds or other benefits to, to any entity with which the Director or employee holds a position, or with any person with whom the Director or Employee has a business, familial, or close personal relationship (all of which shall be defined in the Code of Conduct), the Director or Employee must immediately disclose such relationship to the Board of Directors. Conflicts of Interest are not inherently illegal, nor do they preclude the Corporation from entering into a transaction in which a Director or Employee has an interest, however, the Corporation shall take additional steps to determine if alternatives are available, and the person with

the Conflict of Interest shall not participate in any decision making regarding the transaction.

Section 3. No Self-Dealing. In no instance shall the Corporation engage in a sale, exchange, or leasing of property, lending of money, or contract for the furnishing of goods or services with any Director or Employee, any Living Relative of a Director or Employee, or any business entity in which a Director or Employee has more than a 35% ownership interest, or if the Director or Employee will benefit directly from the lease, loan, or contract, such as through commissions. "Living Relatives" are spouses and domestic partners; parents, step-parents, grandparents and step-grandparents; siblings, half-siblings and their spouses; children, grandchildren, great-grandchildren and their spouses; and other individuals with whom the Director or Employee has an economic or intimate personal relationship. It shall not be self-dealing for the Corporation to make grants or otherwise provide benefit to entities which may provide services to Directors or Employees or their Living Relatives, or to entities in which Directors or Employees or their Living Relatives are involved, such as being an employee, volunteer or board member; provided, however, that the Directors disclose such information and abstain from voting as provided in Section 2 above.

ARTICLE XIII
ACCOUNTING YEAR AND AUDIT

Section 1. Accounting Year. The fiscal year of the Corporation (the "Fiscal Year") shall begin on the first day of January and end on the last day of December of each year.

Section 2. Audit. At the end of each Fiscal Year, the books of the Corporation shall be closed and a financial statement prepared for such Fiscal Year. If directed by the Board of Directors, such financial statement shall be reviewed or certified by an independent firm, the partners of which are certified public accountants. Such financial statement shall be promptly mailed to each Director and shall be submitted to the Board of Directors at the Annual or a Special Meeting.

ARTICLE XIV
MISCELLANEOUS

Section 1. Books and Records. The Corporation shall keep correct and complete books and records and minutes of the proceedings of the Board of Directors, and of any Committees which have had activities in connection with the Corporation's business.

Section 2. Loans to Employees, Directors and Officers Prohibited. No loans will be made by the Corporation to its officers, Directors, advisors or Employees.

Section 3. Rules. The Board of Directors may adopt, amend or repeal Rules

(not inconsistent with this Code of Regulations) for the management of the internal affairs of the Corporation and the governance of its officers, advisors, agents, committees and employees.

ARTICLE XV
AMENDMENTS

This Code of Regulations of the Corporation may be amended, altered, or repealed at any time and a new Code of Regulations adopted at a meeting held for that purpose and for which notice was given that an amendment to this Code of Regulations would be considered, upon the affirmative vote of two-thirds of the total number of Directors entitled to vote.

DIVERSITY FACTORS

The following shall be considered in the nomination of Directors with the intent that the Board of Directors be diverse in their skills, demographics, and areas of knowledge:

Skills:

Finance and Investment
Legal
Marketing and Communications
Health Care and Wellness
Nonprofit Management
Government relations
Philanthropy

Demographics:

Age
Race
Gender and Gender Identity
Education
Ethnicity
Culture
Socioeconomic Status
Disability
LGBTQ

Areas of Knowledge:

Education
Economic Development
Aging
Early Childhood
Immigration/Refugees
Public Health
Faith Based Initiatives

Exhibit B

Healthy Lakewood Foundation Initial Board Members

(to be provided)

Read & Referred to Planning Commission 3/19/18; Second Reading 4/2/18; Referred to COW 5/21/18; Recommended for adoption by COW 6/11/18

ORDINANCE NO. 23-18 BY:

AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 1381 Fry Avenue (PPN 312-33-054), 1379 Fry Avenue (PPN 312-33-053), and 1375 Fry Avenue (PPN 312-33-052) from C3 (Commercial, General Business) to PD (Planned Development).

WHEREAS, it is desirable and necessary to rezone the property to allow for the redevelopment of the property into townhomes; and

WHEREAS, the redevelopment meets the spirit and intent of the Planned Development zoning chapter; and

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

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood be and the same is hereby amended by changing and revising the Zoning Map of the City from C3 (Commercial, General Business District) to PD (Planned Development) for the following property known as 1381 Fry Avenue (PPN 312-33-054), 1379 Fry Avenue (PPN 312-33-053), and 1375 Fry Avenue (PPN 312-33-052):

[See legal description and map attached hereto collectively as **Exhibit A**]

Section 2. The Director of Planning and Development is hereby authorized and directed to make the reclassification change on the zoning map of the City of Lakewood, Ohio, in order to reflect the amendment designated in Section 1 of this ordinance.

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

Adopted: _____ _____
PRESIDENT

_____
CLERK OF COUNCIL

Approved: _____ _____
MAYOR

Exhibit A
(Legal Description and Map)

As to Parcel No. 312-33-052:

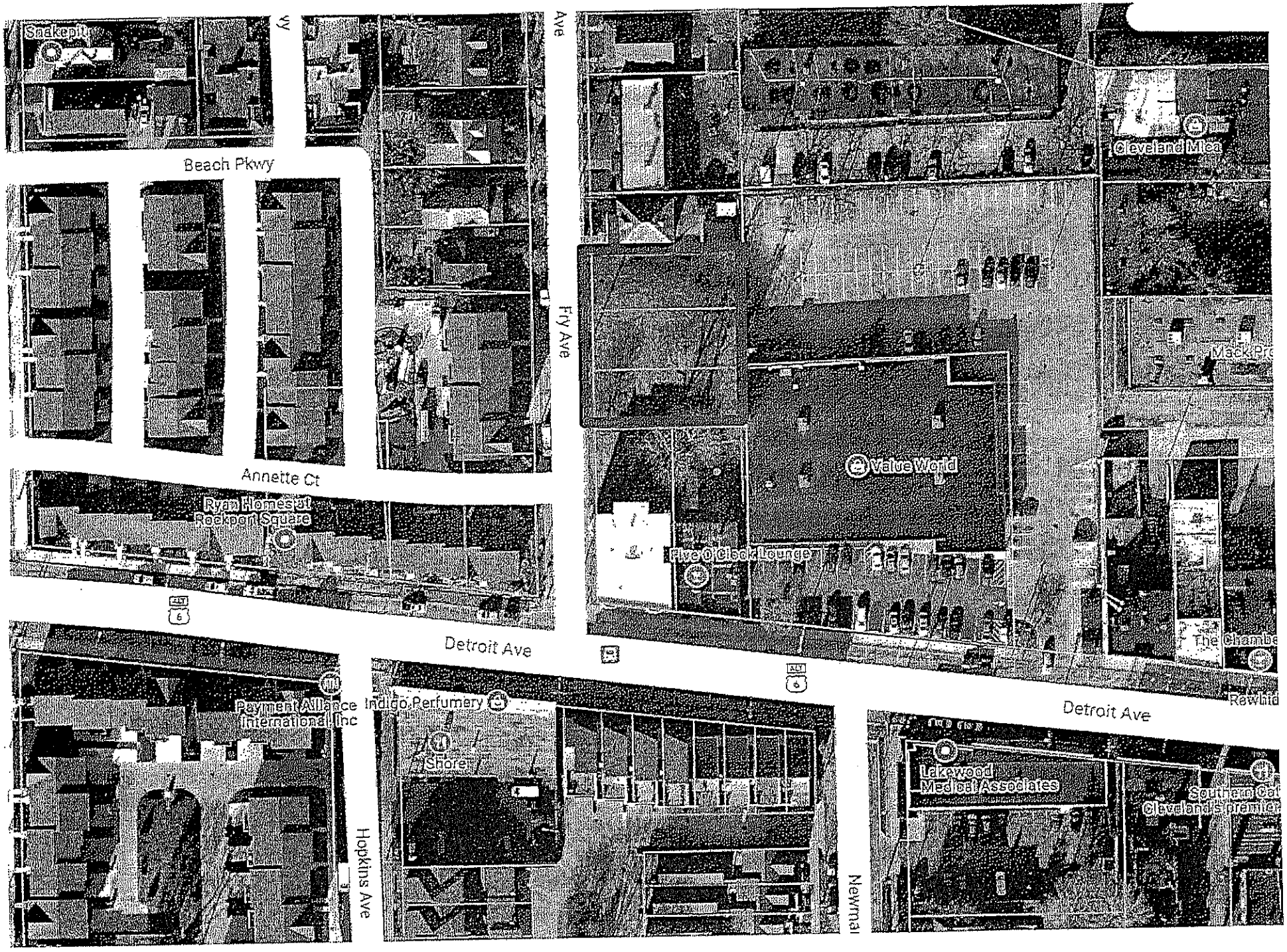
Situated in the City of Lakewood, County of Cuyahoga and State of Ohio:
And known as being part of Original Rockport Township Section No. 21, and bounded and described as follows:
Beginning at a point in the East line of Fry Avenue, distant Northerly from the North line of Detroit Avenue, 197 feet, as measured on said Easterly line of Fry Avenue;
Thence from said beginning, Easterly 100.19 feet to the East line of property formerly owned by William Frutton (said first course being also the North line of land formerly owned by Koch);
Thence Northerly along Frutton's West line, a distance of 40 feet to a stake;
Thence Westerly parallel with the first course, 100.19 feet to the Easterly line of Fry Avenue;
Thence Southerly along the Easterly line of Fry Avenue to the place of beginning, be the same more or less, but subject to all legal highways.

As to Parcel No. 312-33-053:

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio:
And known as being part of Original Rockport Township Section No. 21, bounded and described as follows:
Beginning on the Easterly line of Fry Avenue, distant Northerly, measured along the Easterly line 157 feet from the
Northerly line of Detroit Avenue;
Thence Northerly along the Easterly line of Fry Avenue, 40 feet;
Thence Easterly at right angles to the Easterly line of Fry Avenue, 100.19 feet to the Westerly line of land Willed to Elizabeth Harris, by Will recorded in Volume M, Page 464 of Cuyahoga County Probate Court Records;
Thence Southerly along the Westerly line of land so Willed to Elizabeth Harris, 40 feet;
Thence Westerly in a direct line to the place of beginning, and being further known as the Northerly 33 feet of Sublot No. 3, and Southerly 7 feet of Sublot No. 4, in Richard F. Edwards proposed Subdivision, of part of Original Rockport Township Section No. 21, be the same more or less, but subject to all legal highways.

As to Parcel No. 312-33-054:

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio:
And known as being part of Original Rockport Township Section No. 21, and bounded and described as follows:
Beginning in the Easterly line of Fry Avenue, as shown by the dedication plat recorded in Volume 46 of Maps, Page 27 of Cuyahoga County Records, at a point distant 117 feet Northerly measured along said Easterly line from said intersection with the Northerly line of Detroit Avenue;
Thence Northerly along said Easterly line of Fry Avenue, 40 feet;
Thence Easterly at right angles to said Easterly line of Fry Avenue, 100.19 feet to the Westerly line of land conveyed to Alice Kelman by deed dated November 30, 1955, and recorded in Volume 8477, Page 521 of the Cuyahoga County Records;
Thence Southerly along said Westerly line of land so conveyed, 40 feet;
Thence Westerly at right angles, 100.19 feet to the place of beginning, be the same more or less, but subject to all legal highways.


Snakepit
Beach Pkwy
Ave
Fry Ave
Annette Ct
Ryan Homes at Rockport Square
Detroit Ave
Cleveland Mica
Value World
Five O Clock Lounge
The Chambe
Rewind
Detroit Ave
Payment Alliance International, Inc
Indigo Perfumery
Shore
Hopkins Ave
Newma
Lakewood Medical Associates
Southern Cat
Cleveland's premier

Read & referred to Finance Committee 6/4/18; Recommended for adoption by Finance Committee 6/11/18

ORDINANCE NO. 30-18 BY:

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, law authorizing the transfer and advance of certain funds.

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 must record all financial transactions within the appropriate fiscal period; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

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

			2018	
		2nd Quarter		
	Fund	Transfers Out		Transfers In
101	General Fund	$ 246,982		
	Special Revenue Funds			
250	Office on Aging IIIB			$ 172,500
	Internal Service Funds			
600	Hospitalization			$ 71,291
601	Workers' Compensation			$ 3,191
	Debt Service Payments			
101	General Fund (HB 300 Lease)	$ 55,000		
211	SCMR (HB 300 Lease)	$ 6,250		
260	Lakewood Hosptl (HB 300 Lease)	$ 300		
501	Water (HB 300 Lease)	$ 3,813		
510	WWC (HB 300 Lease)	$ 800		
511	WWTP (HB 300 Lease)	$ 18,750		
520	Parking (HB 300 Lease)	$ 1,125		
530	Winterhurst (HB 300 Lease)	$ 20,000		
301	Debt Service Fund	$ -		$ 106,038
512	WWTP Improvements	$ 450,000		
301	Debt Service Fund			$ 450,000

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

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

_____
Clerk of Council

Approved: _____

_____
Mayor

DEPARTMENT OF PLANNING & DEVELOPMEN
BRYCE SYLVESTER, DIRECTOR

12650 Detroit Avenue • 44107 • (216) 529-6630
www.onelakewood.com

June 18, 2018

Re: Ordinance revising planning commission voting requirements in the Code following passage of Third Amended Charter

Dear Members of Council,

I am writing to let you know that at its meeting on March 1, 2018, Planning Commission unanimously recommended the proposed change to Chapter 1134.03 (k), Procedures for Identification, Notification and Designation of an HPD or HP or Landmarks. The change adjusts the voting requirements of Planning Commission when "the owner of a property nominated as an HP, or each owner within a district nominated as an HPD, does not agree to designation" based upon Planning Commission's new five member composition under the Third Amended Charter.

The Commission has recommended the change back to council for final approval. I look forward to discussing this at a future council meeting.

Please let me know if you have any questions.

Sincerely,

Katelyn Z. Milius

Katelyn Milius, PE
City Planner

Referred to Rules & Ordinances Committee 5/21/18; second reading 6/4/18; Recommended for adoption by Rules & Ordinances 6/4/18

ORDINANCE NO. 29-18 BY:

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 at the earliest period allowed by law, enacting various sections of the Codified Ordinances of the City of Lakewood in order to codify certain provisions with respect to financial processes in the city.

WHEREAS, on November 7, 2017, the citizens of Lakewood adopted the proposed Third Amended Charter of the City of Lakewood; and

WHEREAS, the Third Amended Charter does not carry forward the provisions found in Article XVIII of the Second Amended Charter related to certain financial processes undertaken by the City; and

WHEREAS, this Council has determined that these provisions shall be established in the Code as a matter of local self-government; 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 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 new charter became effective upon the official certification of the November 7, 2017 election in the city; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. New Section 129.62, Appropriations of Balance or Accruing Revenue not Already Appropriated, shall be enacted to read as follows:

129.62. APPROPRIATIONS OF BALANCE OR ACCRUING REVENUE NOT ALREADY APPROPRIATED.

Any accruing revenue of the City not already appropriated, and any balance at any time remaining after the purposes of the appropriation shall have been satis-

fied or abandoned, may from time to time be appropriated by Council to such uses as will not conflict with any uses for which specifically such revenues accrued.

Section 2. New Section 129.63, Unexpended Balances Revert, shall be enacted to read as follows:

129.63. UNEXPENDED BALANCES REVERT.

At the end of each year, all unexpended balances of appropriations shall revert to the respective funds from which the same were appropriated and shall then be subject to future appropriation; but appropriations may be made in furtherance of improvements or other objects or work of the City that will not be completed within the current year.

Section 3. New Section 129.64, Certification of Instruments, shall be enacted to read as follows:

129.64. CERTIFICATION OF INSTRUMENTS.

(a) Certification. No contract, agreement, or other obligation, involving the expenditure of money, shall be entered into by any officer of the City, nor shall any ordinance, resolution, or order for the expenditure of money be passed by Council, unless the Director of Finance first certifies that the money required for such contract, agreement, obligation, or expenditure, is in the treasury or in the process of collection and is available for such purpose, as provided by general law.

(b) Funds Subject to Certification. All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales of service, products or byproducts or from any City undertakings, fees, charges, accounts and bills receivable or other credits in process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds, notes or other debt obligations sold and in process of delivery shall be deemed in the treasury and subject to the certification referred to in Section 4 of this Article.

(c) Failure to Comply. All contracts, agreements, or other obligations and all ordinances, resolutions and orders entered into or passed contrary to the provisions of the preceding Sections shall be void, and no person whatever shall have any claim or demand against the City thereunder, nor shall Council, nor any officer of the City waive or qualify the limits fixed by such ordinance, resolution, or order or fasten upon the City any liability whatever, in excess of such limits, or release any party from compliance with this contract under such ordinance, resolution or order.

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 its preamble, 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, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____ _____
PRESIDENT

_____
CLERK

Approved: _____ _____
MAYOR

Read & Referred to Rules & Ordinances 11/20/17; Second reading 12/4/17; Recommended for adoption by Rules & Ordinances 6/4/18

ORDINANCE NO. 38-17 BY:

AN ORDINANCE to take effect at the earliest period allowed by law enacting Chapter 123, Departments and Directors Established, of the Codified Ordinances of the City of Lakewood in order to codify the administrative departments and their directors' responsibilities within the City.

WHEREAS, on November 7, 2017, the citizens of Lakewood adopted the proposed Third Amended Charter of the City of Lakewood; and

WHEREAS, the Third Amended Charter, at Article Four, Departments and Officers, provides for the establishment of the departments of law and finance and additional city departments, offices or agencies to provide and administer city services, including but not limited to public safety, planning and development, human services and public works; and provides for the head of each department to be a director; and

WHEREAS, this Council has determined that departments and directors shall be established pursuant to these provisions as a matter of local self-government; 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 either Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood or Section 2.12 of the Third Amended Charter of the City of Lakewood, whichever is applicable at the time, this Council by a vote of at least five or two thirds of its members, as applicable, 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 new charter becomes effective immediately upon the official certification of the November 7, 2017 election in the city; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. New Chapter 123, Departments and Directors Established, shall be enacted to read as follows:

CHAPTER 123
Departments and Directors Established

123.01 Departments Established.
123.02 Directors of Departments.
123.03 Department of Public Works.
123.04 Department of Public Safety.
123.05 Department of Law.
123.06 Department of Finance.
123.07 Department of Planning and Development.
123.08 Department of Human Services.
123.09 Department of Human Resources.

123.01 DEPARTMENTS ESTABLISHED.

The following administrative departments are hereby established: a Department of Public Works, a Department of Public Safety, a Department of Law, a Department of Finance, a Department of Planning and Development, a Department of Human Services, and a Department of Human Resources.

123.02. DIRECTORS OF DEPARTMENTS.

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

123.03 DEPARTMENT OF PUBLIC WORKS.

The director of the Department of Public Works shall:

(a) Have charge of the construction, improvement, repair and maintenance, including engineering and inspection in connection therewith, of streets and other public highways, sidewalks, wharves, docks, and landings; sewers, drains, ditches, culverts, canals, streams, watercourses and harbors; public buildings; the water works; parks, playgrounds, boulevards, cemeteries, squares and other public places and grounds belonging to the City or dedicated to public use;

(b) Manage and control any public markets, sewage disposal plants, and all public utilities of the City supported in part or in whole by taxation and shall enforce all the obligations of privately owned or operated public utilities enforceable by the City; and

(c) Have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for any public work; the cleaning, sprinkling and lighting of streets and public places; the collection and disposal of waste; the preservation of contracts, papers, tools and appliances belonging to the City and pertaining to the functions of the department.

123.04 DEPARTMENT OF PUBLIC SAFETY.

(a) The Department of Public Safety shall be organized under at least three divisions, which shall include the Division of Police, the Division of Fire and the Division of Housing and Building. Council may establish other divisions within the department.

(b) Unless Council creates the office of Director of Public Safety and establishes the salary of such officer, the Mayor shall be *ex officio* the Director of Public Safety. The director shall make all necessary rules and regulations for the government of the department and the divisions thereof. The director shall enforce all police, fire, health, safety, and sanitary regulations that may be prescribed by ordinances or rules of the City or by general law.

(c) The Divisions of Police and Fire shall each be under the charge of a chief, and the Division of Housing and Building shall be under the charge of a commissioner. Each division shall be further composed of such officers and employees as may be provided by ordinance. In case of disaster, riot, conflagration or epidemic the Mayor may appoint additional police officers, firefighters or other officers and employees for temporary service.

(d) The chief, commissioner or inspector of each division shall have exclusive control of the assignment of duties and stationing of all other officers and employees of the division, under such rules and regulations as the Director of Public Safety may prescribe.

