**DOCKET**
**OF A MEETING OF**
**THE LAKEWOOD CITY COUNCIL**
**TO BE HELD IN THE COUNCIL CHAMBERS**
**LAKEWOOD CITY HALL - 12650 DETROIT AVENUE**
**MARCH 18, 2013**
**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 http://onelakewood.com/ after noon on the Friday before a Council meeting.

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** --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.

The Clerk at the beginning of the meeting will present the AGENDA ITEMS sign-in sheet to the President of Council. Speakers will address Council after being called by the Chair.

**PUBLIC COMMENT PROTOCOL** -- A citizen must write his or her name, address and topic on the designated sign-in sheet in order to be recognized. 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 the Council Meeting on miscellaneous issues or issues other than agenda items. The forum is not designed to be a question and answer session.

I. Pledge of Allegiance
II. Moment of Silence
III. Roll Call
Reading and disposal of the Minutes of the Regular Meeting of Council held March 4, 2013.
Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

******OLD BUSINESS******

1. Finance Committee Report regarding Ordinance Nos. 1-13, 2-13, 3-13, 4-13, 5-13 and 6 – 13. Chair; Madigan. (Pg.6)

2. **ORDINANCE NO. 1-13** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE PRINCIPAL AMOUNT OF $3,948,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF VARIOUS IMPROVEMENTS, AND DECLARING AN EMERGENCY. (1ST READING 2/19/13, 2ND 3/4/13) (Pg. 8)

3. Fiscal Certificate - $3,948,000. (Pg.15)

4. **ORDINANCE NO. 2-13** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED $1,500,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF RESURFACING ARTHUR AVENUE, BLOSSOM PARK AVENUE, LEWIS DRIVE, SUMMIT AVENUE, LAKELAND AVENUE, OLIVE AVENUE, MARLOWE AVENUE, COVE AVENUE AND WOODWARD AVENUE, AND OTHER STREETS LOCATED WITHIN THE CITY, BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (1ST READING 2/19/13, 2nd 3/4/13) (Pg. 16)

5. Fiscal Certificate - $1,500,000. (Pg. 22)

6. **ORDINANCE NO. 3-13** - -AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED $150,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF RECONSTRUCTING MADISON AVENUE, BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (1ST READING 2/19/13, 2ND 3/4/13) (Pg. 23)

7. Fiscal Certificate - $150,000. (Pg.29)

8. **ORDINANCE NO. 4-13** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO

EXCEED $225,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF REPLACING A SALT STORAGE FACILITY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (1ST READING 2/19/13, 2ND 3/4/13) (Pg. 30)

9. Fiscal Certificate - $225,000. (Pg. 36)

10. **ORDINANCE NO. 5-13** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED $225,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING A SHEET PILE BULKHEAD, DOCKS AND A PARKING AREA, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (1ST READING 2/19/13, 2ND 3/4/13) (Pg. 37)

11. Fiscal Certificate - $225,000. (Pg. 43)

12. **ORDINANCE NO. 6-13** - AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED $400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING PARKS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (1st READING 2/19/13, 2ND 3/4/13) (Pg. 44)

**13.** Fiscal Certificate - $400,000. (Pg. 50)

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

14. Communication from Councilmember Bullock and Council President Powers regarding Arthur Avenue (Detroit to Hilliard) Lighting Project. (Pg. 51)

15. **RESOLUTION NO. 8642-13** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, declaring it necessary to improve Arthur Avenue (from Detroit Avenue to Hilliard Road) by replacing the existing street lighting system and installing decorative lighting fixtures and associated infrastructure including the necessary removal of existing utility poles and overhead wires and associated appurtenances and the installation of underground conduits, lampposts, lighting fixtures, electrical transmission devices and controls, together with the performance of any necessary tree lawn repair, and including all necessary appurtenances thereto. (Pg. 100)

16. Public Safety Committee Report regarding Defining Quadricycle – Mr. Nowlin; Chair. (Pg. 103)

17. **ORDINANCE NO. 7-13** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Section 301.04, Bicycle; Motorized Bicycle; Section 373.02, Riding upon Seats; Handle Bars; Helmets and Glasses; Section 373.04, Riding Bicycles and Motorcycles Abreast; Section 373.06, Lights and Reflector on Bicycle; Brakes; and Section 373.10, Riding on Sidewalk, of the Codified Ordinances of the City of Lakewood to define and regulate the operation of bicycles. (Pg. 104)

18. Housing Committee Report regarding Housing Initiatives/programs– (Pg. 111)

19. Communication from Councilmember Juris regarding Appointment of JT Neuffer to the Citizens Advisory Committee. (Pg.113)

20. Communication from Councilmember Nowlin regarding Re-appointment of John Mitterholzer to the Citizens Advisory Committee. (Pg. 114)

21. Communication from Mayor Summers regarding Mayoral appointment to the Audit Committee. (Pg. 115)

22. Communication from Law Director Butler regarding Resolution ratifying one-year extension of collective bargaining agreements with the IAFF Local 382 (Lakewood Association of Firefighters) and the OPBA Corrections Officer Unit. (Pg. 116)

23. **RESOLUTION NO. 8643-13** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Lakewood Association of Firefighters, IAFF Local 382, for a one-year period commencing upon the date of ratification and ending December 31, 2013. (Pg. 117)

24. **RESOLUTION NO. 8644-13** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Ohio Patrolmen's Benevolent Association Corrections Officer Unit for a one-year period commencing upon the date of ratification and ending December 31, 2013. (Pg.119)

25. Communication from Planning and Development Director Siley regarding Clifton Pointe Phase II – Irish Cottage Parcels. (Pg.121)

26. **ORDINANCE NO. 8-13** - 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 18828 Sloane Avenue (PP#'s 311-14-018, 311-14-019 and 311-14-102) also known as the Clifton Pointe Phase 2. (Pg. 122)

27. Communication from Planning & Development Director Siley regarding proposed Amendment to Community Reinvestment Area #4. (Pg. 123)

28. **RESOLUTION NO. 8645-13** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, implementing Sections 3735.65 through 3735.70 of the Revised Code, establishing and describing the boundaries of a Community Reinvestment Area in the City of Lakewood. (Pg. 124)

29. Liquor Permit transfers (C2, D1, D3, D3A, D6 and D8) to DAMIJU from Patrick Sullivan; 13368 Madison Avenue. (Pg. 130)

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Lakewood City Council
BRIAN POWERS, PRESIDENT
MARY LOUISE MADIGAN, VICE PRESIDENT

**Council at Large**
RYAN P. NOWLIN
BRIAN E. POWERS
MONIQUE SMITH

**Ward Council**
DAVID W. ANDERSON, WARD 1
THOMAS R. BULLOCK III, WARD 2
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

March 18, 2013

Lakewood City Council
Lakewood, OH 44107

Re: Prop. Ords. 1-13, 2-13, 3-13, 4-13, 5-13 & 6-13

Dear Members of Council

The Finance Committee met on March 4, 2013 at 6:15 PM. All members of the Committee were present. Also present were Finance Director Pae, Ms. Catherine Swartz of Benesch Friedlander Coplan & Aronoff and Jeffrey Rink of KeyBanc.

Under consideration were six ordinances relating to the issuance of various purpose general obligation bond anticipation notes in the amount of $6,480,000 used to finance capital improvement projects. Ordinance 1-13 represents a rollover of notes from the prior year. Ordinances 2-13 through 6-13 deal with new money issuances to finance 2013 projects entailing

- $1.5 million for street reconstruction
- $150,000 for the design and improvement of Madison Avenue
- $225,000 for a salt storage facility
- $225,000 for a sheet pile bulkhead and other improvement s at the Port of Lakewood
- $400,000 for various park improvements.

The committee also received information about the process of going out to bond and the City's position in the marketplace pertaining to our bond rating and historic borrowing patterns. Director

Pae, Chairwoman Madigan and the City's financial consultants agreed these procedures were a routine part of maintaining a manageable debt service schedule for the City.

Finance Chair Madigan expressed her wish for Council support of these ordinances in her absence.

Respectfully submitted,
**FINANCE COMMITTEE**
Mary Louise Madigan, Chair
Shawn Juris, Ryan Nowlin; Members

PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/19/13.
PLACED ON 2ND READING 3/4/13.

ORDINANCE NO. 1-13 By:

AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE PRINCIPAL AMOUNT OF $3,948,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF VARIOUS IMPROVEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance Nos. 21-12, 22-12, 23-12 and 24-12, each passed March 19, 2012, a note in anticipation of bonds in the amount of $2,000,000, dated April 18, 2012 and maturing April 17, 2013 (the "2012A Outstanding Note"), was issued, to pay costs of improving Madison Avenue by providing new traffic signalization, improving and renovating the refuse facility, replacing the roof on City Hall and resurfacing Atkins Avenue, Brockley Avenue, Hird Avenue, Lakeland Road, Lauderdale Avenue, McKinley Avenue, Northland Avenue, St. Charles Avenue, Waterbury Road, Wyandotte Avenue, and other streets located within the City (collectively, the "2012A Improvement"); and

WHEREAS, pursuant to Ordinance No. 40-12 passed on September 17, 2012, a note in anticipation of bonds in the amount of $1,948,000, dated October 17, 2012 and maturing April 17, 2013 (the "2012B Outstanding Note" and, together with the 2012A Outstanding Note, the "Outstanding Notes"), was issued to pay costs of resurfacing Arlington Road, Lakeland Avenue, Larchmont Avenue, Madison Avenue, Morrison Avenue, Overlook Road, Wascana Avenue and other streets located within the City, improving Detroit Avenue by providing new traffic signalization and improving the municipal garage ventilation system, together with all necessary appurtenances thereto (collectively, the "2012B Improvement" and, together with the 2012A Improvement, the "Improvements"); and