(e) The chiefs or commissioners of all divisions shall have the exclusive right to suspend any of the officers or employees in their respective divisions who are under their management and control, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. If any officer or employee is suspended, as herein provided, the chief of the division concerned shall forthwith in writing certify the fact, together with the cause for the suspension, to the Director of Public Safety, who within five days from the receipt thereof shall proceed to inquire into the cause of such suspension and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank, or dismissal, and such judgment in the matter shall be final, except as otherwise hereinafter provided. The Director of Public Safety, in any such investigation, may administer oaths and secure the attendance of witnesses, and the production of books and papers.

(f) The Director of Public Safety shall have the exclusive right to suspend the chief, commissioner, or inspector of any division for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. If the chief of police or fire, the commissioner of housing and building, or the head of any other division within the department is so suspended, the Director of Public Safety shall forthwith certify the fact, together with the cause of such suspension, to the Civil Service Commission, which within five days from the date of the receipt of such notice shall proceed to hear such charges and render judgment thereon, which judgment shall be final.

(g) Any person in the police, fire, or housing and building division, or any other division within the department, who is suspended, reduced in rank or dismissed, may appeal from such decision to the Civil Service Commission within ten (10) days from and after the date of such suspension, reduction or dismissal. In such event the Director of Public Safety shall, upon notice

from the Commission of such appeal, forthwith transmit to the Commission a copy of the charges and proceedings thereunder, and the Commission shall hear such appeal within ten (10) days from and after the filing of the same with the Commission, and may affirm, disaffirm or modify the judgment; and its judgment in the matter shall be final.

123.05 DEPARTMENT OF LAW.

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

123.06 DEPARTMENT OF FINANCE.

The Department of Finance shall be headed by a director of finance. The director of finance shall be responsible for the administration of all financial requirements called for by the charter, ordinance, resolution or general law, except as general law may be limited by Council. The director of finance shall also be the city auditor.

123.07 DEPARTMENT OF PLANNING AND DEVELOPMENT.

The director of planning and development shall have charge of the operation of the Department of Planning and Development. The director shall direct administrative matters with respect to the planning for and development or redevelopment of the City. The director shall undertake, or cause to be undertaken, any and all actions necessary to furthering the planned development of the City, including, but not limited to, the following:

(a) Making recommendations to the Mayor, Council and the Planning Commission with respect to the City's comprehensive general plans for the development, redevelopment and improvement of the City;

(b) The preparation of all plans, drawings and specifications that may be required or are desirable to implement the City's comprehensive general plans; or as may be required or be desirable with respect to specific locations within the City;

(c) The preparation and administrative processing of applications for state, federal or other financial assistance in connection with programs and projects the purpose of which are to foster and promote planned community development within the City, and the administration of such programs and projects for the City;

(d) Reviewing and making recommendations to the Mayor, Council and the Planning Commission, as appropriate, with respect to proposals for the development or redevelopment of the City;

(e) Making recommendations to the Mayor, Council and the Planning Commission, as appropriate, with respect to zoning rules, regulations, controls, and design guidelines and standards which, in the director's view, are necessary

or desirable to guide the development or redevelopment of the City. The director shall have such other powers and shall perform such other duties and functions as are provided by or under the charter or by Council, and as directed by the Mayor.

123.08 DEPARTMENT OF HUMAN SERVICES.

The director of human services shall have charge of the operation of the Department of Human Services, whose general purpose is to advance the humanitarian goals of local government by providing services to persons of all ages and administering intergenerational programs. The director shall engage in programs as authorized by ordinance, general law, and the budget approved by Council.

123.09 DEPARTMENT OF HUMAN RESOURCES.

The director of human resources shall have charge of the operation of the Department of Human Resources, which is responsible for recruitment, retention and selection of employees; employee classification and compensation; labor relations; ensuring equal employment opportunity; employee training and development; administering employee benefits; administering the City's worker's compensation program; and human resources management and employee relations.

Section 2. Sections 139.01 and 139.03, currently reading as follows:

139.01 DEPARTMENT ESTABLISHED; DIRECTOR.

(a) The Department of Planning and Development is hereby established and shall be under the supervision of a Director of Planning and Development.

(b) The Director shall be nominated by the Planning Commission and appointed by the Mayor at his discretion.

139.03 INTENT OF COUNCIL.

It is the intention of Council, in making provision for a Director of Planning and Development:

(a) To aid and expedite the work and duties of the Planning Commission;

(b) That all planning, zoning, surveys, purchase of City property and all other matters related to the zoning and planning of the City should be given careful study and consideration by the Director and the Planning Commission; and

(c) That such subjects shall be studied and considered and recommendation made with respect thereto by the City Planning Commission, prior to any action thereon by Council.

are hereby repealed.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and

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

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

Adopted: _____ _____
PRESIDENT

_____
CLERK

Approved: _____ _____
MAYOR

Referred to Rules & Ordinances
11/20/17; Second reading 12/4/17;
Recommended for adoption by Rules
& Ordinances 6/4/18

ORDINANCE NO. 39-17 BY:

AN ORDINANCE to take effect at the earliest period allowed by law amending various sections within the Codified Ordinances of the City of Lakewood in order to update the code to reflect the adoption of the Third Amended Charter.

WHEREAS, on November 7, 2017, the citizens of Lakewood adopted the proposed Third Amended Charter of the City of Lakewood; and

WHEREAS, the Codified Ordinances make several references to the Second Amended Charter of the City of Lakewood, and thus stand to be updated; 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 either Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood or Section 2.12 of the Third Amended Charter of the City of Lakewood, whichever is applicable at the time, this Council by a vote of at least five or two thirds of its members, as applicable, 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 new charter becomes effective immediately upon the official certification of the November 7, 2017 election in the city; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 101.09, Distribution and Charges, currently reading as follows:

101.09 DISTRIBUTION AND CHARGES.

(a) The Clerk of Council shall deliver one complete code in binder, including the Charter to the Mayor, one to the Judge and Clerk of the Municipal Court, one to each member of Council, one to the head of each department or division of the City, one to the Lakewood Public Library and Madison branch, one to the Lakewood Board of Education, one to the Juvenile Court of Cuyahoga County, and to other Public Entities as deemed appropriate by the Director of Law, and a complete code or such component parts of such code to the employees in each department or division of the City as may be

necessary for the daily operation of such departments or divisions of the City.

(b) The Clerk of Council shall have authority to exchange copies of the Codified Ordinances of the City of Lakewood, Ohio, with municipalities extending like courtesy to the City.

(c) The Clerk of Council shall have authority to sell a printed copy of the Codified Ordinances, including the Second Amended Charter , or a printed copy of the Second Amended Charter separately, in heavy paper cover at the City's cost.

(d) The Clerk of Council shall distribute periodically the amendments and supplements to the Codified Ordinances. The following administrative departments are hereby established: a Department of Public Works, a Department of Public Safety, a Department of Law, a Department of Finance, a Department of Planning and Development, a Department of Human Services, and a Department of Human Resources.

shall be repealed, and new Section 101.09, Distribution and Charges, shall be enacted to read as follows:

101.09 DISTRIBUTION AND CHARGES.

(a) If requested, ~~T~~the Clerk of Council shall deliver one complete code in binder, including the Charter to the Mayor, one to the Judge and Clerk of the Municipal Court, one to each member of Council, one to the head of each department or division of the City, one to the Lakewood Public Library and Madison branch, one to the Lakewood Board of Education, one to the Juvenile Court of Cuyahoga County, and to other Public Entities as deemed appropriate by the Director of Law, and a complete code or such component parts of such code to the employees in each department or division of the City as may be necessary for the daily operation of such departments or divisions of the City.

(b) The Clerk of Council shall have authority to exchange copies of the Codified Ordinances of the City of Lakewood, Ohio, with municipalities extending like courtesy to the City.

(c) The Clerk of Council shall have authority to sell a printed copy of the Codified Ordinances, including the ~~Second Amended~~ Charter, or a printed copy of the ~~Second Amended~~ Charter separately, in heavy paper cover at the City's cost.

(d) The Clerk of Council shall distribute periodically the amendments and supplements to the Codified Ordinances. The following administrative departments are hereby established: a Department of Public Works, a Department of Public Safety, a Department of Law, a Department of Finance, a Department of Planning and Development, a Department of Human Services, and a Department of Human Resources.

Section 2. Section 107.02, Legal Notice in Newspaper or By Posting, currently reading as follows:

107.02 LEGAL NOTICE IN NEWSPAPER OR BY POSTING.

(a) Pursuant to Article III, Section 12 of the Second Amended City Charter , and notwithstanding any contrary definition or provision of the Ohio Revised Code, the Lakewood Sun-Post and the Cleveland Plain Dealer are each hereby determined to be a newspaper of general circulation within the City of Lakewood, and the Cleveland Plain Dealer is hereby determined to also be a newspaper of general circulation with Cuyahoga County.

(b) For the purposes of this chapter, a legal notice shall provide as much detail as possible while making such notices as brief as reasonably may be accomplished, reference in any such legal notice to the time, place, and general subject or purpose shall be sufficient, so long as more specific detail is made readily available both by referring to the specific location on the City's web pages for that detail and by listing a specific telephone number at which such detail can be described.

(c) For the purposes of this chapter, the words "posting copies thereof" means the procedure as set forth in Section 107.01.

shall be repealed, and new Section 107.02, Legal Notice in Newspaper or By Posting, shall be enacted to read as follows:

107.02 LEGAL NOTICE IN NEWSPAPER OR BY POSTING.

(a) Pursuant to ~~Article III, Section 12 of the Second Amended City~~the Charter , and notwithstanding any contrary definition or provision of the Ohio Revised Code, the Lakewood Sun-Post-Herald and the Cleveland Plain Dealer are each hereby determined to be a newspaper of general circulation within the City of Lakewood, and the Cleveland Plain Dealer is hereby determined to also be a newspaper of general circulation with Cuyahoga County.

(b) For the purposes of this chapter, a legal notice shall provide as much detail as possible while making such notices as brief as reasonably may be accomplished, reference in any such legal notice to the time, place, and general subject or purpose shall be sufficient, so long as more specific detail is made readily available both by referring to the specific location on the City's web pages for that detail and by listing a specific telephone number at which such detail can be described.

(c) For the purposes of this chapter, the words "posting copies thereof" means the procedure as set forth in Section 107.01.

Section 3. Section 107.04, Notice of Special Assessment, currently reading as follows:

107.04 NOTICE OF SPECIAL ASSESSMENT.

(a) Notice of the passage of a resolution of necessity and the filing of the estimated assessment required by Article XVI, Section 4 of the Second Amended City Charter shall be given to property owners or persons in whose names the property may be assessed for taxation upon the tax duplicate in the manner provided for service of summons in civil actions. For all nonresident property owners who cannot be found, the notice shall be published at least once in a newspaper of general circulation within the City. Such notice shall contain a statement of the character of the proposed improvement, the fact that the assessment report has been filed with Council,

the rate of such assessments, the number of installments, and that claims will be heard before the Board of Revision of Assessments, which time shall be not less than fifteen days subsequent to the service of such notice or the completion of the publication hereinbefore provided.

(b) Notice of the passage of a resolution declaring that certain specified sidewalks, curbings or gutters shall be constructed or repaired, required by Article XVI, Section 19 of the Second Amended City Charter , shall be given to the owner, or agent of the owner, of each parcel of land abutting upon such sidewalk, who may be a resident of the City, in the manner provided by law for the service of summons in civil actions. For the purposes of such service, if the owner of any such property is not a resident of the City, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner, and service upon such person shall have the same force and effect as though personal service were made upon the owner thereof. If it appears that the owner is a nonresident, or that neither such owner nor agent can be found, publication of a copy of the resolution at least once in a newspaper of general circulation in the City shall be deemed sufficient notice to such owner.

shall be repealed, and new Section 107.04, Notice of Special Assessment, shall be enacted to read as follows:

107.04 NOTICE OF SPECIAL ASSESSMENT.

(a) Notice of the passage of a resolution of necessity and the filing of the estimated assessment required by ~~Article XVI, Section 4 of~~ the ~~Second Amended City~~ Charter shall be given to property owners or persons in whose names the property may be assessed for taxation upon the tax duplicate in the manner provided for service of summons in civil actions. For all nonresident property owners who cannot be found, the notice shall be published at least once in a newspaper of general circulation within the City. Such notice shall contain a statement of the character of the proposed improvement, the fact that the assessment report has been filed with Council, the rate of such assessments, the number of installments, and that claims will be heard before the Board of Revision of Assessments, which time shall be not less than fifteen days subsequent to the service of such notice or the completion of the publication hereinbefore provided.

(b) Notice of the passage of a resolution declaring that certain specified sidewalks, curbings or gutters shall be constructed or repaired, required by ~~Article XVI, Section 19 of~~ the ~~Second Amended City~~ Charter , shall be given to the owner, or agent of the owner, of each parcel of land abutting upon such sidewalk, who may be a resident of the City, in the manner provided by law for the service of summons in civil actions. For the purposes of such service, if the owner of any such property is not a resident of the City, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner, and service upon such person shall have the same force and effect as though personal service were made upon the owner thereof. If it appears that the owner is a nonresident, or that neither such owner nor agent can be found, publication of a copy of the resolution at least once in a newspaper of general circulation in the City shall be deemed sufficient notice to such owner.

Section 4. Section 107.09, Notice of Appropriation of Property, currently reading as follows:

107.09 NOTICE OF APPROPRIATION OF PROPERTY.

Publication of the notice of the appropriation of property shall be made as provided in Article XVII, Section 3 of the Second Amended City Charter.

shall be repealed, and new Section 107.09, Notice of Appropriation of Property, shall be enacted to read as follows:

107.09 NOTICE OF APPROPRIATION OF PROPERTY.

Publication of the notice of the appropriation of property shall be made ~~as provided~~ in conformance with ~~Article XVII, Section 3 of~~ the ~~Second Amended City~~ Charter.

Section 5. Section 107.11, Notice of Public Hearing, currently reading as follows:

107.11 NOTICE OF PUBLIC HEARING.

(a) Planning Commission.

(1) Notice of public hearings before the Planning Commission regarding zoning shall be given in the manner provided by the Zoning Code.

(2) Notice of public hearings before the Planning Commission regarding the adoption of a general plan or portions thereof or amendments thereto, as provided in Article XII, Section 3 of the Second Amended City Charter shall be by publication once in a newspaper of general circulation within the City at least seven (7) days prior to such hearing.

(b) Board of Zoning Appeals. Notice of public hearings before the Board of Zoning Appeals regarding exceptions to height district restrictions or use district restrictions shall be given in the manner provided by the Zoning Code.

(c) Board of Revision of Assessments.

(1) Notice of a public hearing before the Board of Revision of Assessments relating to special assessments shall be given as provided in Section 107.04(a).

(2) Notice of a public hearing before the Board of Revision of Assessments, pursuant to Article XVI, Section 28 of the Second Amended City Charter, relating to the vacating or narrowing of any street or part thereof, shall be served in the manner that the service of summons is required to be made, upon all persons whose property abuts upon the part of the street affected by the proposed vacation or narrowing, and by publication once in one newspaper of general circulation within the City as to all persons who cannot be personally served. Such notice shall state the time and place when objections can be heard before the Board of Revision of Assessments.

(d) Council. Notice of public hearings before Council shall be by publication at least once in a newspaper of general circulation within the City or by posting a notice thereof at least three days prior to such hearing.

(e) Board of Building Standards and Building Appeals.

(1) Notice of public hearings before the Board of Building Standards and Building Appeals shall be by publication once in a newspaper of general circulation within the City at least seven (7) days prior to such hearing.

(2) In addition to the notice provided in subsection (e)(1) hereof, notice of all matters excluding internal Building Code violations and signage review to come before the Board which request a variance to the Building Code shall be given to all owners and tenant occupants of all property any part of which abuts upon any part of the parcel of land described in the docket item.

(3) The notice referred to in subsection (e)(1) hereof shall be given by first class mail with postage prepaid, which notice shall be mailed by the Secretary of the Board at least seven (7) days before the date of such meeting.

(4) In the case of an apartment building or a multiple use building, in lieu of notice by mail to each tenant in the building, notice may be posted in a general public use area of the building.

shall be repealed, and new Section 107.11, Notice of Public Hearing, shall be enacted to read as follows:

107.11 NOTICE OF PUBLIC HEARING.

(a) Planning Commission.

(1) Notice of public hearings before the Planning Commission regarding zoning shall be given in the manner provided by the Zoning Code.

(2) Notice of public hearings before the Planning Commission regarding the adoption of a general plan or portions thereof or amendments thereto, as provided in ~~Article XII, Section 3 of~~ the ~~Second Amended City~~ Charter shall be by publication once in a newspaper of general circulation within the City at least seven (7) days prior to such hearing.

(b) Board of Zoning Appeals. Notice of public hearings before the Board of Zoning Appeals regarding exceptions to height district restrictions or use district restrictions shall be given in the manner provided by the Zoning Code.

(c) Board of Revision of Assessments.

(1) Notice of a public hearing before the Board of Revision of Assessments relating to special assessments shall be given as provided in Section 107.04(a).

(2) Notice of a public hearing before the Board of Revision of Assessments, pursuant to ~~Article XVI, Section 28 of~~ the ~~Second Amended City~~ Charter ,

relating to the vacating or narrowing of any street or part thereof, shall be served in the manner that the service of summons is required to be made, upon all persons whose property abuts upon the part of the street affected by the proposed vacation or narrowing, and by publication once in one newspaper of general circulation within the City as to all persons who cannot be personally served. Such notice shall state the time and place when objections can be heard before the Board of Revision of Assessments.

(d) Council. Notice of public hearings before Council shall be by publication at least once in a newspaper of general circulation within the City or by posting a notice thereof at least three days prior to such hearing.

(e) Board of Building Standards and Building Appeals.

(1) Notice of public hearings before the Board of Building Standards and Building Appeals shall be by publication once in a newspaper of general circulation within the City at least seven (7) days prior to such hearing.

(2) In addition to the notice provided in subsection (e)(1) hereof, notice of all matters excluding internal Building Code violations and signage review to come before the Board which request a variance to the Building Code shall be given to all owners and tenant occupants of all property any part of which abuts upon any part of the parcel of land described in the docket item.

(3) The notice referred to in subsection (e)(1) hereof shall be given by first class mail with postage prepaid, which notice shall be mailed by the Secretary of the Board at least seven (7) days before the date of such meeting.

(4) In the case of an apartment building or a multiple use building, in lieu of notice by mail to each tenant in the building, notice may be posted in a general public use area of the building.

Section 6. Section 107.12, Publication by Posting Where not Otherwise Established, currently reading as follows:

107.12 PUBLICATION BY POSTING WHERE NOT OTHERWISE ESTABLISHED.

Publication of all ordinances, resolutions, notices or other acts, procedures and statements, including financial statements, or reports that are required by law to be published, and for which no specific provision for publication is otherwise made in the Second Amended City Charter or the Codified Ordinances, shall be by posting copies thereof.

shall be repealed, and new Section 107.12, Publication by Posting Where not Otherwise Established, shall be enacted to read as follows:

107.12 PUBLICATION BY POSTING WHERE NOT OTHERWISE ESTABLISHED.

Publication of all ordinances, resolutions, notices or other acts, procedures and statements, including financial statements, or reports that are required by law to be published, and for which no specific provision for publication is otherwise

made in the ~~Second Amended City~~ Charter or the Codified Ordinances, shall be by posting copies thereof.

Section 7. Section 109.01, Open Meetings, currently reading as follows:

109.01 OPEN MEETINGS.

(a) Unless otherwise provided in the Codified Ordinances, all meetings of Council, the Board of Building Standards and Building Appeals, the Board of Zoning Appeals, the Board of Control, Civil Service Commission, the Planning Commission, the Citizens Advisory Committee and other similar public bodies of the City or other citizens' committees as may be appointed from time to time, shall be open to the public, unless an executive session is expressly authorized under the applicable provisions of State law.

(b) Nothing herein contained shall mandate that any public body permit public participation in such meetings unless specifically required by the provisions of the Second Amended Charter or the Codified Ordinances.

shall be repealed, and new Section 109.01, Open Meetings, shall be enacted to read as follows:

109.01 OPEN MEETINGS.

(a) Unless otherwise provided in the Codified Ordinances, all meetings of Council, the Board of Building Standards and Building Appeals, the Board of Zoning Appeals, the Board of Control, Civil Service Commission, the Planning Commission, the Citizens Advisory Committee and other similar public bodies of the City or other citizens' committees as may be appointed from time to time, shall be open to the public, unless an executive session is expressly authorized under the applicable provisions of State law.

(b) Nothing herein contained shall mandate that any public body permit public participation in such meetings unless specifically required by the provisions of the ~~Second Amended~~ Charter or the Codified Ordinances.

Section 8. Section 111.01, Departmental Public Improvement Contracts, currently reading as follows:

111.01 DEPARTMENTAL PUBLIC IMPROVEMENT CONTRACTS.

(a) Contracts for public improvements and work and repairs with respect to public improvements shall be awarded by the Director of Public Works upon approval by Council. Adoption of an ordinance or resolution authorizing the preparation of plans or specifications, an ordinance or resolution authorizing the advertising of request for bids (where bidding shall be required) or any other ordinance or resolution which authorizes or approves the award of contracts, and specifies the limit to be spent, shall constitute the approval of Council required by Section 2 of Article V of the Charter and this section, except that any contract for an amount which exceeds the amount specified for a line item detailed in the ordinance or resolution shall not be valid or enforceable unless first specifically authorized by a separate resolution of Council.

(b) Contracts for architectural, engineering and design services, other than for street reconstruction projects including water main and sewer line replacement projects, shall specify not to exceed dollar amounts and are subject to separate ordinance and approval of Council.

(c) Contracts described in subsections (a) and (b) hereof in excess of seven thousand five hundred dollars ($7,500) shall be awarded by competitive bidding pursuant to Section 111.04 unless competitive bidding is not required pursuant to such section.

shall be repealed, and new Section 111.01, Departmental Public Improvement Contracts, shall be enacted to read as follows:

111.01 DEPARTMENTAL PUBLIC IMPROVEMENT CONTRACTS.

(a) Contracts for public improvements and work and repairs with respect to public improvements shall be awarded by the Director of Public Works upon approval by Council. Adoption of an ordinance or resolution authorizing the preparation of plans or specifications, an ordinance or resolution authorizing the advertising of request for bids (where bidding shall be required) or any other ordinance or resolution which authorizes or approves the award of contracts, and specifies the limit to be spent, shall constitute the approval of Council required by ~~Section 2 of Article V of~~ the Charter and this section, except that any contract for an amount which exceeds the amount specified for a line item detailed in the ordinance or resolution shall not be valid or enforceable unless first specifically authorized by a separate resolution of Council.

(b) Contracts for architectural, engineering and design services, other than for street reconstruction projects including water main and sewer line replacement projects, shall specify not to exceed dollar amounts and are subject to separate ordinance and approval of Council.

(c) Contracts described in subsections (a) and (b) hereof in excess of seven thousand five hundred dollars ($7,500) shall be awarded by competitive bidding pursuant to Section 111.04 unless competitive bidding is not required pursuant to such section.

Section 9. Section 111.05, Fiscal Officers Certificate, currently reading as follows:

111.05 FISCAL OFFICERS CERTIFICATE.

The provisions of Sections 4, 5 and 6 of Article VIII of the City's Charter, respecting the Director of Finance's certificate concerning the availability of funds, shall apply to contracts of the City.

shall be repealed, and new Section 111.05, Fiscal Officers Certificate, shall be enacted to read as follows:

111.05 FISCAL OFFICERS CERTIFICATE.

(a) No contract, agreement, or other obligation, involving the expenditure of money, shall be entered into by any officer of the City, nor shall any ordinance, resolution, or order for the expenditure of money be passed by

Council, unless the Director of Finance first certifies that the money required for such contract, agreement, obligation, or expenditure, is in the Treasury or in the process of collection and is available for such purpose, as provided by general law.

(b) All moneys actually in the Treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the Treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales of service, products or byproducts or from any City undertakings, fees, charges, accounts and bills receivable or other credits in process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the Treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds, notes or other debt obligations sold and in process of delivery shall be deemed in the Treasury and subject to the certification referred to in subsection (a) of this section.

(c) All contracts, agreements, or other obligations and all ordinances, resolutions and orders entered into or passed contrary to the provisions of the preceding subsections (a) and (b) shall be void, and no person whatever shall have any claim or demand against the City thereunder, nor shall Council, nor any officer of the City waive or qualify the limits fixed by such ordinance, resolution, or order or fasten upon the City any liability whatever, in excess of such limits, or release any party from compliance with this contract under such ordinance, resolution or order.

Section 10. Section 121.02, Conduct of Proceedings, currently reading as follows:

121.02 CONDUCT OF PROCEEDINGS.

All meetings of Council shall be called, held and conducted as prescribed by:

(a) The Second Amended City Charter ;

(b) The ordinances and resolutions of the City;

(c) The rules hereinafter set forth.

Council may, by a two-thirds vote of the members elected thereto, suspend the operation of any rule either as to any meeting or any measure pending before it. Except as otherwise provided, the proceedings of Council shall be governed by Robert's Rules of Order.

shall be repealed, and new Section 121.02, Conduct of Proceedings, shall be enacted to read as follows:

121.02 CONDUCT OF PROCEEDINGS.

All meetings of Council shall be called, held and conducted as prescribed by:

(a) The ~~Second Amended City~~ Charter ;

(b) The ordinances and resolutions of the City;

(c) The rules hereinafter set forth.

Council may, by a two-thirds vote of the members elected thereto, suspend the operation of any rule either as to any meeting or any measure pending before it. Except as otherwise provided, the proceedings of Council shall be governed by Robert's Rules of Order.

Section 11. Subsection (d) within Section 121.15, Duties of Clerk of Council, currently reading as follows:

121.15 DUTIES OF CLERK OF COUNCIL.

...

(d) The Clerk shall be responsible for the custody, maintenance, distribution and sale, according to instructions of Council, of all copies of the Codified Ordinances, and the sale of copies of the Second Amended City Charter , ordinances, resolutions and other public documents of the City where no provision for sale is otherwise made by ordinance.

...

shall be repealed, and new Subsection (d) within Section 121.15, Duties of Clerk of Council, shall be enacted to read as follows:

121.15 DUTIES OF CLERK OF COUNCIL.

...

(d) The Clerk shall be responsible for the custody, maintenance, distribution and sale, according to instructions of Council, of all copies of the Codified Ordinances, and the sale of copies of the ~~Second Amended City~~ Charter, ordinances, resolutions and other public documents of the City where no provision for sale is otherwise made by ordinance.

...

Section 12. Section 127.05, Ohio R.C. 3313.35 Inapplicable, currently reading as follows:

127.05 OHIO R.C. 3313.35 INAPPLICABLE.

Pursuant to Article VII, Section 2 of the Second Amended Charter of the City of Lakewood, Council determines that the provisions of Ohio R.C. 3313.35 applicable to city directors of law do not and shall not apply to the City of Lakewood Director of Law unless specifically approved by Council at the request of the Lakewood City School District by and through its Board of Education.

shall be repealed, and new Section 127.05, Ohio R.C. 3313.35 Inapplicable, shall be enacted to read as follows:

127.05 OHIO R.C. 3313.35 INAPPLICABLE.

Pursuant to ~~Article VII, Section 2 of~~ the ~~Second Amended~~ Charter ~~of the City of Lakewood~~, Council determines that the provisions of Ohio R.C. 3313.35 applicable to city directors of law do not and shall not apply to the City of Lakewood Director of Law unless specifically approved by Council at the request of the Lakewood City School District by and through its Board of Education.

Section 13. Subsection (a) within Section 129.09, Findings by Council; Inapplicability of and Incorporation of State Laws, currently reading as follows:

129.09 FINDINGS BY COUNCIL; INAPPLICABILITY OF AND INCORPORATION OF STATE LAWS.

(a) Council hereby makes the following findings with respect to the authorization and the establishment of the policies and procedures for the deposit and investment of public moneys in the City's Treasury:

(1) The authorization and establishment of such policies and procedures are powers of local self-government that may be exercised by the City through its ordinances under Sections 3 and 7 of Article XVIII of the Ohio Constitution and Article I of the City's Charter; and

(2) The authorization and establishment of such policies and procedures are in the best interests of the City and its citizens:

A. To provide a more efficient management of the City's moneys and investments; and

B. To enable the City to earn a greater yield on its investments and provide safeguards of the City's moneys.

...

shall be repealed, and new Subsection (a) within Section 129.09, Findings by Council; Inapplicability of and Incorporation of State Laws, shall be enacted to read as follows:

129.09 FINDINGS BY COUNCIL; INAPPLICABILITY OF AND INCORPORATION OF STATE LAWS.

(a) Council hereby makes the following findings with respect to the authorization and the establishment of the policies and procedures for the deposit and investment of public moneys in the City's Treasury:

(1) The authorization and establishment of such policies and procedures are powers of local self-government that may be exercised by the City through its ordinances under Sections 3 and 7 of Article XVIII of the Ohio Constitution and Article ~~I~~ One of the City's Charter; and

(2) The authorization and establishment of such policies and procedures are in the best interests of the City and its citizens:

A. To provide a more efficient management of the City's moneys and investments; and

B. To enable the City to earn a greater yield on its investments and provide safeguards of the City's moneys.

...

Section 14. Section 142.07, Mission Statement; Bylaws and General Rules of Operation, currently reading as follows:

> **142.07 MISSION STATEMENT; BYLAWS AND GENERAL RULES OF OPERATION.**
>
> The Lakewood Community Relations Commission shall be authorized to adopt its own mission statement, bylaws and general rules of operation, which shall be consistent with this chapter, all other ordinances and the Amended Charter of the City and the laws of the State. Lakewood City Council shall ratify the by-laws and general rules of operations of the Lakewood Community Relations Advisory Commission. The mission statement of Lakewood Community Relations Advisory Commission shall be consistent with Section 142.01.

shall be repealed, and new Section 142.07, Mission Statement; Bylaws and General Rules of Operation, shall be enacted to read as follows:

> **142.07 MISSION STATEMENT; BYLAWS AND GENERAL RULES OF OPERATION.**
>
> The Lakewood Community Relations Commission shall be authorized to adopt its own mission statement, bylaws and general rules of operation, which shall be consistent with this chapter, all other ordinances and the ~~Amended~~ Charter of the City and the laws of the State. Lakewood City Council shall ratify the by-laws and general rules of operations of the Lakewood Community Relations Advisory Commission. The mission statement of Lakewood Community Relations Advisory Commission shall be consistent with Section 142.01.

Section 15. Section 149.03, Layoffs in the Department of Public Works, currently reading as follows:

> **149.03 LAYOFFS IN THE DEPARTMENT OF PUBLIC WORKS.**
>
> Whenever, because of lack of work or shortage of available funds duly appropriated for payment of wages, the Director of Public Works determines it to be necessary to lay off one or more persons employed in positions designated in the salary ordinances relating to the Division of Streets, Sewers and Sidewalks, the Division of Parks and Public Grounds, the Division of Water and the Division of Refuse Collection and Disposal (all organized under the Department of Public Works by virtue of Article V of the City Charter), as "laborer" or "laborers", he shall first lay off the employee who has served the City as an employee the least period of time. In the event of any such layoff, the Director of Public Works is authorized to transfer employees from one such Division to another as, in his discretion, he deems necessary in the public interest.

shall be repealed, and new Section 149.03, Layoffs in the Department of Public Works, shall be enacted to read as follows:

149.03 LAYOFFS IN THE DEPARTMENT OF PUBLIC WORKS.

Whenever, because of lack of work or shortage of available funds duly appropriated for payment of wages, the Director of Public Works determines it to be necessary to lay off one or more persons employed in positions designated in the salary ordinances relating to the Division of Streets, Sewers and Sidewalks, the Division of Parks and Public ~~Grounds~~Property, the Division of Water and the Division of Refuse Collection and Disposal (all organized under the Department of Public Works by virtue of ~~Article V of~~ the City Charter), as "laborer" or "laborers", he shall first lay off the employee who has served the City as an employee the least period of time. In the event of any such layoff, the Director of Public Works is authorized to transfer employees from one such Division to another as, in his discretion, he deems necessary in the public interest.

Section 16. Subsection (a)(1) within Section 153.15, Improvement Target Areas, currently reading as follows:

153.15 IMPROVEMENT TARGET AREAS.

(a) Definitions. For the purposes of this section, the following terms shall have the meanings ascribed to them in this subsection, unless a different meaning is clearly indicated in the context:

(1) "Charter " means the Second Amended Charter of the City.

...

shall be repealed, and new Subsection (a)(1) within Section 153.15, Improvement Target Areas, shall be enacted to read as follows:

153.15 IMPROVEMENT TARGET AREAS.

(a) Definitions. For the purposes of this section, the following terms shall have the meanings ascribed to them in this subsection, unless a different meaning is clearly indicated in the context:

(1) "Charter " means the ~~Second Amended~~ current Charter of the City.

...

Section 17. Section 156.03, Powers and Duties, currently reading as follows:

156.03 POWERS AND DUTIES.

(a) The powers of the Board shall be those set forth in Article XIV, Section 2 of the Second Amended Charter of the City.

(b) Any member of the Board shall have the power to subpoena and require the attendance of witnesses, administer oaths and compel testimony and the production of books, papers and other evidence pertinent to any issue before the Board.

(c) The Board shall adopt rules or by-laws for the holding of regular and special meetings for the transaction and disposition of its business and shall ex-

ercise the powers and jurisdiction conferred upon it by Article XIV, Section 2 of the Second Amended Charter of the City.

shall be repealed, and new Section 156.03, Powers and Duties, shall be enacted to read as follows:

156.03 POWERS AND DUTIES.

(a) The powers of the Board shall be those set forth in ~~Article XIV, Section 2 of~~ the ~~Second Amended~~ Charter of the City.

(b) Any member of the Board shall have the power to subpoena and require the attendance of witnesses, administer oaths and compel testimony and the production of books, papers and other evidence pertinent to any issue before the Board.

(c) The Board shall adopt rules or by-laws for the holding of regular and special meetings for the transaction and disposition of its business and shall exercise the powers and jurisdiction conferred upon it ~~by Article XIV, Section 2 of~~ the ~~Second Amended~~ Charter of the City.

Section 18. Section 731.02, Permit Approval, Issuance and Plans, currently reading as follows:

731.02 PERMIT APPROVAL, ISSUANCE AND PLANS.

(a) In the case of a telephone company, such permit shall be issued by the Director of Public Works.

(b) In the case of an electric light company, the Director of Public Works is hereby authorized to issue such permit where the voltage to be carried is solely for the use by a residential, institutional or governmental consumer within the City or solely for the normal requirements of an industrial or retail business or service consumer within the City, and provided that such voltage at no time exceeds 15,000 volts.

The form of the permit shall be as approved by the Director of Law and no fee shall be charged for such permit.

Such permit shall specifically be subject to all of the terms, provisions and conditions of all ordinances of the City pertaining to any franchise rights of the public utility and to the terms, provisions and conditions of Article XVIII of the Charter .

No permit shall be issued until the electric light company has first filed appropriate plans with the office of the Director of Public Works specifying the location, construction and use of such facility, pole or line, wire, fixture or appliance, which plans shall be permanently filed in the records of the Director of Public Works.

(c) For an electric light company where the proposed voltage to be carried exceeds 15,000 volts, no permit shall be issued until the same is authorized by Council.

shall be repealed, and new Section 731.02, Permit Approval, Issuance and Plans, shall be enacted to read as follows:

731.02 PERMIT APPROVAL, ISSUANCE AND PLANS.

(a) In the case of a telephone company, such permit shall be issued by the Director of Public Works.

(b) In the case of an electric light company, the Director of Public Works is hereby authorized to issue such permit where the voltage to be carried is solely for the use by a residential, institutional or governmental consumer within the City or solely for the normal requirements of an industrial or retail business or service consumer within the City, and provided that such voltage at no time exceeds 15,000 volts.

The form of the permit shall be as approved by the Director of Law and no fee shall be charged for such permit.

Such permit shall specifically be subject to all of the terms, provisions and conditions of all ordinances of the City pertaining to any franchise rights of the public utility and to the terms, provisions and conditions of ~~Article XVIII of~~ the Charter and Code.

No permit shall be issued until the electric light company has first filed appropriate plans with the office of the Director of Public Works specifying the location, construction and use of such facility, pole or line, wire, fixture or appliance, which plans shall be permanently filed in the records of the Director of Public Works.

(c) For an electric light company where the proposed voltage to be carried exceeds 15,000 volts, no permit shall be issued until the same is authorized by Council.

Section 19. Subsection (d) within Section 1103.01, General Terms; Interpretation, currently reading as follows:

1103.01 GENERAL TERMS; INTERPRETATION.

...

(d) "Charter " means the second amended Charter of the City of Lakewood; "Code" means the Zoning Code; "Ordinance" or "Ordinances" means the Codified Ordinances of the City of Lakewood.

...

shall be repealed, and new Subsection (d) within Section 1103.01, General Terms; Interpretation, shall be enacted to read as follows:

1103.01 GENERAL TERMS; INTERPRETATION.

...

(d) "Charter " means the ~~second amended~~current Charter of the City of Lakewood; "Code" means the Zoning Code; "Ordinance" or "Ordinances" means the Codified Ordinances of the City of Lakewood.

...

Section 20. Subsection (lll) within Section 1103.02, Definitions, currently reading as follows:

1103.02 DEFINITIONS.

The following terms and phrases shall have, for purposes of the Code, the meanings as set forth in this section.

...

(lll) VARIANCE means a deviation from a regulation placed by the Code on a permitted, existing non-conforming, or conditional use or structure, granted by the Board or Commission, where applicable, pursuant to Article XIII, Section 2, Paragraph 2 of the Second Amended Charter of the City of Lakewood.

...

shall be repealed, and new Subsection (lll) within Section 1103.02, Definitions, shall be enacted to read as follows:

1103.02 DEFINITIONS.

The following terms and phrases shall have, for purposes of the Code, the meanings as set forth in this section.

...

(lll) VARIANCE means a deviation from a regulation placed by the Code on a permitted, existing non-conforming, or conditional use or structure, granted by the Board or Commission, where applicable, pursuant to ~~Article XIII, Section 2, Paragraph 2 of the Second Amended~~ Charter of the City of Lakewood.

...

Section 21. Section 1337.03, Mission Statement; Bylaws and General Rules of Operation, currently reading as follows:

1337.03 MISSION STATEMENT; BYLAWS AND GENERAL RULES OF OPERATION.

The Lakewood Heritage Advisory Board shall be authorized to adopt its own mission statement, bylaws and general rules of operation, which shall be consistent with this chapter, all other ordinances and the Second Amended Charter of the City and the laws of the State.

shall be repealed, and new Section 1337.03, Mission Statement; Bylaws and General Rules of Operation, shall be enacted to read as follows:

> 1337.03 MISSION STATEMENT; BYLAWS AND GENERAL RULES OF OPERATION.
>
> The Lakewood Heritage Advisory Board shall be authorized to adopt its own mission statement, bylaws and general rules of operation, which shall be consistent with this chapter, all other ordinances and the ~~Second Amended~~ Charter of the City and the laws of the State.

Section 22. Section 1779.04, Remedy of City, currently reading as follows:

> 1779.04 REMEDY OF CITY.
>
> (a) If the owner, lessee or occupant of any premises in the City fails or refuses, within seven days after receiving any notice hereinabove provided for, to abate the nuisance described in such notice, it may be abated by the City, through its employees and under the direction of the Mayor or Director of Public Safety. The cost of abating any such nuisance shall be charged to the owner of the property affected and in default of payment shall be assessed against such property. All charges and assessments hereunder shall be as to forms, notices, times, payments, collections and all other respects as are now or hereafter may be provided for charges or assessments for sidewalk repairs as set forth in Article XVI Section 19 of the City Charter.
>
> (b) All charges and assessments made under authority of this section are in addition to any penalty that may be imposed under the provisions of Section 1701.99 of this Sanitary Code.

shall be repealed, and new Section 1779.04, Remedy of City, shall be enacted to read as follows:

> 1779.04 REMEDY OF CITY.
>
> (a) If the owner, lessee or occupant of any premises in the City fails or refuses, within seven days after receiving any notice hereinabove provided for, to abate the nuisance described in such notice, it may be abated by the City, through its employees and under the direction of the Mayor or Director of Public Safety. The cost of abating any such nuisance shall be charged to the owner of the property affected and in default of payment shall be assessed against such property. All charges and assessments hereunder shall be as to forms, notices, times, payments, collections and all other respects as are now or hereafter may be provided for charges or assessments for sidewalk repairs as set forth in ~~Article XVI Section 19 of~~ the ~~City~~ Charter.
>
> (b) All charges and assessments made under authority of this section are in addition to any penalty that may be imposed under the provisions of Section 1701.99 of this Sanitary Code.

Section 23. Section 101.02, General Definitions, currently reading as follows:

> 101.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, unless another definition is provided or the context otherwise requires:

(a) "And" may be read "or", and "or" may be read "and", if the sense requires it. (ORC 1.02 (F))

(b) "Another" when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property. (ORC 1.02 (B))

(c) "Bond" includes an undertaking and "undertaking" includes a bond. (ORC 1.02 (D), (E))

(d) "Council" means the legislative authority of the Municipality.

(e) "County" means Cuyahoga County, Ohio.

(f) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent or employee.

(g) "Land" or "real estate" includes rights and easements of an incorporeal nature. (ORC 701.01 (F))

(h) "Municipality" or "City" means the City of Lakewood, Ohio.