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified that the estimated life or period of usefulness of the Improvements is at least five years and that the estimated maximum maturity of the bonds described in Section 1 is 15 years based upon the weighted average of the amounts allocated to the classes of the Improvements set forth in the Fiscal Officer's Certificate, which allocation is approved, ratified and confirmed, and the maximum maturity of $1,948,000 of the notes is April 21, 2031 and the maximum maturity of $2,000,000 of the notes is April 18, 2032; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the notes described in Section 3 and other funds available to the City; and

WHEREAS, this Council by a vote of at least five of its members determines that this Ordinance is an emergency measure, and that this Ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood (the "Charter"), and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments and further to allow the City to timely retire the Outstanding Note and thereby preserve its credit. Now, Therefore,

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

Section 1. It is necessary to issue bonds of this City in the principal amount of $3,948,000 (the "Bonds") to pay costs of the Improvement.

Section 2. The Bonds shall be dated approximately April 1, 2014, shall bear interest at the now estimated rate of 5-1/2% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 15 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2014.

Section 3. It is necessary to issue and this Council determines that notes in the principal amount of $3,948,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds, to retire, together with other moneys available to the City, the Outstanding Notes and to pay the financing costs of the issuance of the Notes. The Notes shall be dated the date of their issuance and shall mature one year from the date of their issuance, provided, however, that the Director of Finance may, if it is determined to be necessary or advisable for the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of the issuance of the Notes by setting forth that maturity date in a final terms certificate (the "Final Terms Certificate"). The Notes shall bear interest at a rate or rates not to exceed 5% per year (computed on the basis of a 360 day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Final Terms Certificate.

Section 4. The principal of and interest on the Notes shall be payable in lawful money of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the principal corporate trust office of The Huntington National Bank located in Columbus Ohio (the "Paying Agent").

Section 5. The Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by KeyBanc Capital Markets Inc. (the "Original Purchaser") and approved by the Director of Finance, provided that the Notes shall be issued in denominations of not less than $100,000. The entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Director of Finance will serve as note registrar), and may be issued in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if requested by the Original Purchaser and it is determined by the Director of Finance that issuance of fully registered securities or in book-entry or other uncertificated form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

The Notes may be issued to any securities depository (a "Depository") that is a clearing agency under federal law operating and maintaining, with any participants contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations or otherwise ("Participants"), a system (a "book entry system") under which (a) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (b) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. If and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes.

Section 6. The Notes shall be sold to the Original Purchaser by the Director of Finance at a purchase price equal to not less than 100% of the aggregate principal amount of the Notes in accordance with law and the provisions of this Ordinance, the Final Terms Certificate and the Note Purchase Agreement (as hereinafter defined). The Note Purchase Agreement between the City and the Original Purchaser (the "Note Purchase Agreement") now on file with the Clerk of this Council is now approved, and the Director of Finance is authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the Director of Finance. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Director of Finance. The Director of Finance shall sign the Final Terms Certificate, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the

Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. A portion of the proceeds from the sale of the Notes sufficient, together with other funds of the City, to pay principal of and interest on the Outstanding Note when due shall be paid into the Bond Retirement Fund. Any remaining proceeds of the Notes shall be deposited, or deemed deposited, into an appropriate fund or funds to be used to pay the financing costs of the issuance of the Notes. Any amount remaining in that fund or those funds 120 days after the issuance of the Notes shall be transferred to the Bond Retirement Fund and used to pay the principal of and interest on the Notes when due. Any income earned from the investment of the proceeds from the sale of the Notes shall be deposited into the fund in which such proceeds are deposited (and shall not be transferred to the General Fund). The proceeds from the sale of the Notes and the investment earnings on those proceeds are appropriated for the uses described above.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the principal of and interest on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Notes or the Bonds when and as the same fall due.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The City hereby represents that the Outstanding Notes were designated as "qualified tax exempt obligations" pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Notes from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating the principal amount of the Notes not in excess of the Outstanding Notes as "qualified tax exempt obligations" and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. Any principal amount of the Notes in excess of the amount of the Outstanding Notes, determined in accordance with Section 265(b)(3) of the Code (the "Designated Amount") is hereby designated as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that the City, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which the City issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue, tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Designated Amount, in an aggregate amount in excess of $10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Designated Amount, but excluding obligations, other than "qualified 501(c)(3) bonds" as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not "advance refunding obligations" as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding $10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations".

The City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax exempt obligations", it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, that facts circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. If, in the judgment of the Director of Finance, the filing of an application for (a) a rating on the Notes by one or more nationally-recognized rating agencies, or (b) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Director of Finance has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The City desires to retain Benesch, Friedlander, Coplan & Aronoff LLP ("Benesch") as bond counsel to the City in connection with the issuance and sale of the Notes in accordance with the terms and conditions provided in the engagement letter from Benesch now on file with the Clerk of Council. That engagement letter is approved and the Mayor is authorized to sign and deliver, in the name of and on behalf of the City, the acceptance of that engagement letter in substantially the form now on file with the Clerk of Council with such changes therein that are not materially adverse to the interests of the City and are approved by the Mayor. The signing and delivery of the engagement letter shall be conclusive evidence that any changes therein are not materially adverse to the interests of the City and have been approved by the Mayor.