(i) "Oath" includes affirmation and "swear" includes affirm. (ORC 1.59(B))

(j) "Owner", when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.

(k) "Person" includes an individual, corporation, business trust, estate, trust, partnership and association. (ORC 1.59(C))

(l) "Premises", as applied to property, includes land and buildings.

(m) "Property" means real and personal property. (ORC 1.59(E)) "Personal property" includes all property except real. "Real property" includes lands, tenements and hereditaments.

(n) "Public authority" includes boards of education; the Municipal, County, State or Federal government, its officers or an agency thereof; or any duly authorized public official.

(o) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.

(p) "Registered mail" includes certified mail and "certified mail" includes registered mail. (ORC 1.02(G))

(q) "Rule" includes regulation. (ORC 1.59(F))

(r) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

(s) "This State" or "the State" means the State of Ohio. (ORC 1.59(G))

(t) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.

(u) "Tenant" or "occupant", as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

(v) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private. (ORC 1.02(A))

(w) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures. (ORC 1.59(J))

shall be repealed, and new Section 101.02, General Definitions, shall be enacted to read as follows:

101.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, unless another definition is provided or the context otherwise requires:

(a) "And" may be read "or", and "or" may be read "and", if the sense requires it. (ORC 1.02 (F))

(b) "Another" when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property. (ORC 1.02 (B))

(c) "Bond" includes an undertaking and "undertaking" includes a bond. (ORC 1.02 (D), (E))

(d) "Charter" means the Third Amended Charter of the City of Lakewood.

(e) "Council" means the legislative authority of the Municipality.

(~~e~~f) "County" means Cuyahoga County, Ohio.

(~~f~~g) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent or employee.

(~~g~~h) "Land" or "real estate" includes rights and easements of an incorporeal nature. (ORC 701.01 (F))

(~~h~~i) "Municipality" or "City" means the City of Lakewood, Ohio.

(~~i~~j) "Oath" includes affirmation and "swear" includes affirm. (ORC 1.59(B))

(~~j~~k) "Owner", when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.

(~~k~~l) "Person" includes an individual, corporation, business trust, estate, trust, partnership and association. (ORC 1.59(C))

(~~l~~m) "Premises", as applied to property, includes land and buildings.

(~~m~~n) "Property" means real and personal property. (ORC 1.59(E)) "Personal property" includes all property except real. "Real property" includes lands, tenements and hereditaments.

(~~n~~o) "Public authority" includes boards of education; the Municipal, County, State or Federal government, its officers or an agency thereof; or any duly authorized public official.

(~~o~~p) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.

(~~p~~q) "Registered mail" includes certified mail and "certified mail" includes registered mail. (ORC 1.02(G))

(~~q~~r) "Rule" includes regulation. (ORC 1.59(F))

(~~r~~s) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

(~~s~~t) "This State" or "the State" means the State of Ohio. (ORC 1.59(G))

(~~t~~u) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.

(~~u~~v) "Tenant" or "occupant", as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

(~~v~~w) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private. (ORC 1.02(A))

(~~w~~x) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures. (ORC 1.59(J))

Section 24. 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 25. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least five or two thirds of the members of Council, as applicable, this ordinance shall take effect and be in force immediately, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____ _____
PRESIDENT

_____
CLERK

Approved: _____ _____
MAYOR

Referred to Rules & Ordinances
12/4/17; Second reading 12/18/17;
Recommended for adoption by Rules &
Ordinances 6/4/18

ORDINANCE NO. 58-17 BY:

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 at the earliest period allowed by law enacting Section 149.24, Activity of Officials and Employees Restricted, of the Codified Ordinances of the City of Lakewood in order to codify certain ethical requirements.

WHEREAS, on November 7, 2017, the citizens of Lakewood adopted the proposed Third Amended Charter of the City of Lakewood; and

WHEREAS, the Third Amended Charter, at Article Eight, Ethics and Training, establishes ethical guidelines governing officials and employees of the City but does not carry forward explicitly the provisions of Article XXIII, Section 3 of the Second Amended Charter also governing ethics; and

WHEREAS, this Council has determined that ethics provisions shall be established in the Code as a matter of local self-government; 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 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 new charter becomes effective immediately upon the official certification of the November 7, 2017 election in the city; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. New Section 149.24, Activity of Officials and Employees Restricted, shall be enacted to read as follows:

149.24 ACTIVITIES OF OFFICIALS AND EMPLOYEES RESTRICTED.

(a) Except as otherwise specifically authorized by law, the Mayor, members of Council and the directors of departments shall not, during their term of office, hold any other public office except that of notary public, Reserve

Corps of the United States or member of the State Militia, nor shall they hold public employment with the City.

(b) The Mayor, members of Council and directors of departments shall not, during their term of office, be interested in the profits or emoluments of any contract with or job, work or service for the City, nor shall the Mayor, members of Council and directors of departments, during their term of office, or any other employee of the City, during their employment by the City, practice law or give legal advice or be associated with another in the practice of law in any matter or controversy in which the City is or may become a party, except on behalf of the City as an officer or employee.

(c) This Section shall not prohibit the Mayor, members of Council and the directors of departments and other officials or employees of the City from serving as a member or official of any organization of governments, special unit of government or an organization of governmental officials, whether such organization or special unit of government is organized as a special district, regional council of governments, nonprofit corporation or some other form under the statutes or Constitutions of the State or the federal government. This Section shall not prohibit the Mayor, members of Council and the directors of departments and other officials or employees of the City from serving as a member or an official in any other nonprofit corporation where their service is in the capacity of representing the City. When serving as a member or an official of any organization of governments, special unit of government or an organization of governmental officials, or where the Mayor, members of Council and the directors of departments and other officials or employees of the City's service are members or officials of a nonprofit corporation permitted by this Section, such persons shall not be deemed to be interested in the profits or emoluments of any contract, job, work or service for the City or other transaction because of any contract or other transaction between the City and such organizations, special unit of government or nonprofit corporation; and the Mayor, members of Council and the directors of departments and other officials or employees of the City may fully participate (1) in their respective official capacities in the deliberations by the City or its agencies, and (2) in their capacity as members or officials of such organization of governments, special unit of government, organization of governmental officials or nonprofit corporation, including the right to vote with respect to such contract, job, work, service or other transaction.

(d) Any willful violation of this Section shall constitute malfeasance in office, and any such officer or employee found guilty thereof by a court of law shall forfeit his or her office.

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

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, 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, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

_____
PRESIDENT

_____
CLERK

Approved: _____

_____
MAYOR

Placed on first reading and referred to the Rules and Ordinances Committee 2/5/2018. Second reading 2/20/2018. Please substitute for the original.

ORDINANCE NO. 5-18 BY:

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 at the earliest period allowed by law, enacting and amending various sections of the Codified Ordinances of the City of Lakewood in order to codify certain law regarding the provision, alteration, dedication and vacation of streets and the Board of Revision of Assessments.

WHEREAS, on November 7, 2017, the citizens of Lakewood adopted the proposed Third Amended Charter of the City of Lakewood; and

WHEREAS, the Third Amended Charter did not explicitly carry forward the provisions of the prior charter related to the provision, alteration, dedication and vacation of streets and the Board of Revision of Assessments; and

WHEREAS, this Council has determined that similar provisions shall be established in the Code as a matter of local self-government; 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 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 new charter became effective immediately upon the official certification of the November 7, 2017 election in the city; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. New Section 131.01, Provision, Alteration, Dedication and Vacation of Streets, shall be enacted to read as follows:

131.01 PROVISION, ALTERATION, DEDICATION AND VACATION OF STREETS.

(a) Council shall provide for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts and viaducts within the City. The Director of Public Works shall have supervision of these matters in accordance with Section 123.03.

(b) When it deems it necessary, Council may cause any street, alley or public highway to be opened, straightened, altered, diverted, narrowed or widened. No street or alley dedicated to public use by the proprietor of ground in the City shall be deemed a public street or alley, or under the care or control of Council unless the dedication is accepted and confirmed by an ordinance passed for such purpose.

(c) Council, when vacating any street or part of street or changing the name of any street, may include in one ordinance the change of name or the vacation or narrowing of more than one street, avenue, or alley, but before vacating any street or part thereof, or narrowing any street, Council shall first adopt a resolution declaring its intention so to do. The Clerk of Council shall cause notice of such declaration to be served in the manner that the service of summons is required to be made upon all persons whose property abuts upon the part of the street affected by the proposed vacation or narrowing, and by publication on the official website of the City. That notice shall state the time and place when objections can be heard before the Board of Revision of Assessments. Upon the report of the Board of Revision of Assessments approving the proposed vacation or narrowing Council may by ordinance declare such vacation or narrowing, and such order of Council vacating or narrowing a street or alley which has been dedicated to public use by the proprietor shall, to the extent to which it is vacated or narrowed, operate as a revocation of the acceptance thereof by Council, but the right of way and easement therein of any lot owner shall not be impaired thereby.

Section 2. New Section 131.02, Board of Revision of Assessments, shall be enacted to read as follows:

131.02 BOARD OF REVISION OF ASSESSMENTS.

The Board of Revision of Assessments shall consist of the Mayor, Director of Law, the Director of Finance, the Director of Public Works and the President of Council. The Mayor shall be the president of the board and the Director of Finance shall be the secretary thereof. The board shall meet at such times and place as is provided by its rules, and shall hear all matters coming before it under the authority of the Charter and Code.

Section 3. Section 107.11, Notice of Public Hearing, currently reading as follows:

107.11 NOTICE OF PUBLIC HEARING.

(a) Planning Commission.

(1) Notice of public hearings before the Planning Commission regarding zoning shall be given in the manner provided by the Zoning Code.

(2) Notice of public hearings before the Planning Commission regarding the adoption of a general plan or portions thereof or amendments thereto, as provided in Article XII, Section 3 of the Second Amended City Charter

shall be by publication once in a newspaper of general circulation within the City at least seven (7) days prior to such hearing.

(b) Board of Zoning Appeals. Notice of public hearings before the Board of Zoning Appeals regarding exceptions to height district restrictions or use district restrictions shall be given in the manner provided by the Zoning Code.

(c) Board of Revision of Assessments.

(1) Notice of a public hearing before the Board of Revision of Assessments relating to special assessments shall be given as provided in Section 107.04(a).

(2) Notice of a public hearing before the Board of Revision of Assessments, pursuant to Article XVI, Section 28 of the Second Amended City Charter, relating to the vacating or narrowing of any street or part thereof, shall be served in the manner that the service of summons is required to be made, upon all persons whose property abuts upon the part of the street affected by the proposed vacation or narrowing, and by publication once in one newspaper of general circulation within the City as to all persons who cannot be personally served. Such notice shall state the time and place when objections can be heard before the Board of Revision of Assessments.

(d) Council. Notice of public hearings before Council shall be by publication at least once in a newspaper of general circulation within the City or by posting a notice thereof at least three days prior to such hearing.

(e) Board of Building Standards and Building Appeals.

(1) Notice of public hearings before the Board of Building Standards and Building Appeals shall be by publication once in a newspaper of general circulation within the City at least seven (7) days prior to such hearing.

(2) In addition to the notice provided in subsection (e)(1) hereof, notice of all matters excluding internal Building Code violations and signage review to come before the Board which request a variance to the Building Code shall be given to all owners and tenant occupants of all property any part of which abuts upon any part of the parcel of land described in the docket item.

(3) The notice referred to in subsection (e)(1) hereof shall be given by first class mail with postage prepaid, which notice shall be mailed by the Secretary of the Board at least seven (7) days before the date of such meeting.

(4) In the case of an apartment building or a multiple use building, in lieu of notice by mail to each tenant in the building, notice may be posted in a general public use area of the building.

shall be and hereby is repealed, and new Section 107.11, Notice of Public Hearing, is hereby enacted to read as follows:

107.11 NOTICE OF PUBLIC HEARING.

(a) Planning Commission.

(1) Notice of public hearings before the Planning Commission regarding zoning shall be given in the manner provided by the Zoning Code.

(2) Notice of public hearings before the Planning Commission regarding the adoption of a general plan or portions thereof or amendments thereto, as provided in ~~Article XII, Section 3 of~~ the ~~Second Amended City~~ Charter shall be by publication once in a newspaper of general circulation within the City at least seven (7) days prior to such hearing.

(b) Board of Zoning Appeals. Notice of public hearings before the Board of Zoning Appeals regarding exceptions to height district restrictions or use district restrictions shall be given in the manner provided by the Zoning Code.

(c) Board of Revision of Assessments.

(1) Notice of a public hearing before the Board of Revision of Assessments relating to special assessments shall be given as provided in Section 107.04(a).

(2) Notice of a public hearing before the Board of Revision of Assessments, pursuant to ~~Article XVI, Section 28 of~~ the ~~Second Amended City~~ Charter and Section 131.01, relating to the vacating or narrowing of any street or part thereof, shall be served in the manner that the service of summons is required to be made, upon all persons whose property abuts upon the part of the street affected by the proposed vacation or narrowing, and by publication once in one newspaper of general circulation within the City as to all persons who cannot be personally served. Such notice shall state the time and place when objections can be heard before the Board of Revision of Assessments.

(d) Council. Notice of public hearings before Council shall be by publication at least once in a newspaper of general circulation within the City or by posting a notice thereof at least three days prior to such hearing.

(e) Board of Building Standards and Building Appeals.

(1) Notice of public hearings before the Board of Building Standards and Building Appeals shall be by publication once in a newspaper of general circulation within the City at least seven (7) days prior to such hearing.

(2) In addition to the notice provided in subsection (e)(1) hereof, notice of all matters excluding internal Building Code violations and signage review to come before the Board which request a variance to the Building Code shall be given to all owners and tenant occupants of all property any part of which abuts upon any part of the parcel of land described in the docket item.

(3) The notice referred to in subsection (e)(1) hereof shall be given by first class mail with postage prepaid, which notice shall be mailed by the Secretary of the Board at least seven (7) days before the date of such meeting.

(4) In the case of an apartment building or a multiple use building, in lieu of notice by mail to each tenant in the building, notice may be posted in a general public use area of the building.

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 its preamble, 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, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____ _____
PRESIDENT

_____
CLERK

Approved: _____ _____
MAYOR

Referred to Rules & Ordinances & Planning Commission 2/5/18; Second Reading 2/20/18; Recommended for Adoption by Planning Commission 3/1/18 & Rules & Ordinances 6/4/18

ORDINANCE NO. 6-18 BY:

AN ORDINANCE amending Section 1134.03, Procedures for Identification, Nomination and Designation of an HPD or HP, of the Codified Ordinances of the City of Lakewood in order to adjust the voting requirements of the Planning Commission based upon its new composition under the Third Amended Charter.

WHEREAS, on November 7, 2017, the citizens of Lakewood adopted the proposed Third Amended Charter of the City of Lakewood; and

WHEREAS, the Third Amended Charter provides for the composition of the Planning Commission to be fixed at five members along with the city engineer serving *ex officio* in a non-voting capacity, which is a reduction of two voting members from the commission's composition under the Second Amended Charter; and

WHEREAS, this Council has determined that the ordinances must be updated to account for this reduction, specifically with respect to the commission's voting requirements; 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; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Subsection (k) of Section 1134.03, Procedures for Identification, Nomination and Designation of an HPD or HP, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1134.03 PROCEDURES FOR IDENTIFICATION, NOMINATION AND DESIGNATION OF AN HPD OR HP.

...

(k) The Commission shall determine whether said area, place, site, building(s), public interior portions of a building, structure(s), works of art and other objects shall be designated as an HPD or HP. In the event the owner of a property nominated as an HP, or each owner within a district nominated as an HPD, does not consent to designation, the Commission may only designate an HP or HPD by a vote of at least five of its members, or otherwise the

Commission may designate an HP or HPD by a majority vote of a quorum of its members. Regardless of any current National Register of Historic Places status, an HPD or HP must be locally determined by the Commission for this chapter to apply.

...

shall be and hereby is repealed, and new subsection (k) of Section 1134.03, Procedures for Identification, Nomination and Designation of an HPD or HP, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

1134.03 PROCEDURES FOR IDENTIFICATION, NOMINATION AND DESIGNATION OF AN HPD OR HP.

...

(k) The Commission shall determine whether said area, place, site, building(s), public interior portions of a building, structure(s), works of art and other objects shall be designated as an HPD or HP. In the event the owner of a property nominated as an HP, or each owner within a district nominated as an HPD, does not consent to designation, the Commission may only designate an HP or HPD by a vote of at least ~~five~~ four of its members, or otherwise the Commission may designate an HP or HPD by a majority vote of a quorum of its members. Regardless of any current National Register of Historic Places status, an HPD or HP must be locally determined by the Commission for this chapter to apply.

...

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

Adopted: _____ _____
PRESIDENT

_____
CLERK

Approved: _____ _____
MAYOR

Referred to Rules & Ordinances
3/5/18; Second reading 3/19/18;
Recommended for adoption by
Rules & Ordinances
6/4/18

ORDINANCE NO. 20-18 BY:

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 at the earliest period allowed by law, enacting Chapter 141, Special Assessments, of the Codified Ordinances of the City of Lakewood in order to codify certain provisions with respect to the special assessment process for public improvements.

WHEREAS, on November 7, 2017, the citizens of Lakewood adopted the proposed Third Amended Charter of the City of Lakewood; and

WHEREAS, the Third Amended Charter, at Section 5.8, Assessments, requires that Council establish "regulations sufficient to require preliminary legislation declaring the improvements necessary; to ensure the affected owners receive notice of the proposed assessment, an opportunity to examine plans for the improvement, and the ability to be heard in at least one public forum before the assessment is authorized by council; to divide assessed costs equitably among the city and affected property owners; to provide for repayment over an appropriate period of time; and to establish an opportunity for owners to make damage claims arising from the improvements and have those claims heard" before any special assessment may be made upon property owners affected by public improvements; and

WHEREAS, this Council has determined that these special assessment provisions shall be established in the Code as a matter of local self-government; 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 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 new charter became effective upon the official certification of the November 7, 2017 election in the city; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. New Chapter 141, Special Assessments, shall be enacted to read as follows:

CHAPTER 141
Special Assessments

141.01. Local Improvements.
141.02. Methods of Special Assessment.
141.03. Preliminary Assessments.
141.04. Notices Served.
141.05. Plans of Proposed Improvements.
141.06. Board of Revision of Assessments.
141.07. Claims.
141.08. Final Assessment.
141.09. Damages Assessed.
141.10. Work to be Done.
141.11. Lands Unallotted or not on Duplicate.
141.12. interest on Assessment Bonds.
141.13. Limitation on Assessments.
141.14. City's Portion of Cost.
141.15. Replacing Existing Improvements.
141.16. Subsequent Improvements.
141.17. Supplementary Assessments and Rebates.
141.18. Sewer and Water Connections.
141.19. Sidewalks.
141.20. Further Proceedings Unnecessary.
141.21. Assessment Bonds.
141.22. Alterations or Modifications in Contract.

141.01. LOCAL IMPROVEMENTS.

Council may provide for the construction, reconstruction, repair and maintenance, by contract or directly by the employment of labor, of all things in the nature of local improvements, and to provide for the payment of any part of the cost of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefitted property. The amount assessed against the property specially benefitted to pay for such local improvements shall not exceed the amount of benefits accruing to such property. Any cost for such improvement in excess of any sum assessed therefor shall be paid by the City.

141.02. METHODS OF SPECIAL ASSESSMENT.

Special assessments upon property deemed benefitted by a public improvement, shall be by any one of the following methods:

(a) By a percentage of the tax value of the property assessed;

(b) In proportion to the benefits which may result from the improvements;

(c) By the foot frontage of the property bounding and abutting upon the improvement.

141.03. PRELIMINARY ASSESSMENTS.

When it is deemed necessary to make a public improvement to be paid for in whole or in part by special assessment, Council shall declare the necessity thereof by resolution, and such resolution shall include the method of assessment, the mode of payment, and the number of annual installments. Such resolution shall thereupon be certified to the Director of Finance, who shall thereupon proceed to make an assessment report, in accordance with the method of assessment provided in the resolution, which report shall be filed with Council, and shall show the lots and lands assessed, and the amount of the assessment as to each. Such special assessment shall be payable in such number of annual installments and at such times as the legislative authority prescribes, provided that the number of annual installments of any assessment shall not exceed the maximum maturity for which bonds may lawfully be issued in anticipation thereof. If no period of such maximum maturity is specified then the period for which such assessments shall be levied shall not be less than one year, but may not exceed the estimated life of the usefulness of the improvement as certified by the Director of Finance.

141.04. NOTICES SERVED.

Upon the filing of such report the Director of Finance shall cause written notice to be served upon the owner of each lot or parcel of land assessed, or upon the persons in whose name the same may be assessed for taxation upon the tax duplicate, said notice to be served as is provided for service of summons in civil actions; and as to all nonresidents and persons who cannot be found, publication of such notice shall be as prescribed in Chapter 107. Said notice shall contain a statement of the character of the proposed improvement, the fact that the assessment report has been filed with Council, the rate of such assessments, the number of installments, and shall set a time and place when complaints and claims will be heard before the Board of Revision of Assessments.

141.05. PLANS OF PROPOSED IMPROVEMENTS.

At the time of the passage of the resolution provided in Section 141.03 there shall be on file in the office of the Director of Public Works, plans, specifications, estimates and profiles of the proposed improvement showing the proposed grade of the street and improvement after completion, with reference to the property abutting thereon, which plans, specifications, estimates and profiles shall be open to the inspection of all persons interested.

141.06. BOARD OF REVISION OF ASSESSMENTS.

The Board of Revision of Assessments established by Section 131.02 shall hear all claims and objections as to the character of all improvements to be paid for in part or in whole by special assessments, the necessity therefor, and the equity of the assessments as provided in the assessment report. A majority of those constituting the Board of Revision of Assessments shall determine all complaints and objections submitted to it, and as to each improvement the Board shall, after such hearing, amend, equalize and adjust the assessment report, and shall report its findings as to the necessity for the improvements and any amendments it directs in the assessments, to Council.

141.07. CLAIMS.

An owner of a lot or of land bounding and abutting upon a proposed improvement claiming that he or she will sustain damage by reason of the improvement shall present such claim to the Board of Revision of Assessments within two

weeks after the service of notice of the completion of the publication provided in Section 141.04. Such claim shall be in writing and shall set forth the amount of damages claimed, with a general description of the property with respect to which it is claimed the damage will accrue. Any owner who fails so to do shall be deemed to have waived such damages and shall be barred from filing a claim or receiving damages therefor. This provision shall apply to all damages which will obviously result from the improvement, but shall not deprive the owner of his or her right to recover damages arising without his or her fault, from acts of the City or its agents. The Board of Revision of Assessments shall report to Council all such claims for damages filed with it.

141.08. FINAL ASSESSMENT.

(a) When the Board of Revision of Assessments shall have made its final report to Council as to any improvement, if Council decides to proceed with the improvement an ordinance for the purpose shall be passed. Such ordinance shall set forth specifically the lots and lands to be assessed for the improvement, shall contain a statement of the general nature of the improvement, the character of the materials which may be bid upon therefor, the mode of payment therefor, a reference to the resolution theretofore passed for such improvement with date of its passage, and a statement of the intention of Council to proceed therewith in accordance with such resolution and in accordance with the plans, specifications, estimates and profiles provided for such improvement. In setting forth specifically the lots and lands abutting upon the improvement and to be assessed therefor, it shall be sufficient to describe them as all the lots and lands abutting and abounding upon such improvement between and including the terminal of the improvement, and in describing those which do not so abut it shall be sufficient to describe the lots by their appropriate lot numbers, and the lands by metes and bounds, and this rule of description shall apply in all proceedings in which lots and lands are to be charged with special assessment. Special assessments shall be payable by the owners of the property assessed at the time stipulated in the ordinance, and shall be a lien from the date of the assessment, upon the respective lots and parcels of land assessed, enforceable in the manner provided by general law.

(b) No final assessment ordinance shall be adopted without the concurrence of three-fourths of the members of Council, unless the owners of a majority of the foot frontage to be assessed petition in writing for the assessment in which event Council, a majority of its members thereto concurring, may adopt the ordinance.

141.09. DAMAGES ASSESSED.

At the time of the passage of the ordinance determining to proceed with the improvement as provided in Section 141.08, Council shall determine whether the claims for damages so filed shall be judicially inquired into before commencing or after the completion of the proposed improvement. When claims for damages are filed within the time limited, and Council having passed an ordinance for making the improvement, determines that the damage shall be assessed before commencing it, the Director of Law shall make a written application for a jury, to a court of competent jurisdiction, or a judge in vacation. The court or judge shall direct the summoning of a jury in the manner provided for the appropriation of property and fix the time and place for the inquiry and the assessment of such damages, which inquiry and assessment shall be confined to such claim. The proceedings had relative to such inquiry and determining of such damages

shall be in the manner provided by general laws for the appropriation of property to assess the amount of damage in each particular case. When Council determines to assess the damages after the completion of the improvement, for which a claim for damages has been filed as provided in Section 141.07, the Director of Law shall, within 10 days after the completion of such improvement make written application as provided in this section in the case of the ascertainment of damages before the improvement was made, and the same proceedings shall be had. No person who claims damages arising from any cause shall commence a suit therefor against the City until he or she shall have filed a claim for such damages with the Director of Finance and 60 days shall have elapsed thereafter, to enable the City to take such steps as it may deem proper to settle or adjust the claim; but this provision shall not apply to an application for an injunction or other proceeding to which it may be necessary for such applicant to resort in case of urgent necessity.

141.10. WORK TO BE DONE.

When Council shall have passed an ordinance directing an improvement to be made, to be paid for in whole or in part by special assessments, the Director of Public Works shall, as provided by ordinance, either directly by the employment of labor, or by entering into a contract therefor as provided by law, cause the improvement to be made.

141.11. LANDS UNALLOTTED OR NOT ON DUPLICATE.

When special assessments are levied by the percentage of tax value of the property assessed or by the foot frontage of the property bounding and abutting upon the improvement, and there are lands subject to such assessment which are not assessed for taxation, the Director of Finance shall fix, for the purpose of such assessment, the value of such lots as they stand and of such lands at such depths as the Director of Finance considers a fair average of the depth of lots in the neighborhood, so that it will be a fair average of the assessed value of other lots in the neighborhood , and where lands are not subdivided into lots, but are assessed for taxation, the Director of Finance shall fix the value and the depth in the same manner; but the above rule shall not apply in making a special assessment according to benefits.

141.12. INTEREST ON ASSESSMENT BONDS.

When bonds or notes are issued in anticipation of the collection of assessments, the interest thereon shall be treated as part of the cost of the improvement for which assessments may be made.

141.13. LIMITATION ON ASSESSMENTS.

Council shall limit all assessments to the special benefits conferred upon the property assessed, and in no case shall there be levied on any lot or parcel of land any assessments for any or all purposes within a period of five years, in excess of 33 and one third percent of the actual value thereof after the improvement is made. Assessments levied for the construction of main sewers shall not exceed the sum that, in the opinion of Council, would be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer the lots or lands to be assessed for such improvement, nor shall any lots or lands be assessed that do not need local drainage, or which are provided therewith.

141.14. CITY'S PORTION OF COST.

The City shall pay such part of the cost and expense of improvements for which such special assessments are levied, as Council deems just, which part shall not be less than one 50th of all such cost and expense; and in addition thereto the City shall pay the cost of intersections; and Council may provide for the payment of the City's portion of all such improvements by the issuance of bonds or notes therefor, and may levy taxes, in addition to all other taxes authorized by law, to pay such bonds or notes and the interest authorized by law. Council may provide for the transferring to the General Fund of such portion of the proceeds of special assessments or of the proceeds of bonds issued in anticipation of the collection of special assessments, and of the proceeds of bonds or notes issued or taxes levied to provide funds for the payment of the City's share of the cost of improvements, as is equal to the estimated cost of the engineering and inspection done or to be done directly by the City in connection with said improvement.

141.15. REPLACING EXISTING IMPROVEMENTS.

Council may provide in whole or in part the cost of replacing any improvement existing in a street at the time of the adoption of this chapter by levying special assessments as provided in this chapter, but any assessment for such replacement in less than 20 years from date of a prior assessment for the improvement to be replaced shall be limited to a sum not in excess of 33 and one third percent of the cost of such improvement.

141.16. SUBSEQUENT IMPROVEMENTS.

Every ordinance providing for an improvement to be paid for in whole or in part by special assessments shall contain an estimate by the Director of Public Works of the life of the proposed improvement. Any assessment thereafter made for replacing such improvement within such period of estimated life shall be limited to a sum not in excess of 33 and one third percent of the cost of such replacement. Assessments for replacements at or after the expiration of such estimated period of life shall be subject to no limitation except as provided for assessments for original improvements.

141.17. SUPPLEMENTARY ASSESSMENTS AND REBATES.

Upon the completion of any improvement, the Director of Finance shall rebate to the then owner of the property which shall have been assessed.

141.18. SEWER AND WATER CONNECTIONS.

The Director of Public Works may compel the making of sewer and water connections whenever, in view of contemplated street improvements or as a sanitary regulation, sewer or water connections should in the Director's judgment be constructed. The Director shall cause written notice of the Director's determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by a person designated by the Director of Public Works, in the manner provided for the service of summons in civil actions. Nonresidents of the City, or persons who cannot be found, may be served by one publication of notice in a newspaper of general circulation in the City, which notice shall state the time within which such connection shall be constructed; and if they be not constructed within the said time, the work may be done by the City and the cost thereof, together with a penalty of five percent (5

percent) assessed against the lots and lands for which such connections are made. Said assessments shall be certified and collected as other assessments for street improvement.

141.19. SIDEWALKS.

Council may by resolution declare that certain specified sidewalks, curbings, or gutters shall be constructed or repaired. Upon the adoption of such a resolution, the Clerk of Council shall cause written notice of the passage thereof to be served upon the owner, or agent of the owner, of each parcel of land abutting upon such sidewalk, who may be a resident of the City, in the manner provided by law for the service of summons in civil actions. The Clerk shall return a copy of the notice within the time and manner of service endorsed thereon, signed by the person serving it, to the Director of Public Works, who shall file and preserve such return. For the purpose of such service, if the owner of any such property is not a resident of the City, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way shall be regarded as the agent of the owner, and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. If it appears in any such return, however, that the owner is a nonresident, or that neither such owner or agent could be found, publication of a copy of the resolution in a newspaper of circulation in the City in the manner provided for service and publication of resolutions for street improvements, shall be deemed sufficient notice to such owner. If such sidewalks, curbings, or gutters be not constructed or repaired within 30 days from the service of notice, or the completion of the publication, the Director of Public Works may proceed by direct employment of labor, or by contract, to do or have done the said construction or repair at the expense of the owner and all such expense shall be assessed on all the property abutting or bounding thereon. Such assessment shall be collected in the same manner, with a penalty of five percent and interest for failure to pay at the time fixed by the assessing ordinance, as in cases of other improvements.

141.20. FURTHER PROCEEDINGS UNNECESSARY.

No other or further proceedings for the construction or repair of sidewalks, curbings and gutters, and levying assessments therefor, shall be necessary than the proceedings required under this and the preceding Section. In any case in which special assessments may be made on property for all the cost of constructing or repairing sidewalks, curbings or gutters, such assessments within the limit of 33 and one third percent of the real value of the property shall be a valid assessment thereon.

141.21. ASSESSMENT BONDS.

Council may at any time borrow money and authorize the issuance of notes or bonds according to law therefor in anticipation of the collection of assessments levied for the purpose of paying the cost of constructing or repairing sidewalks, which are to be or have been constructed by the Director of Public Works upon the failure of the owners of the property to construct or repair the same, pursuant to notice as provided in Section 141.19.

141.22. ALTERATIONS OR MODIFICATIONS IN CONTRACT.

When it becomes necessary, in the opinion of the Director of Public Works in the prosecution of any work or improvement under contract, such alterations or

modifications shall be made only upon the order of such Director in writing, provided, however, that such alteration must be approved by Council in case it involves an additional expenditure exceeding $1,000. No such order shall be effective until the price to be paid for the work and material, or both, under the altered or modified contract, has been agreed upon in writing and signed by the contractor and the Director in behalf of the City.

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

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, 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, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____ _____
PRESIDENT

_____
CLERK

Approved: _____ _____
MAYOR

Referred to Rules & Ordinances
3/19/18; Second reading 4/2/18;
Recommended for adoption by
Rules & Ordinances 6/4/18

ORDINANCE NO. 24-18 BY:

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 at the earliest period allowed by law, enacting Section 131.03, Franchises, of the Codified Ordinances of the City of Lakewood in order to codify certain provisions with respect to the grant of franchises in the city.

WHEREAS, on November 7, 2017, the citizens of Lakewood adopted the proposed Third Amended Charter of the City of Lakewood; and

WHEREAS, the Third Amended Charter does not carry forward the provisions found in Article XVIII of the Second Amended Charter related to franchises, which are rarely granted by Ohio municipalities; and

WHEREAS, this Council has determined that these franchise provisions shall be established in the Code as a matter of local self-government; 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 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 new charter became effective upon the official certification of the November 7, 2017 election in the city; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. New Section 131.03, Franchises, shall be enacted to read as follows:

131.03. FRANCHISES.

(a) Grant. Council may grant permission to any individual, company or corporation to construct and operate a public utility in the streets and public grounds of the City. It may prescribe the kind and quality of service or the product to be furnished, the rate or rates to be charged therefor, and any terms and conditions

conducive to the public interest; and also the manner in which the streets and public grounds shall be used and occupied. Such grant or any amendment or renewal thereof shall be for such period of time as Council may determine, but it shall not exceed a period of 25 years.

(b) Renewals. Council may renew any grant for the construction or operation of any utility, at its expiration, upon such terms as may be conducive to the public interest. All such grants and renewals thereof may reserve to the City the right to purchase all the property of the utility in the streets and highways and elsewhere used in, or useful for, the operation of the utility, at a price either fixed by ordinance, or to be fixed in the manner provided by the ordinance making the grant or renewal of the grant. Nothing in such ordinance shall prevent the City from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power to purchase, reserved in the grant or renewal as hereinbefore provided. No ordinance making such purchase shall be valid unless it shall expressly provide therein that the price to be paid by the City for the property that may be acquired by it from such utility by purchase, condemnation or otherwise, shall exclude all value of such grant or renewal. Upon the acquisition by the City of the property of any utility by purchase, condemnation or otherwise, all grants or renewals shall at once terminate.

(c) Extension. Council may grant to any individual, company or corporation operating a public utility, the right to extend the appliances and service of such utility. All such extensions shall become a part of the aggregate property of the utility, and shall be subject to all the obligations and reserved rights applicable to the property of the utility by virtue of the ordinance providing for its construction and operation. The right to use and maintain any such extension shall expire with the original grant of the utility to which the extension was made or any renewal thereof.

(d) Consents. No consent of the owner of property abutting on any highway or public ground shall be required by Council as a condition of its authority to authorize the construction, extension, maintenance or operation of any public utility by original grant or renewal.

(e) Regulations. All rights granted for the construction and operation of public utilities in the City shall be subject to both the additional, more specific regulations found within the Code and the continuing right of Council to require such reconstruction, relocation, change or discontinuance of the appliances used by the utility in the streets, alleys, avenues, and highways of the City, as shall in the opinion of Council be necessary in the public interest. In ordering any such reconstruction, relocation, change or discontinuance Council shall provide for such alteration in the rates for service and in the terms upon which purchase is authorized to be made by the City, as shall be necessary or equitable to protect the owner of the utility against loss of property value.

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

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City

and for the usual daily operation of the City for the reasons set forth and defined in its preamble, 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, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

_____
PRESIDENT

_____
CLERK

Approved: _____

_____
MAYOR

Read & Referred to Rules & Ordinances 4/2/18; Second reading 4/16/18; Recommended for adoption by Rules & Ordinances 6/4/18

ORDINANCE NO. 26-18 BY:

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 at the earliest period allowed by law, amending Section 121.15, Duties of Clerk of Council, of the Codified Ordinances of the City of Lakewood in order to codify an obligation to verify training certificates found within the Third Amended Charter.

WHEREAS, on November 7, 2017, the citizens of Lakewood adopted the proposed Third Amended Charter of the City of Lakewood; and

WHEREAS, the Third Amended Charter, at Section 8.2, obligates Council to designate a person to verify a new elected official's completion of training and to sign a certificate stating the same; and

WHEREAS, this Council has determined that these training provisions shall be established in the Code as a matter of local self-government; 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 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 new charter became effective upon the official certification of the November 7, 2017 election in the city; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 121.15, Duties of Clerk of Council, currently reading as follows:

121.15 DUTIES OF CLERK OF COUNCIL.

(a) In addition to the duties usually and customarily performed by the Clerk and secretaries, and such further duties as may be required by law or by resolution of Council, it shall be the duty of the Clerk to prepare a docket and agenda of the business proposed to be transacted at any regular or special Council meet-

ing and to cause a copy thereof to be delivered to each member of Council, the Mayor and each department and division head not less than forty-eight hours before the meeting. No matter not included in the docket, or otherwise called to the attention of all members of Council at least twelve hours before the meeting, shall be submitted to Council for final action if objected to by two members present.

(b) In preparing the docket and agenda for each regular Council meeting, the Clerk shall only place thereon all matters received for such purpose by 5:00 p.m. of the Wednesday prior to the meeting for which the docket and agenda pertain. The Clerk shall save until the next regular meeting, all matters received after 5:00 p.m. of the prior Wednesday. The docket and agenda for special meetings shall only include those matters designated by the person calling the same. Supplemental dockets will only be prepared upon the approval and instructions of the President of Council.

(c) The Clerk shall be responsible for the posting, publishing, advertising and certification of any legislation as required by law.

(d) The Clerk shall be responsible for the custody, maintenance, distribution and sale, according to instructions of Council, of all copies of the Codified Ordinances, and the sale of copies of the Second Amended City Charter, ordinances, resolutions and other public documents of the City where no provision for sale is otherwise made by ordinance.

(e) The Clerk shall be responsible for recording Council meetings and for the care and custody of the tapes, which shall be kept for a period of four years.

(f) The Clerk may receive funds for services and sales offered by the office of Council and shall account therefor to the Finance Director at least monthly.

(g) The Clerk shall provide each member of Council a summary of all matters referred to a committee of Council and/or member of the Administration within a reasonable time following each regular Council meeting and shall post a summary list in the Council chambers prior to the next regular meeting of Council. The summary shall include the subject matter referred, the date of referral, the name and members of the committee and/or member of the Administration to which the matter has been referred, the author of the communication referred and a brief statement of the present status of such matter.

shall be and hereby is repealed, and new Section 121.15, Duties of Clerk of Council, shall be enacted to read as follows:

121.15 DUTIES OF CLERK OF COUNCIL.

(a) In addition to the duties usually and customarily performed by the Clerk and secretaries, and such further duties as may be required by law or by resolution of Council, it shall be the duty of the Clerk to prepare a docket and agenda of the business proposed to be transacted at any regular or special Council meeting and to cause a copy thereof to be delivered to each member of Council, the Mayor and each department and division head not less than forty-eight hours before the meeting. No matter not included in the docket, or otherwise called to the attention of all members of Council at least twelve hours before the meeting, shall be submitted to Council for final action if objected to by two members present.

(b) In preparing the docket and agenda for each regular Council meeting, the Clerk shall only place thereon all matters received for such purpose by 5:00 p.m. of the Wednesday prior to the meeting for which the docket and agenda pertain. The Clerk shall save until the next regular meeting, all matters received after 5:00 p.m. of the prior Wednesday. The docket and agenda for special meetings shall only include those matters designated by the person calling the same. Sup-

plemental dockets will only be prepared upon the approval and instructions of the President of Council.

(c) The Clerk shall be responsible for the posting, publishing, advertising and certification of any legislation as required by law.

(d) The Clerk shall be responsible for the custody, maintenance, distribution and sale, according to instructions of Council, of all copies of the Codified Ordinances, and the sale of copies of the Second Amended City Charter, ordinances, resolutions and other public documents of the City where no provision for sale is otherwise made by ordinance.

(e) The Clerk shall be responsible for recording Council meetings and for the care and custody of the tapes, which shall be kept for a period of four years.

(f) The Clerk may receive funds for services and sales offered by the office of Council and shall account therefor to the Finance Director at least monthly.

(g) The Clerk shall provide each member of Council a summary of all matters referred to a committee of Council and/or member of the Administration within a reasonable time following each regular Council meeting and shall post a summary list in the Council chambers prior to the next regular meeting of Council. The summary shall include the subject matter referred, the date of referral, the name and members of the committee and/or member of the Administration to which the matter has been referred, the author of the communication referred and a brief statement of the present status of such matter.

(h) The Clerk shall be responsible for assisting newly elected mayors and members of council in fulfilling their training obligations under the Charter and for providing each officer with a certificate of completion, signed by the Clerk as verification of the completion of the training, to be filed with and maintained by the Clerk.

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

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, 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, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____ _____
PRESIDENT

_____
CLERK

Approved: _____ _____
MAYOR

referred to the Housing Committee
1/2/18. DEFERRED 1/16/18. (2ND READING)
DEFERRED 2/5/18.

ORDINANCE NO. 2-18

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Chapter 1306, Property Maintenance and Safety Code of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1306.07 DEFINITIONS.

...

Shall be and is hereby amended to read as follows:

1306.07 DEFINITIONS.

...

(hh) "Light Trespass" means the unwanted shining of light produced by a lighting fixture beyond the boundaries of the property on which it is located.