The City acknowledges that few legal firms actively represent public and private entities in connection with the authorization, sale and issuance of obligations by Ohio political subdivisions, and that the Original Purchaser may in the future request that Benesch represent the Original Purchaser in a matter or matters unrelated to the City. If such a request is made, the Mayor, after consultation with the Director of Law, is authorized to waive any conflict arising from Benesch's representation of the Original Purchaser in a matter or matters unrelated to the City.

Section 13. The Director of Finance is directed to deliver a certified copy of this Ordinance and the Final Terms Certificate to the County Fiscal Officer.

Section 14. The Clerk of Council is directed to give public notice of the passage of this Ordinance in accordance with Article III, Section 12 of the Charter.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the principal of and interest on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to timely retire the Outstanding Note and thereby preserve its credit, and provided it receives the affirmative vote of at least five of this Council, this Ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Passed: ___________, 2013

______________________________
President of Council

______________________________
Clerk of Council

Approved: ___________, 2013

______________________________
Mayor

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Lakewood, Ohio:

As fiscal officer of the City of Lakewood, I certify in connection with your proposed issue of notes in the principal amount of $3,948,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of resurfacing Arlington Road, Lakewood Avenue, Larchmont Avenue, Madison Avenue, Morrison Avenue, Overlook Road, Wascana Avenue, Atkins Avenue, Brockley Avenue, Hird Avenue, Lakeland Road, Lauderdale Avenue, McKinley Avenue, Northland Avenue, St. Charles Avenue, Waterbury Road, Wyandotte Avenue, and other streets located in the City, improving Detroit Avenue and Madison Avenue by providing new traffic signalization and improving the municipal garage ventilation system, improving and renovating the refuse facility and replacing the roof on City Hall, together with all necessary appurtenances thereto (collectively, the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Ohio Revised Code Section 133.20, is 15 years. That maximum maturity is based upon my calculation of the average number of years of life or period of usefulness of the Improvement as measured by the weighted average of the amounts proposed to be expended for the classes of the Improvement as follows: $3,413,653 for resurfacing streets and replacing traffic signals, 15 years, being my estimate of the life or period of usefulness for that class of the Improvement; and $534,347 for improving the municipal garage ventilation system, replacing the roof on City Hall and improving and renovating the refuse facility, 20 years, being my estimate of the life or period of usefulness for that class of the Improvement; the weighted average is therefore 15 years. If notes in anticipation of Bonds of any class of the Improvement are outstanding later than the last day of December of the fifth year following the year of issuance of the original notes for that class of the Improvement, the period in excess of those five years shall be deducted from the years of life or period of usefulness of that class of the Improvement.

3. The maximum maturity of: $1,948,000 the Notes is April 21, 2031 and $2,000,0000 of the Notes is April 18, 2032, each of which is 20 years from the date of the original issuance of notes to pay costs of the Improvement.

Dated: ______________, 2013

__________________________________
Director of Finance
City of Lakewood, Ohio

PLACED ON 1ST READING & REFRRED TO THE FINANCE COMMITTEE 2/19/13.
PLACED ON 2ND READING 3/4/13.

ORDINANCE NO. 2-13 By:

AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED $1,500,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF RESURFACING ARTHUR AVENUE, BLOSSOM PARK AVENUE, LEWIS DRIVE, SUMMIT AVENUE, LAKELAND AVENUE, OLIVE AVENUE, MARLOWE AVENUE, COVE AVENUE AND WOODWARD AVENUE, AND OTHER STREETS LOCATED WITHIN THE CITY, BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and that the estimated maximum maturity of the bonds described in Section 1 is 15 years, and the maximum maturity of the notes described in Section 3 is 20 years; and

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

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

Section 1. It is necessary to issue bonds of this City in a principal amount not to exceed $1,500,000 (the "Bonds") to pay costs of resurfacing Arthur Avenue, Blossom Park Avenue, Lewis Drive, Summit Avenue, Lakeland Avenue, Olive Avenue, Marlowe Avenue, Cove Avenue and Woodward Avenue, and other streets located within the City, between certain termini, together with all necessary appurtenances thereto (the "Improvement").

Section 2. The Bonds shall be dated approximately April 1, 2014, shall bear interest at the now estimated rate of 5-1/2% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 15 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2014.

Section 3. It is necessary to issue and this Council determines that notes in a principal amount not to exceed $1,500,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds to pay costs of the Improvement. The Notes shall be dated the date of their issuance and shall mature one year from the date of their issuance, provided, however, that the Director of Finance may, if it is determined to be necessary or advisable for the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of the issuance of the Notes by setting forth that maturity date in a final terms certificate (the "Final Terms Certificate"). The Notes shall bear interest at a rate or rates not to exceed 5% per year (computed on the basis of a 360 day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The aggregate principal amount (not to exceed $1,500,000) and the rate of interest on the Notes shall be determined by the Director of Finance in the Final Terms Certificate.

Section 4. The principal of and interest on the Notes shall be payable in lawful money of the United States of America and shall be payable, without deduction for services of the City's paying agent, The Huntington National Bank at its principal corporate trust office located in Columbus, Ohio (the "Paying Agent").

Section 5. The Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by KeyBanc Capital Markets Inc. (the "Original Purchaser") and approved by the Director of Finance, provided that the Notes shall be issued in denominations of not less than $100,000. The entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Director of Finance will serve as note registrar), and may be issued in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if requested by the Original Purchaser and it is determined by the Director of Finance that issuance of fully registered securities or in book-entry or other uncertificated form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

The Notes may be issued to any securities depository (a "Depository") that is a clearing agency under federal law operating and maintaining, with any participants contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations or otherwise ("Participants"), a system (a "book entry system") under which (a) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (b) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. If and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes.

Section 6. The Notes shall be sold to the Original Purchaser by the Director of Finance at a purchase price equal to not less than 100% of the aggregate principal amount of the Notes in accordance with law and the provisions of this Ordinance, the Final Terms Certificate and the Note Purchase Agreement (as hereinafter defined). The Note Purchase Agreement between the City and the Original Purchaser (the "Note Purchase Agreement") now on file with the Clerk of this Council is now approved, and the Director of Finance is authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the Director of Finance. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Director of Finance. The Director of Finance shall sign the Final Terms Certificate, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any income earned from the investment of the proceeds of the Notes shall be deposited into the fund in which such proceeds are deposited (and shall not be transferred to the General Fund). The proceeds of the Notes and the investment earnings on those proceeds are appropriated for the uses described above.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the principal of and interest on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Notes or the Bonds when and as the same fall due.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that the City, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which the City issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate amount in excess of $10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding $10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations". Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, that facts circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. If, in the judgment of the Director of Finance, the filing of an application for (a) a rating on the Notes by one or more nationally-recognized rating agencies, or (b) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Director of Finance has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The City desires to retain Benesch, Friedlander, Coplan & Aronoff LLP ("Benesch") as bond counsel to the City in connection with the issuance and sale of the Notes in accordance with the terms and conditions provided in the engagement letter from Benesch now on file with the Clerk of Council. That engagement letter is approved and the Mayor is authorized to sign and deliver, in the name of and on behalf of the City, the acceptance of that engagement letter in substantially the form now on file with the Clerk of Council with such changes therein that are not materially adverse to the interests of the City and are approved by the Mayor. The signing and delivery of the engagement letter shall be conclusive evidence that any changes therein are not materially adverse to the interests of the City and have been approved by the Mayor.

The City acknowledges that few legal firms actively represent public and private entities in connection with the authorization, sale and issuance of obligations by Ohio political subdivisions, and that the Original Purchaser may in the future request that Benesch represent the Original Purchaser in a matter or matters unrelated to the City. If such a request is made, the Mayor, after consultation with the Director of Law, is authorized to waive any conflict arising from Benesch's representation of the Original Purchaser in a matter or matters unrelated to the City.

Section 13. The Director of Finance is directed to deliver a certified copy of this Ordinance and the Final Terms Certificate to the County Fiscal Officer.

Section 14. The Clerk of Council is directed to give public notice of the passage of this Ordinance in accordance with Article III, Section 12 of the Charter.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the principal of and interest on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to combine the Notes with other notes to be issued by the City into a consolidated note issue and obtain savings in the issuance of the Notes; and provided it receives the affirmative vote of at least five of its members, this Ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Passed: ____________, 2013

____________________________
President of Council

____________________________
Clerk of Council

Approved: ____________, 2013

____________________________
Mayor

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Lakewood, Ohio:

As fiscal officer of the City of Lakewood, I certify in connection with your proposed issue of notes in a principal amount not to exceed $1,500,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of resurfacing Arthur Avenue, Blossom Park Avenue, Lewis Drive, Summit Avenue, Lakeland Avenue, Olive Avenue, Marlowe Avenue, Cove Avenue and Woodward Avenue, and other streets located within the City, between certain termini, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Ohio Revised Code, Section 133.20, is 15 years. If notes in anticipation of Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is 20 years.

Dated: _____________, 2013

_________________________________
Director of Finance
City of Lakewood, Ohio

PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/19/13.
PLACED ON 2ND READING 3/4/13.

ORDINANCE NO. 3-13 By:

AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED $150,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF RECONSTRUCTING MADISON AVENUE, BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and that the estimated maximum maturity of the bonds described in Section 1 is 20 years, and the maximum maturity of the notes described in Section 3 is 20 years; and

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

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

Section 1. It is necessary to issue bonds of this City in a principal amount not to exceed $150,000 (the "Bonds") to pay costs of reconstructing Madison Avenue, between certain termini, together with all necessary appurtenances thereto (the "Improvement").

Section 2. The Bonds shall be dated approximately April 1, 2014, shall bear interest at the now estimated rate of 5-1/2% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 15 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2014.