Section 2. Chapter 1306, Property Maintenance and Safety Code of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1306.31 EXTERIOR PROPERTY AREAS.
No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates, blights or debases the appearance of the neighborhood; or creates a fire, safety or health hazard; or which is a public nuisance; or which adversely alters the appearance and general character of the neighborhood and shall keep such premises free of any debris, object, material or condition which may create a health, accident or fire hazard or which is a public nuisance. Furniture used on open porches, decks and patios shall be of the type and style designed and intended for exterior use. Lawns, landscaping, trees and driveway shall also be maintained so as not to constitute a blighting or deteriorating effect in the neighborhood. All parking surfaces, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition.

Shall be and is hereby amended to read as follows:

1306.31 EXTERIOR PROPERTY AREAS.
No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates, blights or debases the appearance of the neighborhood; or creates a fire, safety or health hazard; or which is a public nuisance; or which creates light trespass; or which adversely alters the appearance and general character of the neighborhood and shall keep such premises free

of any debris, object, material or condition which may create a health, accident or fire hazard or which is a public nuisance. Furniture used on open porches, decks and patios shall be of the type and style designed and intended for exterior use. Lawns, landscaping, trees and driveway shall also be maintained so as not to constitute a blighting or deteriorating effect in the neighborhood. All parking surfaces, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition.

REFERRED TO HOUSING COMMITTEE 2/5/18.
SECOND READING 2/20/18.

ORDINANCE NO. 18-18 BY:

AN ORDINANCE amending Sections 1306.43, Housing and Vacant Property License, and Section 1306.44, License Application Form and Fee, of the Codified Ordinances of the City of Lakewood in order to update the code with respect to the regulation of condominium associations and unit owners in the City.

WHEREAS, various provisions within Chapter 1306 of the Code stand to be amended in order to update the code with respect to the regulation of condominium associations and unit owners in the City; 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; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1306.43, Housing and Vacant Property License, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1306.43 HOUSING AND VACANT PROPERTY LICENSE.

(a) Application. This section applies to:

(1) Any structure or portion of any structure in which there are one or more rental dwelling units or in which a rooming house is operated, whether occupied or not;

(2) Condominium property as defined in Ohio R.C. Chapter 5311, whether occupied or not, in which case the owner of the condominium property or the unit owners association shall be required to obtain the housing license as provided herein; and

(3) Vacant dwelling structures or commercial structures, whether rental property or not.

(b) Limitations. This section does not apply to lawful one- and two-family structures occupied in part or wholly by the owner as the owner's principal residence.

(c) In General.

(1) No person shall rent or cause to be rented a dwelling unit or a portion of a dwelling unit to another unless the person has been issued a housing license as provided for in this section.

(2) No owner of a structure shall maintain or cause to be maintained the structure in a vacant or abandoned status as defined in Section 1306.72 without having been issued a vacant property license as provided for in this section.

(3) No person in control of a property other than an owner, including but not limited to a mortgagee, property holding company, property manager or lienholder, shall maintain the property in a vacant or abandoned status as defined in Section 1306.72 without having been issued a vacant property license as provided for in this section.

(d) Required Licenses.

(1) A housing license is required for each dwelling unit in a structure.

(2) A vacant property license is required for each vacant residential or commercial structure.

(3) The Building Commissioner or his or her designee (as used in this section, "Building Commissioner") shall determine at his or her sole discretion the number of dwelling or commercial units existing within a structure.

(e) Issuance. The Building Commissioner shall issue the applicable license to each applicant meeting the requirements of this chapter.

(f) Scope. A license authorizes a licensee to rent a dwelling unit or a portion of a dwelling unit or permits a property to be maintained in a vacant status.

shall be repealed, and new Section 1306.43, Housing and Vacant Property License, shall be enacted to read as follows:

1306.43 HOUSING AND VACANT PROPERTY LICENSE.

(a) Application. This section applies to:

(1) Any structure or portion of any structure, including condominium property, in which there are one or more rental dwelling units or in which a rooming house is operated, whether occupied or not; and

~~(2) Condominium property as defined in Ohio R.C. Chapter 5311, whether occupied or not, in which case the owner of the condominium property or the unit owners association shall be required to obtain the housing license as provided herein; and~~

(~~3~~2) Vacant dwelling structures or commercial structures, whether rental property or not.

(b) Limitations. This section does not apply to lawful one- and two-family structures occupied in part or wholly by the owner as the owner's principal residence.

(c) In General.

(1) No person shall rent or cause to be rented a dwelling unit or a portion of a dwelling unit to another unless the person has been issued a housing license as provided for in this section.

(2) No owner of a structure shall maintain or cause to be maintained the structure in a vacant or abandoned status as defined in Section 1306.72 without having been issued a vacant property license as provided for in this section.

(3) No person in control of a property other than an owner, including but not limited to a mortgagee, property holding company, property manager or lienholder, shall maintain the property in a vacant or abandoned status as defined in Section 1306.72 without having been issued a vacant property license as provided for in this section.

(d) Required Licenses.

(1) A housing license is required for each dwelling unit in a structure.

(2) A vacant property license is required for each vacant residential or commercial structure.

(3) The Building Commissioner or his or her designee (as used in this section, "Building Commissioner") shall determine at his or her sole discretion the number of dwelling or commercial units existing within a structure.

(e) Issuance. The Building Commissioner shall issue the applicable license to each applicant meeting the requirements of this chapter.

(f) Scope. A license authorizes a licensee to rent a dwelling unit or a portion of a dwelling unit or permits a property to be maintained in a vacant status.

Section 2. Section 1306.44, License Application Form and Fee, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1306.44 LICENSE APPLICATION FORM AND FEE.

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

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

(2) Except as provided for in division (a)(3) of this section, in the case of an application for a housing license, certify that the applicant or an agent of the applicant has complied with at least two of the following requirements if the applicant has not had a housing license declared null and void pursuant to Section 1306.48:

A. That the applicant uses a written rental agreement as defined in Section 5321.01(D) of the Ohio Revised Code; or

B. That the applicant uses a reputable tenant screening agency for criminal and eviction background checks; or

C. That the applicant or agent of the applicant has within the past two years attended a landlord-tenant informational seminar approved by the Building Commissioner; and

(3) In the case of an application for a housing license, if the applicant has had a housing license declared null and void pursuant to Section 1306.48 in the previous two years, certify that the applicant or an agent of the applicant has complied with all three of the requirements in Section 1306.44(a)(2) and demonstrate compliance with all outstanding citations or correction notices issued pursuant to Chapter 1306 and with any outstanding fines or assessments issued pursuant to Chapter 510; and

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

(5) Pay to the Building Commissioner the application fee established by this section.

(b) Required Application Information. In addition to any other information required on an application form, the application form shall require:

(1) The applicant's name and the address of the applicant's principal place of business; and

(2) A description of the dwelling structure and the structure's address, including unit numbers; and

(3) The name and address of the property manager, resident agent or trustee, when applicable; and

(4) The name and address of an adult individual who is a resident of Ohio and is designated as the applicant's agent for receiving service of process, notices or any other papers from the City; and

(5) The type of structure as certified by the City, including the number of stories, in which the dwelling unit is located; and

(6) In the case of a housing license, the full names of all adult tenants and the number of minor tenants living in the residential unit as of the date the applica-

tion is tendered to the City and, if applicable, the dwelling unit numbers in which the tenants reside; and

(7) The year the dwelling in which the dwelling unit is located was constructed; and

(8) The type and number of smoke detectors in the dwelling unit; and

(9) The type of heating system in the dwelling unit; and

(10) The type of hot water heating system in the dwelling unit; and

(11) The name and telephone number of the person or entity responsible for sidewalk snow removal, grass cutting, and the removal of garbage containers from the tree lawn; and

(12) A statement by the applicant certifying, for each dwelling unit in the structure, that the applicant has personally witnessed within the 12-month period immediately preceding the date of the application that:

A. Smoke and carbon monoxide detectors are present and operational pursuant to Chapter 1331; and

B. No visible electrical or other hazards are present; and

C. In the case of a housing license, there is hot and cold running water in the kitchen and each bathroom with no leaks below the sink area and all toilets flush; or in the case of a vacant property license, the plumbing has been winterized to prevent the freezing of pipes; and

D. In the case of a housing license, the heating system is operational; and

E. Railings are present on interior and exterior stairs as required by applicable code; and

F. No readily observable conditions exist that represent a threat to the health and safety of an occupant.

(13) In the case of a vacant property license, a statement by the applicant that all utilities to the structure have been disconnected, including electric service, which shall be disconnected at the utility pole, unless the applicant states that the structure is being actively marketed for sale.

(c) The issuance of a housing or vacant property license upon the satisfaction of the conditions in this section shall not in any way be construed as City approval or determination as to the condition or livability of the unit or structure.

(d) Fee Requirements.

(1) The housing license fee shall be as follows:

A. Owner-occupied condominium units: $2.00.

B. Non-owner-occupied condominium units: $6.00.

C. Rooming house containing two or more tenants: $60.00 per rooming unit.

D. Non-owner-occupied one- or two-family structures: $75.00 per dwelling unit.

E. Three-family dwellings: $60.00 per non-owner-occupied unit.

F. All other occupied structures: $45.00 per dwelling unit.

(2) There shall be a limit of $2,000.00 for a condominium and $3,500.00 for any other occupied structure.

(3) The vacant property license fee shall be as follows:

A. Vacant housing structures: $200.00 per structure.

B. Vacant commercial or mixed-use building: $200.00 per structure.

(e) Change of Information. The applicant shall inform the Building Commissioner in writing of any change in the information provided under subsection (b) of this section not more than 30 days after the change is made.

(f) Corporations and Limited Liability Companies. If the applicant is a corporation or a limited liability company, an officer of the corporation or managing member of the limited liability company shall provide the information required under subsections (a) and (b) of this section.

(g) Other Business Entities. If the applicant is an association or partnership, a member or partner shall provide the information required under subsections (a) and (b) of this section.

shall be repealed, and new Section 1306.44, License Application Form and Fee, shall be enacted to read as follows:

1306.44 LICENSE APPLICATION FORM AND FEE.

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

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

(2) Except as provided for in division (a)(3) of this section, in the case of an application for a housing license, certify that the applicant or an agent of the applicant has complied with at least two of the following requirements if the applicant has not had a housing license declared null and void pursuant to Section 1306.48:

A. That the applicant uses a written rental agreement as defined in Section 5321.01(D) of the Ohio Revised Code; or

B. That the applicant uses a reputable tenant screening agency for criminal and eviction background checks; or

C. That the applicant or agent of the applicant has within the past two years attended a landlord-tenant informational seminar approved by the Building Commissioner; and

(3) In the case of an application for a housing license, if the applicant has had a housing license declared null and void pursuant to Section 1306.48 in the previous two years, certify that the applicant or an agent of the applicant has complied with all three of the requirements in Section 1306.44(a)(2) and demonstrate compliance with all outstanding citations or correction notices issued pursuant to Chapter 1306 and with any outstanding fines or assessments issued pursuant to Chapter 510; and

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

(5) Pay to the Building Commissioner the application fee established by this section.

(b) Required Application Information. In addition to any other information required on an application form, the application form shall require:

(1) The applicant's name and the address of the applicant's principal place of business; and

(2) A description of the dwelling structure and the structure's address, including unit numbers; and

(3) The name and address of the property manager, resident agent or trustee, when applicable; and

(4) The name and address of an adult individual who is a resident of Ohio and is designated as the applicant's agent for receiving service of process, notices or any other papers from the City; and

(5) The type of structure as certified by the City, including the number of stories, in which the dwelling unit is located; and

(6) In the case of a housing license, the full names of all adult tenants and the number of minor tenants living in the residential unit as of the date the application is tendered to the City and, if applicable, the dwelling unit numbers in which the tenants reside; and

(7) The year the dwelling in which the dwelling unit is located was constructed; and

(8) The type and number of smoke detectors in the dwelling unit; and

(9) The type of heating system in the dwelling unit; and

(10) The type of hot water heating system in the dwelling unit; and

(11) The name and telephone number of the person or entity responsible for sidewalk snow removal, grass cutting, and the removal of garbage containers from the tree lawn; and

(12) A statement by the applicant certifying, for each dwelling unit in the structure, that the applicant has personally witnessed within the 12-month period immediately preceding the date of the application that:

A. Smoke and carbon monoxide detectors are present and operational pursuant to Chapter 1331; and

B. No visible electrical or other hazards are present; and

C. In the case of a housing license, there is hot and cold running water in the kitchen and each bathroom with no leaks below the sink area and all toilets flush; or in the case of a vacant property license, the plumbing has been winterized to prevent the freezing of pipes; and

D. In the case of a housing license, the heating system is operational; and

E. Railings are present on interior and exterior stairs as required by applicable code; and

F. No readily observable conditions exist that represent a threat to the health and safety of an occupant.

(13) In the case of a vacant property license, a statement by the applicant that all utilities to the structure have been disconnected, including electric service, which shall be disconnected at the utility pole, unless the applicant states that the structure is being actively marketed for sale.

(c) The issuance of a housing or vacant property license upon the satisfaction of the conditions in this section shall not in any way be construed as City approval or determination as to the condition or livability of the unit or structure.

(d) Fee Requirements.

(1) The housing license fee shall be as follows:

A. ~~Owner-occupied c~~Non-owner-occupied condominium units: $~~2~~45.00 per unit.

~~B. Non-owner-occupied condominium units: $6.00.~~

~~C~~B. Rooming house containing two or more tenants: $60.00 per rooming unit.

~~D~~C. Non-owner-occupied one- or two-family structures: $75.00 per dwelling unit.

~~E~~D. Three-family dwellings: $60.00 per non-owner-occupied unit.

~~F~~E. All other occupied structures: $45.00 per dwelling unit.

(2) There shall be a limit of ~~$2,000.00 for a condominium and~~ $3,500.00 for any ~~other~~ occupied structure for which a single license has been issued.

(3) The vacant property license fee shall be as follows:

A. Vacant housing structures: $200.00 per structure.

B. Vacant commercial or mixed-use building: $200.00 per structure.

(e) Change of Information. The applicant shall inform the Building Commissioner in writing of any change in the information provided under subsection (b) of this section not more than 30 days after the change is made.

(f) Corporations and Limited Liability Companies. If the applicant is a corporation or a limited liability company, an officer of the corporation or managing member of the limited liability company shall provide the information required under subsections (a) and (b) of this section.

(g) Other Business Entities. If the applicant is an association or partnership, a member or partner shall provide the information required under subsections (a) and (b) of this section.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were 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

Read and referred to Housing Committee 6/4/18

ORDINANCE NO. 32-18 BY:

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 2115 Robin Avenue, Lakewood, Ohio and 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 properties are near completion and are 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 these properties 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 2115 Robin Avenue, Lakewood, Ohio and 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.

Adopted: _____

_____
President

_____
Clerk

Approved _____

_____
Mayor

Read & Referred to Finance
Committee 6/4/18

ORDINANCE NO. 31-18 BY:

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, to establish appropriations for current expenses and other expenditures of the City of Lakewood, State of Ohio, for the fiscal year ending December 31, 2018.

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 to provide for the usual daily operation of the City in that the City must record all financial transactions within the appropriate fiscal period; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. To provide for the personal services and other appropriations of the City of Lakewood for the fiscal year ending December 31, 2018, the sums summarized on the attached Exhibit A, incorporated herein by reference, are hereby appropriated and authorized for encumbrance and/or expenditure as provided herein.

Section 2. Further, all existing encumbrances in all funds of the City of Lakewood shall be carried forward.

Section 3. The approval of the Municipal Court Budget includes approval of any amendment to the salaries of the Clerk of Court and the Probation Officer in accordance with Sections 1901.31 and 1901.33 of the Ohio Revised Code.

Section 4. All expenditures hereinbefore authorized and to the amount authorized shall be made in accordance with the line items of Exhibit B as adopted by the Council of the City of Lakewood and made a part hereof, and that any disbursements within any line item set forth in Exhibit B may be paid out of the appropriation.

Section 5. That any amount encumbered in a year prior to fiscal year 2018 in any and all funds of the City of Lakewood are hereby appropriated for the purpose of expenditure in 2018 or thereafter.

Section 6. The Director of Finance be and is hereby authorized to draw checks upon the City depository's for the amounts appropriated in this ordinance whenever claims are presented, properly approved by the head of the department for which the indebtedness is incurred.

Section 7. 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 8. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least 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 of Council

_____
Clerk of Council

Approved: _____

_____
Mayor

City of Lakewood
2018 Permanent Appropriations
Exhibit A

Fund	Dec. 2017 2018 Appropriation	June 2018 2018 Appropriation
General Fund	$ 41,031,013	$ 41,031,013
Special Revenue Funds		
State Highway Improvement Fund	$ 140,000	$ 140,000
Street Const., Maint., & Repair Fund	$ 2,379,456	$ 2,379,456
Litter Control Grant Fund	$ 5,000	$ 5,000
Community Festival Fund	$ 4,058	$ 4,058
Police Pension Fund	$ 1,540,620	$ 1,540,620
Firemen's Pension Fund	$ 1,670,285	$ 1,670,285
Law Enforcement Trust Fund	$ 213,393	$ 213,393
Federal Forfeiture Fund	$ 35,000	$ 35,000
Indigent Driver's Alcohol Treatment Fund	$ 153,500	$ 153,500
Enforcement & Education Fund	$ 21,000	$ 21,000
Political Subdivision Fund	$ 18,000	$ 18,000
Computer Maintenance Fund	$ 40,000	$ 40,000
Court Special Projects Fund	$ 78,659	$ 78,659
Court Probation Services Fund	$ 10,000	$ 10,000
Indigent Drivers Interlock & Alcohol Monitoring Fund	$ 125,000	$ 125,000
Community Development Block Grant Fund	$ 2,465,587	$ 2,465,587
Emergency Shelter Grant Fund	$ 229,311	$ 229,311
HOME Investment Partnerships Program Fund	$ 252,000	$ 252,000
Neighborhood Stabilization Fund	$ -	$ -
Office on Aging IIIB Fund	$ 1,021,056	$ 1,021,056
Lakewood Hospital S.R. Fund	$ 2,249,148	$ 9,454,148
Help To Others Fund	$ 40,319	$ 40,319
Juvenile Diversion Program Fund	$ 18,472	$ 18,472
Family to Family Fund	$ 369,684	$ 369,684
Total Special Revenue Funds	$ 13,079,548	$ 20,284,548
Bond Retirement Fund	$ 14,089,214	$ 14,089,214
TIF Bond Retirement Fund	$ 406,104	$ 406,104
Total Debt Service Funds	$ 14,495,318	$ 14,495,318
Capital Improvement Fund	$ 3,532,225	$ 3,532,225
Land Acquisition Fund	$ -	$ -
City Park Improvement Fund	$ 28,500	$ 28,500
TIF Capital Improvement Fund	$ -	$ -
Total Capital Projects Funds	$ 3,560,725	$ 3,560,725
Water Operating Fund	$ 17,420,149	$ 17,420,149
Wastewater Collection Fund	$ 15,672,279	$ 15,672,279
Wastewater Treatment Fund	$ 14,072,420	$ 14,072,420
Wastewater Improvement Fund	$ 1,800,000	$ 1,800,000
Parking Facilities Fund	$ 366,952	$ 366,952
Winterhurst Ice Rink Fund	$ 639,000	$ 639,000
Total Enterprise Funds	$ 49,970,800	$ 49,970,800
Hospitalization Fund	$ 7,173,000	$ 7,173,000
Workers Compensation Fund	$ 343,250	$ 343,250
Total Internal Service Funds	$ 7,516,250	$ 7,516,250
TOTALS	$ 129,653,653	$ 136,858,653

City of Lakewood
2018 Permanent Appropriation
Exhibit B

General Fund	Dec. 2017 2018 Appropriation	June 2018 2018 Appropriation
General Government		
Council		
Personal Services	200,709	200,709
Other	12,950	12,950
Division Total	213,659	213,659
Municipal Court		
Personal Services	1,081,933	1,081,933
Other	153,160	153,160
Division Total	1,235,093	1,235,093
Civil Service		
Personal Services	83,476	83,476
Other	62,690	62,690
Division Total	146,166	146,166
Mayor's Office		
Personal Services	284,837	284,837
Other	29,725	29,725
Division Total	314,562	314,562
Human Resources		
Personal Services	275,851	275,851
Other	31,005	31,005
Division Total	306,856	306,856
Community Relations		
Personal Services	146,763	146,763
Other	18,575	18,575
Division Total	165,338	165,338
Finance Department		
Personal Services	682,344	682,344
Other	90,000	90,000
Division Total	772,344	772,344
Income Tax		
Personal Services	633,538	633,538
Other	777,575	777,575
Division Total	1,411,113	1,411,113
Information Technology		
Personal Services	431,084	431,084
Other	712,600	712,600
Division Total	1,143,684	1,143,684
General Administration		
Personal Services	151,500	151,500
Other	1,894,996	1,894,996
Division Total	2,046,496	2,046,496
Law Department		
Personal Services	523,233	523,233
Other	93,950	93,950
Division Total	617,183	617,183
Planning & Development		
Personal Services	386,927	386,927
Other	67,430	67,430
Division Total	454,357	454,357