Section 3. It is necessary to issue and this Council determines that notes in a principal amount not to exceed $150,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds to pay costs of the Improvement. The Notes shall be dated the date of their issuance and shall mature one year from the date of their issuance, provided, however, that the Director of Finance may, if it is determined to be necessary or advisable for the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of the issuance of the Notes by setting forth that maturity date in a final terms certificate (the "Final Terms Certificate"). The Notes shall bear interest at a rate or rates not to exceed 5% per year (computed on the basis of a 360 day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The aggregate principal amount (not to exceed $150,000) and the rate of interest on the Notes shall be determined by the Director of Finance in the Final Terms Certificate.

Section 4. The principal of and interest on the Notes shall be payable in lawful money of the United States of America and shall be payable, without deduction for services of the City's paying agent, The Huntington National Bank at its principal corporate trust office located in Columbus, Ohio (the "Paying Agent").

Section 5. The Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by KeyBanc Capital Markets Inc. (the "Original Purchaser") and approved by the Director of Finance, provided that if the Notes are combined into a consolidated issue with an aggregate principal amount exceeding $1,000,000, the Notes shall be issued in denominations of not less than $100,000. The entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Director of Finance will serve as note registrar), and may be issued in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if requested by the Original Purchaser and it is determined by the Director of Finance that issuance of fully registered securities or in book-entry or other uncertificated form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

The Notes may be issued to any securities depository (a "Depository") that is a clearing agency under federal law operating and maintaining, with any participants contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations or otherwise ("Participants"), a system (a "book entry system") under which (a) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (b) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. If and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes.

Section 6. The Notes shall be sold to the Original Purchaser by the Director of Finance at a purchase price equal to not less than 100% of the aggregate principal amount of the Notes in accordance with law and the provisions of this Ordinance, the Final Terms Certificate and the Note Purchase Agreement (as hereinafter defined). The Note Purchase Agreement between the City and the Original Purchaser (the "Note Purchase Agreement") now on file with the Clerk of this Council is now approved, and the Director of Finance is authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the Director of Finance. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Director of Finance. The Director of Finance shall sign the Final Terms Certificate, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any income earned from the investment of the proceeds of the Notes shall be deposited into the fund in which such proceeds are deposited (and shall not be transferred to the General Fund). The proceeds of the Notes and the investment earnings on those proceeds are appropriated for the uses described above.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the principal of and interest on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Notes or the Bonds when and as the same fall due.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that the City, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which the City issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate amount in excess of $10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding $10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations". Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or

benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, that facts circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. If, in the judgment of the Director of Finance, the filing of an application for (a) a rating on the Notes by one or more nationally-recognized rating agencies, or (b) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Director of Finance has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The City desires to retain Benesch, Friedlander, Coplan & Aronoff LLP ("Benesch") as bond counsel to the City in connection with the issuance and sale of the Notes in accordance with the terms and conditions provided in the engagement letter from Benesch now on file with the Clerk of Council. That engagement letter is approved and the Mayor is authorized to sign and deliver, in the name of and on behalf of the City, the acceptance of that engagement letter in substantially the form now on file with the Clerk of Council with such changes therein that are not materially adverse to the interests of the City and are approved by the Mayor. The signing and delivery of the engagement letter shall be conclusive evidence that any changes therein are not materially adverse to the interests of the City and have been approved by the Mayor.

The City acknowledges that few legal firms actively represent public and private entities in connection with the authorization, sale and issuance of obligations by Ohio political subdivisions, and that the Original Purchaser may in the future request that Benesch represent the Original Purchaser in a matter or matters unrelated to the City. If such a request is made, the Mayor, after consultation with the Director of Law, is authorized to waive any conflict arising from Benesch's representation of the Original Purchaser in a matter or matters unrelated to the City.

Section 13. The Director of Finance is directed to deliver a certified copy of this Ordinance and the Final Terms Certificate to the County Fiscal Officer.

Section 14. The Clerk of Council is directed to give public notice of the passage of this Ordinance in accordance with Article III, Section 12 of the Charter.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the principal of and interest on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to combine the Notes with other notes to be issued by the City into a consolidated note issue and obtain savings in the issuance of the Notes; and provided it receives the affirmative vote of at least five of its members, this Ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Passed: ____________, 2013

______________________________
President of Council

______________________________
Clerk of Council

Approved: ___________, 2013

______________________________
Mayor

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Lakewood, Ohio:

As fiscal officer of the City of Lakewood, I certify in connection with your proposed issue of notes in a principal amount not to exceed $150,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of reconstructing Madison Avenue between certain termini, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Ohio Revised Code, Section 133.20, is 20 years. If notes in anticipation of Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is 20 years.

Dated: _______________, 2013

________________________________
Director of Finance
City of Lakewood, Ohio

PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/19/13.
PLACED ON 2ND READING 3/4/13.