City of Lakewood
2018 Permanent Appropriation
Exhibit B

	Dec. 2017 2018 Appropriation	June 2018 2018 Appropriation
Public Safety		
Police & Law Enforcement		
Personal Services	10,252,014	10,252,014
Other	558,850	558,850
Division Total	10,810,864	10,810,864
Police & Fire Communications (Dispatch)		
Personal Services	959,506	959,506
Other	18,750	18,750
Division Total	978,256	978,256
Support of Prisoners		
Personal Services	175,829	175,829
Other	156,000	156,000
Division Total	331,829	331,829
Animal Control		
Personal Services	212,306	212,306
Other	15,025	15,025
Division Total	227,331	227,331
School Guards		
Personal Services	217,083	217,083
Other	550	550
Division Total	217,633	217,633
Firefighting, Prevention & Inspection		
Personal Services	8,326,398	8,326,398
Other	360,511	360,511
Division Total	8,686,909	8,686,909
Building & Housing		
Personal Services	1,189,049	1,189,049
Other	177,050	177,050
Division Total	1,366,099	1,366,099

	Dec. 2017 2018 Appropriation	June 2018 2018 Appropriation
Public Works		
Public Works Administration		
Personal Services	109,493	109,493
Other	4,625	4,625
Division Total	114,118	114,118
Street Lighting		
Other	615,000	615,000
Division Total	615,000	615,000
Parks & Public Property		
Personal Services	1,506,822	1,506,822
Other	872,620	872,620
Division Total	2,379,442	2,379,442
Security		
Personal Services	132,768	132,768
Other	-	-
Division Total	132,768	132,768
Band Concerts		
Personal Services	-	-
Other	11,000	11,000
Division Total	11,000	11,000
Museums		
Other	8,000	8,000
Division Total	8,000	8,000
July 4th Festival		
Personal Services	19,545	19,545
Other	42,600	42,600
Division Total	62,145	62,145
Tennis Courts		
Other	6,750	6,750
Division Total	6,750	6,750
Forestry		
Personal Services	363,700	363,700
Other	203,050	203,050
Division Total	566,750	566,750
Refuse & Recycling		
Personal Services	2,408,498	2,408,498
Other	984,875	984,875
Division Total	3,393,373	3,393,373
Fleet Management		
Personal Services	896,110	896,110
Other	688,675	688,675
Division Total	1,584,785	1,584,785
Engineering		
Personal Services	108,103	108,103
Other	89,900	89,900
Division Total	198,003	198,003

City of Lakewood
2018 Permanent Appropriation
Exhibit B

	Dec. 2017 2018 Appropriation	June 2018 2018 Appropriation
Human Services		
Human Services Administration		
Personal Services	215,379	215,379
Other	1,575	1,575
Division Total	216,954	216,954
Early Childhood		
Personal Services	61,983	61,983
Other	1,325	1,325
Division Total	63,308	63,308
Youth Services		
Personal Services	220,520	220,520
Other	12,325	12,325
Division Total	232,845	232,845
Total General Fund		
Personal Services	32,257,301	32,257,301
Other	8,773,712	8,773,712
Totals	41,031,013	41,031,013

City of Lakewood
2018 Permanent Appropriation
Exhibit B

	Dec. 2017 2018 Appropriation	June 2018 2018 Appropriation
Special Revenue Funds		
State Highway Improvement Fund		
Other	140,000	140,000
Division Total	140,000	140,000
Fund Total	140,000	140,000
Street Const., Maint. Repair Fund		
Personal Services	1,426,281	1,426,281
Other	953,175	953,175
Division Total	2,379,456	2,379,456
Fund Total	2,379,456	2,379,456
Litter Control Grant Fund		
Other	5,000	5,000
Division Total	5,000	5,000
Fund Total	5,000	5,000
Community Festival Fund		
Personal Services	4,058	4,058
Division Total	4,058	4,058
Fund Total	4,058	4,058
Police Pension Fund		
Personal Services	1,540,620	1,540,620
Other	-	-
Division Total	1,540,620	1,540,620
Fund Total	1,540,620	1,540,620
Firemen Pension Fund		
Personal Services	1,670,285	1,670,285
Other	-	-
Division Total	1,670,285	1,670,285
Fund Total	1,670,285	1,670,285
Law Enforcement Trust Fund		
Personal Services	18,143	18,143
Other	195,250	195,250
Division Total	213,393	213,393
Fund Total	213,393	213,393
Federal Forfeiture Fund		
Other	35,000	35,000
Division Total	35,000	35,000
Fund Total	35,000	35,000
Indigent Drivers' Alcohol Treatment Fund		
Other	153,500	153,500
Division Total	153,500	153,500
Fund Total	153,500	153,500

City of Lakewood
2018 Permanent Appropriation
Exhibit B

	Dec. 2017 2018 Appropriation	June 2018 2018 Appropriation
Enforcement & Education Fund		
Other	21,000	21,000
Division Total	21,000	21,000
Fund Total	21,000	21,000
Political Subdivision Fund		
Other	18,000	18,000
Division Total	18,000	18,000
Fund Total	18,000	18,000
Computer Maintenance Fund		
Other	40,000	40,000
Division Total	40,000	40,000
Fund Total	40,000	40,000
Court Special Projects Fund		
Personal Services	8,659	8,659
Other	70,000	70,000
Division Total	78,659	78,659
Fund Total	78,659	78,659
Court Probation Services Fund		
Personal Services	-	-
Other	10,000	10,000
Division Total	10,000	10,000
Fund Total	10,000	10,000
Indigent Drivers Interlock and Alcohol Monitoring Fund		
Other	125,000	125,000
Division Total	125,000	125,000
Fund Total	125,000	125,000
Community Development Block Grant		
Personal Services	471,052	471,052
Other	1,994,535	1,994,535
Division Total	2,465,587	2,465,587
Fund Total	2,465,587	2,465,587
Emergency Shelter Grant Fund		
Personal Services	6,927	6,927
Other	222,384	222,384
Division Total	229,311	229,311
Fund Total	229,311	229,311
HOME Investment Partnerships Program Fund		
Personal Services	-	-
Other	252,000	252,000
Division Total	252,000	252,000
Fund Total	252,000	252,000
Neighborhood Stabilization Fund		
Personal Services	-	-
Other	-	-
Division Total	-	-
Fund Total	-	-

	Dec. 2017 2018 Appropriation	June 2018 2018 Appropriation
Energy Efficiency BloCN Grant		
Personal Services	-	-
Other	-	-
Division Total	-	-
Fund Total	-	-
Homeless Prevention and Rapid Rehousing		
Personal Services	-	-
Other	-	-
Division Total	-	-
Fund Total	-	-
Office on Aging Fund		
Personal Services	846,486	846,486
Other	174,570	174,570
Division Total	1,021,056	1,021,056
Fund Total	1,021,056	1,021,056
Lakewood Hospital S.R. Fund		
EMS		
Personal Services	878,930	878,930
Other	730,450	730,450
Division Total	1,609,380	1,609,380
Health		
Personal Services	115,513	115,513
Other	229,255	229,255
Division Total	344,768	344,768
Lakewood Hospital Transition		
Other	295,000	7,500,000
Division Total	295,000	7,500,000
Fund Total	2,249,148	9,454,148
Help To Others Fund		
Personal Services	36,944	36,944
Other	3,375	3,375
Division Total	40,319	40,319
Fund Total	40,319	40,319
Juvenile Diversion Program Fund		
Personal Services	18,472	18,472
Other	-	-
Division Total	18,472	18,472
Fund Total	18,472	18,472
Family to Family Fund		
Personal Services	312,995	312,995
Other	56,689	56,689
Division Total	369,684	369,684
Fund Total	369,684	369,684
Total Special Revenue Funds		
Personal Services	7,355,365	7,355,365
Other	5,724,183	12,929,183
Totals	13,079,548	20,284,548

City of Lakewood
2018 Permanent Appropriation
Exhibit B

	Dec. 2017 2018 Appropriation	June 2018 2018 Appropriation
Debt Service Funds		
Bond Retirement Fund		
Other	14,089,214	14,089,214
Division Total	14,089,214	14,089,214
Fund Total	14,089,214	14,089,214
TIF Bond Retirement Fund		
Other	406,104	406,104
Division Total	406,104	406,104
Fund Total	406,104	406,104
Total Debt Service Funds		
Personal Services		
Other	14,495,318	14,495,318
Totals	14,495,318	14,495,318
Capital Projects Funds		
Capital Improvement Fund		
Other	3,532,225	3,532,225
Division Total	3,532,225	3,532,225
Fund Total	3,532,225	3,532,225
Land Acquisition Fund		
Other	-	-
Division Total	-	-
Fund Total	-	-
City Park Improvement Fund		
Other	28,500	28,500
Division Total	28,500	28,500
Fund Total	28,500	28,500
TIF Capital Improvement Fund		
Other	-	-
Division Total	-	-
Fund Total	-	-
Total Capital Improvement Funds		
Other	3,560,725	3,560,725
Totals	3,560,725	3,560,725

	Dec. 2017 2018 Appropriation	June 2018 2018 Appropriation
Enterprise Funds		
Water Operating Fund		
Water Administration		
Personal Services	222,825	222,825
Other	5,815,310	5,815,310
Division Total	6,038,135	6,038,135
Water Distribution		
Personal Services	589,644	589,644
Other	10,161,575	10,161,575
Division Total	10,751,219	10,751,219
Water Metering		
Personal Services	423,395	423,395
Other	207,400	207,400
Division Total	630,795	630,795
Fund Total	17,420,149	17,420,149
Wastewater Collection Fund		
Personal Services	1,178,083	1,178,083
Other	14,494,196	14,494,196
Division Total	15,672,279	15,672,279
Fund Total	15,672,279	15,672,279
Wastewater Treatment Fund		
Personal Services	1,997,626	1,997,626
Other	12,074,794	12,074,794
Division Total	14,072,420	14,072,420
Fund Total	14,072,420	14,072,420
Wastewater Improvement Fund		
Other	1,800,000	1,800,000
Division Total	1,800,000	1,800,000
Fund Total	1,800,000	1,800,000
Parking Facilities Fund		
Personal Services	199,818	199,818
Other	167,134	167,134
Division Total	366,952	366,952
Fund Total	366,952	366,952
Winterhurst Ice Rink Fund		
Personal Services	-	-
Other	639,000	639,000
Division Total	639,000	639,000
Fund Total	639,000	639,000
Total Enterprise Funds		
Personal Services	4,611,391	4,611,391
Other	45,359,409	45,359,409
Totals	49,970,800	49,970,800

City of Lakewood
2018 Permanent Appropriation
Exhibit B

	Dec. 2017 2018 Appropriation	June 2018 2018 Appropriation
Internal Services Funds		
Hospitalization Fund		
Personal Services	7,088,000	7,088,000
Other	85,000	85,000
Division Total	7,173,000	7,173,000
Fund Total	7,173,000	7,173,000
Workers' Compensation Fund		
Personal Services	241,000	241,000
Other	102,250	102,250
Division Total	343,250	343,250
Fund Total	343,250	343,250
Total Internal Service Funds		
Personal Services	7,329,000	7,329,000
Other	187,250	187,250
Totals	7,516,250	7,516,250
FUND TOTALS	129,653,654	136,858,654

Read & Referred to the Finance
Committee 6/4/18

ORDINANCE NO: 43-17A BY:

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, amending Ordinance 43-17, adopted December 18, 2017, 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 2018 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 2018 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 peace, property, health and safety, and to provide for the usual daily operation of municipal departments in that delay could impair the City's ability to provide necessary services in a timely manner for fiscal year 2018; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1 of Ordinance 43-17, adopted December 18, 2018, 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 2018 Budget are as follows:
>
> 1) Legal Services.....225,000
> 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 125,000
10) Exams for Classified Positions 75,000
11) Housing and Building Plans Examinations 75,000
12) Lakewood Jail Medical Services 50,000
13) Band Concerts 15,000
14) Municipal Engineering Consultant 80,000
15) Debt Issuance Costs 100,000
16) Integrated Wet Weather Plan Professional Services 750,000
17) Administrative Professional Services 300,000
18) Professional Services related to Lakewood Hospital 500,000

Sub-Total $2,507,500

Services contracts included in the 2018 Budget are as follows:

1) Government Agreements (WEB) 115,000
2) Government Agreements (Bd of Ed/Pools) 800,000
3) Financial Institution Service Charges 60,000
4) Electronic Payment Services 250,000
5) Property & Liability Insurance Contracts 500,000
6) Workers' Comp Stop Loss Insurance 90,000
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) 10,000
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 105,000
19) Biosolids Disposal 105,000
20) Roll-Off Box for Construction Debris 65,000
21) Site to Receive & Process Yard Waste 45,000
22) Lab Analysis Service 25,000
23) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts 550,000
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 250,000
33) Rental and Laundry of Uniforms 35,000
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 40,000
39) Transportation Services 65,000

Sub-Total $14,052,500

Materials, supplies, and equipment authorized for purchase under the 2018 Budget are as follows:

1) Sand and Aggregate 45,000
2) Concrete Supplies 50,000
3) Asphalt Materials 50,000
4) Asphalt Cold Patch 25,000
5) Crack Sealant 40,000
6) Road Salt (Sodium Chloride) 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 125,000
12) Tires and Road Service 85,000
13) Automotive Repairs, Parts and Supplies 600,000
14) Oil and Lubricants 40,000
15) Fuel (Gasoline and Diesel) 500,000
16) Purchase of Uniforms and Gear – Public Works 20,000
17) Electrical Supplies 50,000
18) Hardware Supplies 45,000
19) Janitorial Supplies 50,000
20) Landscape Materials 30,000
21) Lumber Supplies 100,000
22) Plumbing Supplies 40,000
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 75,000
32) Paper Supplies 15,000
33) Lease Copier Equipment 35,000
34) Subscriptions/Publications 30,000
35) Reforestation 200,000
36) Police Operating Equipment 150,000
37) Fire/EMS Operating Equipment 150,000
38) Waste Water Treatment Plant Operating Equipment 100,000
39) Fitness Equipment/Devices 30,000

Sub-Total $3,755,000

Total $20,315,000

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 2018 Budget are as follows:

1)	Legal Services	225,000
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	125,000
10)	Exams for Classified Positions	75,000
11)	Housing and Building Plans Examinations	75,000
12)	Lakewood Jail Medical Services	50,000
13)	Band Concerts	15,000
14)	Municipal Engineering Consultant	80,000
15)	Debt Issuance Costs	100,000
16)	Integrated Wet Weather Plan Professional Services	750,000
17)	Administrative Professional Services	300,000
18)	**Lakewood Hospital Transition Expenses**	**7,500,000**
Sub-Total		**$9,507,500**

Services contracts included in the 2018 Budget are as follows:

1)	Government Agreements (WEB)	115,000
2)	Government Agreements (Bd of Ed/Pools)	800,000
3)	Financial Institution Service Charges	60,000
4)	Electronic Payment Services	250,000
5)	Property & Liability Insurance Contracts	500,000
6)	Workers' Comp Stop Loss Insurance	90,000
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)	10,000
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	105,000
19)	Biosolids Disposal	105,000
20)	Roll-Off Box for Construction Debris	65,000
21)	Site to Receive & Process Yard Waste	45,000
22)	Lab Analysis Service	25,000

23) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts 550,000
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 250,000
33) Rental and Laundry of Uniforms 35,000
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 40,000
39) Transportation Services 65,000

Sub-Total $14,052,500

Materials, supplies, and equipment authorized for purchase under the 2018 Budget are as follows:

1) Sand and Aggregate 45,000
2) Concrete Supplies 50,000
3) Asphalt Materials 50,000
4) Asphalt Cold Patch 25,000
5) Crack Sealant 40,000
6) Road Salt (Sodium Chloride) 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 125,000
12) Tires and Road Service 85,000
13) Automotive Repairs, Parts and Supplies 600,000
14) Oil and Lubricants 40,000
15) Fuel (Gasoline and Diesel) 500,000
16) Purchase of Uniforms and Gear – Public Works 20,000
17) Electrical Supplies 50,000
18) Hardware Supplies 45,000
19) Janitorial Supplies 50,000
20) Landscape Materials 30,000
21) Lumber Supplies 100,000
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24) Small Tools and Equipment 130,000
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30) Computer Software 45,000
31) Communications Equipment 75,000
32) Paper Supplies 15,000
33) Lease Copier Equipment 35,000

34) Subscriptions/Publications 30,000
35) Reforestation 200,000
36) Police Operating Equipment 150,000
37) Fire/EMS Operating Equipment 150,000
38) Waste Water Treatment Plant Operating Equipment 100,000
39) Fitness Equipment/Devices 30,000

Sub-Total **$3,755,000**

Total **$27,315,000**

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

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

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

12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.onelakewood.com
Lakewood City Council
SAMUEL T. O'LEARY, PRESIDENT
DAVID ANDERSON, VICE PRESIDENT

Council at Large
THOMAS R. BULLOCK III
MEGHAN GEORGE
TRISTAN RADER

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

June 18, 2018

Lakewood City Council
Lakewood, OH 44107

Re: Project SOAR, Opiate Addiction Recovery Update

Dear Colleagues:

As you know, given the rise in opiate related overdoses and deaths in recent years, City Council, the administration, and Human Services Director Gelsomino in particular have prioritized doing everything in our power to combat this issue. In 2018, this included the implementation of Project SOAR, so that we could more intentionally provide swift resources to any Lakewood resident who has overdosed.

We received a brief update on the program in the most recent Finance Committee meeting as Council's budget priorities were discussed, and this underscored a need for a more detailed update on the city's progress. I understand some additional data will be available soon, which would further the importance of the update.

While this communication does not represent any legislation, I think that this epidemic and our response are of the utmost importance for our community. Thus, I ask that this communication be referred to the Health & Human Services Committee so that Council may receive an update on Project SOAR from Director Gelsomino and her team.

I ask for Council's favorable consideration.

Yours in service,

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

12650 Detroit Avenue • 44107 • 216/529-HOME • FAX 216/529-5907
Website: www.onelakewood.com

Department of Planning & Development

June 18, 2018

Lakewood City Council
Lakewood, OH 44107

RE: Application to the State of Ohio through ODNR for the NatureWorks Grant Program

Dear Members of Council:

I am submitting a resolution authorizing the application for and acceptance of financial assistance for the Ohio Department of Natural Resources (ODNR) NatureWorks grant program for proposed improvements to Wagar Park. ODNR administers funding for public outdoor recreation purposes through the State funded NatureWorks grant program. The funds would be used to help execute the improvement plan for Wagar Park. The NatureWorks grant application requires a commitment of 25% matching funds for a grant of up to $150,000. The City of Lakewood has already meet this requirement by committing funds of $80,800 to commission the construction sets for the project making the city eligible for reimbursement by NatureWorks if the grant application is successful. Competing for this program can help us realize the execution of the improvement plan efficiently.

The city has dedicated significant time to working with a consultant to design a park improvement plan for Wagar Park based on public participation, current usage and best planning practices. The Planning Commission approved the concept design at its meeting on September 1, 2016.

The deadline to submit a resolution of support is July 1, 2018. Therefore, I respectfully request approval of this resolution on first reading. I'm happy to answer any questions about the either the Improvement Plan or the grant application.

Sincerely,

Bryce Sylvester
Director of Planning & Development

RESOLUTION NO. 9009-18 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 Director of Planning and Development to file an application with the Ohio Department of Natural Resources requesting financial assistance from the NatureWorks program for improvements to the City of Lakewood.

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

WHEREAS, the City of Lakewood desires financial assistance under the NatureWorks grant program fund; and

WHEREAS, the City of Lakewood has commissioned the production of a concept design predicated on public participation; and

WHEREAS, the concept design has been approved by the Lakewood Planning Commission and was greatly informed by the Parks Strategic Master Plan and the Community Vision; and

WHEREAS, the City of Lakewood has committed $80,800 to the purchase of construction sets for the Wagar Park Improvement plan, meeting the matching funds requirement for the NatureWorks grant application; and

WHEREAS, any financial assistance obtained would leverage the dollars already committed by the city and enable the city to complete the project efficiently; 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 completed applications for the NatureWorks grant are due no later than July 1, 2018; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Director of Planning and Development is hereby authorized to execute and file an application with the Ohio Department of Natural Resources for the NatureWorks grant

program and to provide all information and documentation required to become eligible for possible funding assistance with improvements to Wagar Park or any other permitted use.

Section 2. The City of Lakewood has met the matching funds requirement for the proposed improvements to Wagar Park making the City of Lakewood eligible for reimbursement if the application to the Nature Works Grant Program is successful.