ORDINANCE NO. 4-13 By:

AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED $225,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF REPLACING A SALT STORAGE FACILITY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and that the estimated maximum maturity of the bonds described in Section 1 is 20 years, and the maximum maturity of the notes described in Section 3 is 20 years; and

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

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

Section 1. It is necessary to issue bonds of this City in a principal amount not to exceed $225,000 (the "Bonds") to pay costs of replacing a salt storage facility, together with all necessary appurtenances thereto (the "Improvement").

Section 2. The Bonds shall be dated approximately April 1, 2014, shall bear interest at the now estimated rate of 5-1/2% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 15 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2014.

Section 3. It is necessary to issue and this Council determines that notes in a principal amount not to exceed $225,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds to pay costs of the Improvement. The Notes shall be dated the date of their issuance and shall mature one year from the date of their issuance, provided, however, that the Director of Finance may, if it is determined to be necessary or advisable for the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of the issuance of the Notes by setting forth that maturity date in a final terms certificate (the "Final Terms Certificate"). The Notes shall bear interest at a rate or rates not to exceed 5% per year (computed on the basis of a 360 day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The aggregate principal amount (not to exceed $225,000) and the rate of interest on the Notes shall be determined by the Director of Finance in the Final Terms Certificate.

Section 4. The principal of and interest on the Notes shall be payable in lawful money of the United States of America and shall be payable, without deduction for services of the City's paying agent, The Huntington National Bank at its principal corporate trust office located in Columbus, Ohio (the "Paying Agent").

Section 5. The Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by KeyBanc Capital Markets Inc. (the "Original Purchaser") and approved by the Director of Finance, provided that if the Notes are combined into a consolidated issue with an aggregate principal amount exceeding $1,000,000, the Notes shall be issued in denominations of not less than $100,000. The entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Director of Finance will serve as note registrar), and may be issued in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if requested by the Original Purchaser and it is determined by the Director of Finance that issuance of fully registered securities or in book-entry or other uncertificated form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

The Notes may be issued to any securities depository (a "Depository") that is a clearing agency under federal law operating and maintaining, with any participants contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations or otherwise ("Participants"), a system (a "book entry system") under which (a) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (b) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. If and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes.

Section 6. The Notes shall be sold to the Original Purchaser by the Director of Finance at a purchase price equal to not less than 100% of the aggregate principal amount of the Notes in accordance with law and the provisions of this Ordinance, the Final Terms Certificate and the Note Purchase Agreement (as hereinafter defined). The Note Purchase Agreement between the City and the Original Purchaser (the "Note Purchase Agreement") now on file with the Clerk of this Council is now approved, and the Director of Finance is authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the Director of Finance. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Director of Finance. The Director of Finance shall sign the Final Terms Certificate, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any income earned from the investment of the proceeds of the Notes shall be deposited into the fund in which such proceeds are deposited (and shall not be transferred to the General Fund). The proceeds of the Notes and the investment earnings on those proceeds are appropriated for the uses described above.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the principal of and interest on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Notes or the Bonds when and as the same fall due.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that the City, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which the City issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate amount in excess of $10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding $10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations". Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or

benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, that facts circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. If, in the judgment of the Director of Finance, the filing of an application for (a) a rating on the Notes by one or more nationally-recognized rating agencies, or (b) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Director of Finance has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The City desires to retain Benesch, Friedlander, Coplan & Aronoff LLP ("Benesch") as bond counsel to the City in connection with the issuance and sale of the Notes in accordance with the terms and conditions provided in the engagement letter from Benesch now on file with the Clerk of Council. That engagement letter is approved and the Mayor is authorized to sign and deliver, in the name of and on behalf of the City, the acceptance of that engagement letter in substantially the form now on file with the Clerk of Council with such changes therein that are not materially adverse to the interests of the City and are approved by the Mayor. The signing and delivery of the engagement letter shall be conclusive evidence that any changes therein are not materially adverse to the interests of the City and have been approved by the Mayor.

The City acknowledges that few legal firms actively represent public and private entities in connection with the authorization, sale and issuance of obligations by Ohio political subdivisions, and that the Original Purchaser may in the future request that Benesch represent the Original Purchaser in a matter or matters unrelated to the City. If such a request is made, the Mayor, after consultation with the Director of Law, is authorized to waive any conflict arising from Benesch's representation of the Original Purchaser in a matter or matters unrelated to the City.

Section 13. The Director of Finance is directed to deliver a certified copy of this Ordinance and the Final Terms Certificate to the County Fiscal Officer.

Section 14. The Clerk of Council is directed to give public notice of the passage of this Ordinance in accordance with Article III, Section 12 of the Charter.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the principal of and interest on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to combine the Notes with other notes to be issued by the City into a consolidated note issue and obtain savings in the issuance of the Notes; and provided it receives the affirmative vote of at least five of its members, this Ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Passed: ____________, 2013

______________________________
President of Council

______________________________
Clerk of Council

Approved: ___________, 2013

______________________________
Mayor

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Lakewood, Ohio:

As fiscal officer of the City of Lakewood, I certify in connection with your proposed issue of notes in a principal amount not to exceed $225,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of replacing a salt storage facility (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Ohio Revised Code, Section 133.20, is 20 years, being my estimate of the life or period of usefulness of the Improvement. If notes in anticipation of Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is 20 years.