Section 3. The Mayor, Director of Planning and Development, Finance Director or Director of Public Works is hereby authorized to enter into any necessary agreements to accept an award of funds through the NatureWorks grant program and the use of said matching funds is hereby approved.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public and 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, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

_____
President of Council

_____
Clerk of Council

Approved: _____

_____
Mayor

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

Jennifer R. Pae
Director of Finance

June 18, 2018

Re: Planning & Development Contracting Authority Amendment Ordinance

Dear Members of Council:

I am submitting legislation for your approval to add the ***Lakewood Small Business Grant Program*** to the contracting authority for the Department of Planning & Development to fund the issuance of small business grants up to $50,000 to local qualifying businesses.

Please place on first reading and refer to the Finance Committee for further discussion.

Sincerely,

Jennifer R. Pae
Director of Finance

ORDINANCE NO. 44-17A BY:

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, amending Ordinance 44-17, adopted December 18, 2017, 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 service contracts in accordance with the Administrative Code of the City of Lakewood for the Department of Planning & Development in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council.

WHEREAS, 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 2018; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1 of Ordinance 44-17, adopted December 18, 2017, 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 is hereby authorized and directed to enter into contracts in accordance with the Administrative Code of the City of Lakewood, for the Division of Planning & Development, contracts not to exceed the specified amounts shown, except as hereinafter provided:

Service Contracts **$4,400,000**

Building Code Enforcement;
Childcare Scholarship Assistance Program;
Cleveland Tenants Organization: Landlord Tenant Services;
Commercial Property Revitalization (Storefront Renovation) Program;
Cuyahoga County Planning Commission;
Domestic Violence & Child Advocacy Center: Victim Advocacy Services;
Economic Development Loan Fund;
First Time Homebuyer Down Payment Assistance Program (CDBG & HOME);
Greater Cleveland Regional Transit Authority;
Home Improvement Grant Program (HIG);
Home Investment Partnerships Program (HOME);
Home Weatherization Assistance Program;
Housing Research & Advocacy Center: Fair Housing Services;

LakewoodAlive: Housing Outreach & Paint Rebate Programs;
Lakewood Community Services Center: Case Management Services, Emergency Shelter Services, Employment Services, Food Pantry & Homelessness Prevention Programs;
Lakewood-SBA-Cuyahoga County Small Business Performance Grant Program;
Loan Servicing Fees: Low-Interest Loan, Nuisance Demolition, Nuisance Rehabilitation, RAMP & Weatherization Programs;
Low-Interest Housing Rehabilitation Loan Program (LIL);
Neighborhood Stabilization Program (NSP): Acquisition, Rehabilitation & Demolition;
North Coast Health: Health Services;
Nuisance Demolition Program;
Nuisance Rehabilitation Program;
Property Revitalization Program; Acquisition, Rehabilitation, Marketing & Sale;
Public Infrastructure Improvements: Sidewalk Repair/Replacement, Street Resurfacing, Streetscape Enhancements, Transit Waiting Environments & Water Main Replacement & Park Improvements;
Repair Accessibility & Maintenance Program (RAMP);
SEED Small Business Loan Program: Loan Servicing Fees;
Senior Supportive Services.

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 is hereby authorized and directed to enter into contracts in accordance with the Administrative Code of the City of Lakewood, for the Division of Planning & Development, contracts not to exceed the specified amounts shown, except as hereinafter provided:

Service Contracts **$4,400,000**

Building Code Enforcement;
Childcare Scholarship Assistance Program;
Cleveland Tenants Organization: Landlord Tenant Services;
Commercial Property Revitalization (Storefront Renovation) Program;
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Domestic Violence & Child Advocacy Center: Victim Advocacy Services;
Economic Development Loan Fund;
First Time Homebuyer Down Payment Assistance Program (CDBG & HOME);
Greater Cleveland Regional Transit Authority;
Home Improvement Grant Program (HIG);
Home Investment Partnerships Program (HOME);
Home Weatherization Assistance Program;
Housing Research & Advocacy Center: Fair Housing Services;
LakewoodAlive: Housing Outreach & Paint Rebate Programs;
Lakewood Community Services Center: Case Management Services, Emergency Shelter Services, Employment Services, Food Pantry & Homelessness Prevention Programs;
Lakewood-SBA-Cuyahoga County Small Business Performance Grant Program;
Lakewood Small Business Grant Program
Loan Servicing Fees: Low-Interest Loan, Nuisance Demolition, Nuisance Rehabilitation, RAMP & Weatherization Programs;
Low-Interest Housing Rehabilitation Loan Program (LIL);
Neighborhood Stabilization Program (NSP): Acquisition, Rehabilitation & Demolition;
North Coast Health: Health Services;
Nuisance Demolition Program;
Nuisance Rehabilitation Program;
Property Revitalization Program; Acquisition, Rehabilitation, Marketing & Sale;

Public Infrastructure Improvements: Sidewalk Repair/Replacement, Street Resurfacing, Streetscape Enhancements, Transit Waiting Environments & Water Main Replacement & Park Improvements;
Repair Accessibility & Maintenance Program (RAMP);
SEED Small Business Loan Program: Loan Servicing Fees;
Senior Supportive Services.

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

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

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

_____
Clerk of Council

Approved: _____ _____
Mayor

JOSEPH J. BENO, PE
DIRECTOR OF PUBLIC WORKS

DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING AND CONSTRUCTION
12650 DETROIT AVENUE ✕ 44107 ✕ (216) 521-6692

June 18, 2018

Lakewood City Council
Lakewood, OH 44107

RE: Fixed price amendment to design-build contract approval with Kokosing Industrial.

Dear Members of Council:

Attached for your consideration is a resolution that, if adopted, will amend the agreement with Kokosing for the improvements to the digesters at the Waste Water Treatment Plant. This amendment is the final part of the design-build contract for your approval that initially began with Resolution 8799-15. The project to date has been approved for $1,300,000. This consisted of performing the initial design work and 60% construction drawings to determine the cost of the project and the cleaning and structural analysis of the existing digesters. The project is currently approximately 75% through this work.

The fixed price, as determined by the Kokosing/AECOM team, to be the balance of the construction cost of the project is $6,755,400. This will bring the total cost of the entire contract to $8,055,400. $3.825M has been financed for this work currently. The balance of the cost will occur in 2019.

The overall project costs will breakdown as follows:

Complete cleaning of 2 digesters:	$924,000
Complete rehabilitation of 1 digester:	$2,449,000
Safety improvements to methane collection and electrical:	$1,021,700
Boiler replacement:	$1,907,500
Generator addition:	$1,753,200
Total project cost:	$8,055,400

Please refer this to the Public Works Committee for further detailed discussions on the contract and project.

Sincerely,

Joseph J. Beno

Joseph J. Beno, PE
Director of Public Works

RESOLUTION NO. 9010-18 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 amendment to the design-build agreement for the wastewater treatment plant digesters between the City of Lakewood and Kokosing Industrial in order to set a fixed price for the project.

WHEREAS, the agreement between the City of Lakewood and Kokosing Industrial for the wastewater treatment plant digesters, authorized by Resolution Nos. 8937-17 and 8799-15, allows for the city to accept alternate pricing; and

WHEREAS, it is in the best interest financially of the city to accept a fixed price for the entirety of the project; and

WHEREAS, now that the design is 60 percent complete, Kokosing Industrial is able to provide the fixed price alternative for this project; 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 amendment to the agreement is necessary to complete the project; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Director of Public Works is hereby authorized to amend the design-build agreement between the City of Lakewood and Kokosing Industrial in order to set a fixed price as described in **Exhibit A**, Amended Addendum A-GMP/Fixed Price to the agreement.

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

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

Adopted: _____

_____
PRESIDENT

_____
CLERK

Approved: _____

_____
MAYOR

EXHIBIT A

Amended Addendum A-GMP/Fixed Price

(to be provided)

KEVIN M. BUTLER
DIRECTOR OF LAW

PAMELA L. ROESSNER
CHIEF PROSECUTOR

JENNIFER L. SWALLOW
CHIEF ASSISTANT
LAW DIRECTOR

ANDREW N. FLECK
ASSISTANT PROSECUTOR/
ASSISTANT LAW DIRECTOR

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

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

June 18, 2018

Lakewood City Council
12650 Detroit Ave.
Lakewood, Ohio 44107

Re: Ordinance authorizing Mayor to renew lease with IceLand USA-Lakewood, LLC for Winterhurst

Dear Members of Council:

Following this communication please find an ordinance that, if adopted, would permit the Mayor, pursuant to L.C.O. § 155.08, to enter into a first amendment to the amended and restated lease agreement with IceLand USA-Lakewood, LLC for the lease of Serpentini Arena at Winterhurst. During the renewed lease term, which expires officially August 31, 2018, we have enjoyed a beneficial relationship with our tenant and believe it worthwhile to renew that relationship. The proposal before you would extend the lease another 10 years.

I ask that this ordinance be referred to an appropriate committee for further deliberation.

Very truly yours,

Kevin M. Butler

Kevin M. Butler

ORDINANCE NO. 33-18 BY:

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 Mayor to enter into a first amendment to the amended and restated lease agreement with IceLand USA-Lakewood, LLC for the lease of the real property located at 14740 Lakewood Heights Boulevard, known as Serpentini Arena at Winterhurst, pursuant to Section 155.08 of the Codified Ordinances.

WHEREAS, the City is the owner of real property located at 14740 Lakewood Heights Boulevard, known as Serpentini Arena at Winterhurst; and

WHEREAS, on or about July 24, 2013, by Council's authority the City entered into a lease agreement with IceLand USA-Lakewood, LLC, for a renewed term of five years at Winterhurst; and

WHEREAS, the renewed lease term expires on or about August 31, 2018; and

WHEREAS, this Council has determined it is in the best interest of the City to renew its leasehold relationship with IceLand USA-Lakewood, LLC to further the interest of the City and its residents, under terms and conditions favorable to both parties; 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 existing lease term ends August 31, 2018; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor is hereby authorized and directed, on behalf of the City, to enter into a first amendment to the amended and restated lease agreement with IceLand USA-Lakewood, LLC for the lease of the real property located at 14740 Lakewood Heights Boulevard, known as Serpentini Arena at Winterhurst, pursuant to Section 155.08 of the Codified Ordinances, in substantially the same form as the document 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 ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, 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, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

_____
President

_____
Clerk

Approved_____

_____
Mayor

EXHIBIT A

First Amendment to Amended and Restated Lease Agreement

(see attached pages)

FIRST AMENDMENT TO THE

AMENDED AND RESTATED LEASE AGREEMENT

BETWEEN

ICELAND USA-LAKEWOOD, LLC

AND

CITY OF LAKEWOOD, OHIO

Dated as of _____, 2018

FIRST AMENDMENT TO THE

AMENDED AND RESTATED LEASE AGREEMENT

WINTERHURST ICE RINK
LAKEWOOD, OHIO

THIS FIRST AMENDMENT ("First Amendment") to the Amended and Restated Lease Agreement dated July 24, 2013 (the "Amended Lease") is entered into as of _____, 2018, by and between the City of Lakewood, Ohio, a municipal corporation under Ohio law, with its address at 12650 Detroit Avenue, Lakewood, Ohio 44107 ("Landlord" or the "City") and Iceland USA-Lakewood, LLC, an Ohio limited liability company, with its principal office address at 14740 Lakewood Heights Boulevard, Lakewood, Ohio 44017 ("Tenant").

RECITALS

WHEREAS, Landlord owns and operates a public ice skating rink (the "Ice Rink Facility") upon certain property owned by Landlord (the "Premises") located at 14740 Lakewood Heights Boulevard in Lakewood, Ohio; and

WHEREAS, Tenant is experienced in the operation of ice rink facilities; and

WHEREAS, from 2008 to August 31, 2013, Tenant operated the Ice Rink Facility upon the Premises under a certain lease agreement by and between Landlord and Tenant dated on or about August 22, 2008 (the "Original Lease Agreement"); and

WHEREAS, from September 1, 2013 to the present, Tenant has operated the Ice Rink Facility upon the Premises under the Amended Lease; and

WHEREAS, Landlord desires to continue to lease the Premises to the Tenant, and the Tenant desires to continue to lease the Premises from Landlord for the operation of an ice rink for public use and enjoyment.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. Defined Terms. Unless specifically defined herein, all capitalized terms used in this First Amendment shall have the meaning assigned to them in the Original Lease Agreement or the Amended Lease. In the event of a conflict, any terms in the Amended Lease shall supersede those in the Original Lease.

2. Recitals. The above Recitals are hereby affirmed and incorporated into this First Amendment by reference as if fully set forth herein.

3. Amended Provisions.

(A) Section 1.02 of the Amended Lease is hereby amended to read as follows:

Section 1.02. Key Terms. The following are certain of the key terms of this Agreement, cross-referenced to the sections of this Agreement in which they are more fully discussed.

(a) Premises (as particularly described in Exhibit A attached hereto and incorporated herein by reference):	Gross area of approximately 150,354 square feet of land. Ice Rink building of approximately 59,355 square feet of enclosed area ("Ice Rink Facility"). Parking lot of approximately 57,250 square feet.
(b) Original Term:	Ten (10) years. [See Section 3.02.]
(c) Renewal Terms:	Two (2) Renewal Terms of five (5) years each. [See Section 3.03.]
(d) Rent to Landlord:	Rent shall be paid to the Landlord as follows: Eighty-Five Thousand Dollars ($85,000) during the first Lease Year (as defined herein), increased by the sum of One Thousand Dollars ($2,000) each Lease Year thereafter. [See Section 4.02.]

(B) Section 3.02 of the Amended Lease is hereby amended to read as follows:

Section 3.02. Original Term. The "Original Term" of this Agreement shall commence (the "Commencement Date") on September 1, 2018. The Original Term shall continue for the number of years set forth in Subsection 1.02(b) hereof from the Commencement Date.

(C) Section 3.03 of the Amended Lease is hereby amended to read as follows:

Section 3.03. Renewal Terms. The Original Term of this Agreement may be renewed and extended at the option of the Tenant for two (2) additional five (5) year periods (each period a "Renewal Term"), each such option to be exercised by the Tenant with written notice to the Landlord no later than sixty (60) days prior to the expiration of the Original Term or Renewal Term as applicable.

(D) Section 4.01 of the Amended Lease is hereby amended to read as follows:

Section 4.01. Definitions.

(a) (Reserved.)

(b) (Reserved.)

(c) Definition of Lease Year. For the purposes of this Agreement, the term "Lease Year" shall mean September 1 to August 31, with the first Lease Year being September 1, 2018 to August 31, 2019.

(E) Section 4.02 of the Amended Lease is hereby amended to read as follows:

Section 4.02. Rent. In the first Lease Year of the Term, the Tenant shall pay to Landlord as rent for the Premises the sum of Eighty-Five Thousand Dollars ($85,000) (the "Original Rent"). For each Lease Year thereafter during the Original Term and any Renewal Term, the Original Rent shall increase annually by the sum of One Thousand Dollars ($1,000). The Original Rent, together with

any increases existing at the time, shall be called the "Rent." In the event of a partial Lease Year, the amount of the Rent shall be prorated based upon a 360-day year.

(F) Section 4.04 of the Amended Lease is hereby amended to read as follows:

Section 4.04. Payment of Rent. The Rent shall be payable in arrears within forty-five (45) days after the end of each Lease Year, with the first Rent payment due on or before October 15, 2018.

(G) Section 5.07 of the Amended Lease is hereby amended to read as follows:

Section 5.07. Tenant's Maintenance Responsibility. Except as otherwise set forth in Section 6.03 or elsewhere in this Agreement, Tenant shall perform, at its cost, all routine maintenance to the interior of the Ice Rink Facility. Tenant agrees to keep and maintain the interior of the Ice Rink Facility, the fixtures and equipment therein (including the ice resurfacing machines) and the appurtenances thereto in good repair and condition, ordinary wear and tear excepted, throughout the Term. In addition, Tenant agrees to perform, at its cost, the Landscaping and snow and ice removal of the parking areas and sidewalks on the Premises. In the case of damage or destruction by insurable casualty or by eminent domain, the obligations of Landlord and Tenant shall be controlled as hereinafter provided. In the event that an ice resurfacing machine is damaged beyond repair, Tenant shall be responsible to replace the machine; provided that in the event Tenant purchases a replacement ice resurfacing machine the replacement shall be Tenant's property; provided, further, that in the event Tenant leases the replacement ice resurfacing machine, then, at Tenant's option, upon termination of this Agreement Landlord will accept an assignment of the equipment lease in accordance with Section 11.05 of this Agreement. Tenant shall have an affirmative duty to notify Landlord promptly if Tenant believes Landlord must perform any maintenance or make any repairs under the terms of this Agreement. Tenant shall be obligated to keep door alarms in working order and shall be responsible to Landlord for the actual cost of police responding to more than four false alarms due to faulty equipment in any twelve-month revolving period. In addition, Tenant shall be responsible, at its cost, for all major repairs to and replacements of the ice rink chiller including sub floor piping.

(H) Section 5.12 of the Amended Lease is hereby amended to read as follows:

Section 5.12. Restriction on Competition. During the Term, Tenant agrees that neither Tenant nor any Affiliate will within a radius of five (5) miles of the perimeter of the Ice Rink Facility either directly or indirectly own, operate or be financially interested in, with or without others, the business of owning, operating and/or managing the operation of an ice rink.

(I) Section 6.03 of the Amended Lease is hereby amended to read as follows:

Section 6.03. Landlord's Repair and Maintenance Responsibility. Landlord shall perform, at its cost unless the damage is caused by Tenant, all maintenance and repairs pertaining to the structural portions of the Ice Rink Facility, and the roof, and perimeter walls of the Ice Rink Facility and all other exterior portions of the Ice Rink Facility and Premises, excluding landscaping and snow and ice removal of the parking areas and sidewalks on the Premises. For the purposes of this section, the structural portions of the Ice Rink Facility are its foundations, floor slabs, pile caps, columns, beams, struts, exterior walls, interior load-bearing walls, ties, plates, joists and trusses.

(J) Section 6.05 of the Amended Lease is hereby amended to read as follows:

Section 6.05. Real Estate Taxes and Assessments. Beginning on the Commencement Date, Landlord shall be responsible and liable for the payment of all real estate taxes and assessments accruing on and after January 1, 2018 (payable in 2019). The Tenant shall remain responsible and liable for the payment of all real estate taxes and assessments accruing through December 31, 2017, or the reimbursement to the City of all real estate taxes and assessments accruing through December 31, 2017 already paid by the City.

4. Contingency. Landlord's obligation to enter into this First Amendment is contingent upon Tenant's delivery to Landlord of the sum of $403,686.65 on or before August 15, 2018, such sum representing the arrearage of taxes already paid by the Landlord but not yet reimbursed pursuant to Section 6.05 of the Amended Lease.

5. Successors and Assigns. This First Amendment shall be binding upon and shall inure to the benefit of the successors and assigns of the parties.

6. Conflicts. In the event of a conflict between the provisions of this First Amendment and the provisions of the Amended Lease, the provisions of this First Amendment shall control.

7. Ratification. Except as expressly amended or modified herein, all of the terms, covenants and conditions of the Amended Lease, including and incorporating those as amended herein, shall remain unchanged and in full force and effect; and the Amended Lease, as herein amended and modified, is hereby ratified and confirmed.

8. No Third-Party Beneficiaries. This First Amendment is intended solely for the benefit of the parties hereto and not for the benefit of any other person or entity.

9. Counterparts. This First Amendment may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.

Signatures on following page

IN WITNESS WHEREOF, Landlord and Tenant do hereby execute this First Amendment as of the date first above written.

LANDLORD:

CITY OF LAKEWOOD, OHIO
an Ohio municipal corporation

By: _____
Its: _____

TENANT:

ICELAND USA-LAKEWOOD, LLC
an Ohio limited liability company

By: _____
Its: _____

THE LEGAL FORM AND CORRECTNESS
OF THE WITHIN DOCUMENT IS HEREBY
APPROVED.

_____
Kevin M. Butler, Director of Law
City of Lakewood, Ohio

STATE OF OHIO
COUNTY OF CUYAHOGA } ss.

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named CITY OF LAKEWOOD, OHIO, by Michael P. Summers, its Mayor, who acknowledged that he did sign the foregoing instrument and the same is his free act and deed as such officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2018.

_____
Notary Public

STATE OF OHIO
COUNTY OF CUYAHOGA } ss.

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named ICELAND USA-LAKEWOOD, LLC, by _____, its _____, who acknowledged that he or she did sign the foregoing instrument and the same is his or her free act and deed as such officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2018.

_____
Notary Public

FISCAL OFFICER'S CERTIFICATE
City of Lakewood. Ohio

The undersigned, fiscal officer of the City of Lakewood, Ohio, hereby certifies that the moneys required to meet the obligations of the City during the year 2018 under the Lease Agreement have been lawfully appropriated by the legislative authority of the City for such purpose and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

_____
Jennifer Pae, Finance Director
City of Lakewood