Dated: ______________, 2013

______________________________
Director of Finance
City of Lakewood, Ohio

PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 2/19/13.
PLACED ON 2ND READING 3/4/13.

ORDINANCE NO. 5-13 By:

AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED $225,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING A SHEET PILE BULKHEAD, DOCKS AND A PARKING AREA, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and that the estimated maximum maturity of the bonds described in Section 1 is 16 years, and the maximum maturity of the notes described in Section 3 is 20 years; and

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

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

Section 1. It is necessary to issue bonds of this City in a principal amount not to exceed $225,000 (the "Bonds") to pay costs of constructing a sheet pile bulkhead, docks and a parking area, together with all necessary appurtenances thereto (the "Improvement").

Section 2. The Bonds shall be dated approximately April 1, 2014, shall bear interest at the now estimated rate of 5-1/2% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 16 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2014.

Section 3. It is necessary to issue and this Council determines that notes in a principal amount not to exceed $225,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds to pay costs of the Improvement. The Notes shall be dated the date of their issuance and shall mature one year from the date of their issuance, provided, however, that the Director of Finance may, if it is determined to be necessary or advisable for the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of the issuance of the Notes by setting forth that maturity date in a final terms certificate (the "Final Terms Certificate"). The Notes shall bear interest at a rate or rates not to exceed 5% per year (computed on the basis of a 360 day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The aggregate principal amount (not to exceed $225,000) and the rate of interest on the Notes shall be determined by the Director of Finance in the Final Terms Certificate.

Section 4. The principal of and interest on the Notes shall be payable in lawful money of the United States of America and shall be payable, without deduction for services of the City's paying agent, The Huntington National Bank at its principal corporate trust office located in Columbus, Ohio (the "Paying Agent").

Section 5. The Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by KeyBanc Capital Markets Inc. (the "Original Purchaser") and approved by the Director of Finance, provided that if the Notes are combined into a consolidated issue with an aggregate amount exceeding $1,000,000, the Notes shall be issued in denominations of not less than $100,000. The entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Director of Finance will serve as note registrar), and may be issued in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if requested by the Original Purchaser and it is determined by the Director of Finance that issuance of fully registered securities or in book-entry or other uncertificated form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

The Notes may be issued to any securities depository (a "Depository") that is a clearing agency under federal law operating and maintaining, with any participants contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations or otherwise ("Participants"), a system (a "book entry system") under which (a) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (b) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. If and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes.

Section 6. The Notes shall be sold to the Original Purchaser by the Director of Finance at a purchase price equal to not less than 100% of the aggregate principal amount of the Notes in accordance with law and the provisions of this Ordinance, the Final Terms Certificate and the Note Purchase Agreement (as hereinafter defined). The Note Purchase Agreement between the City and the Original Purchaser (the "Note Purchase Agreement") now on file with the Clerk of this Council is now approved, and the Director of Finance is authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the Director of Finance. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Director of Finance. The Director of Finance shall sign the Final Terms Certificate, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium, shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium shall be paid into the Bond Retirement Fund and used to pay the principal of and interest on the Notes. Any income earned from the investment of the proceeds of the Notes shall be deposited into the fund in which such proceeds are deposited (and shall not be transferred to the General Fund). The proceeds of the Notes and the investment earnings on those proceeds are appropriated for the uses described above.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the principal of and interest on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Notes or the Bonds when and as the same fall due.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that the City, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which the City issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate amount in excess of $10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding $10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations". Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or

benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, that facts circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. If, in the judgment of the Director of Finance, the filing of an application for (a) a rating on the Notes by one or more nationally-recognized rating agencies, or (b) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Director of Finance has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The City desires to retain Benesch, Friedlander, Coplan & Aronoff LLP ("Benesch") as bond counsel to the City in connection with the issuance and sale of the Notes in accordance with the terms and conditions provided in the engagement letter from Benesch now on file with the Clerk of Council. That engagement letter is approved and the Mayor is authorized to sign and deliver, in the name of and on behalf of the City, the acceptance of that engagement letter in substantially the form now on file with the Clerk of Council with such changes therein that are not materially adverse to the interests of the City and are approved by the Mayor. The signing and delivery of the engagement letter shall be conclusive evidence that any changes therein are not materially adverse to the interests of the City and have been approved by the Mayor.

The City acknowledges that few legal firms actively represent public and private entities in connection with the authorization, sale and issuance of obligations by Ohio political subdivisions, and that the Original Purchaser may in the future request that Benesch represent the Original Purchaser in a matter or matters unrelated to the City. If such a request is made, the Mayor, after consultation with the Director of Law, is authorized to waive any conflict arising from Benesch's representation of the Original Purchaser in a matter or matters unrelated to the City.

Section 13. The Director of Finance is directed to deliver a certified copy of this Ordinance and the Final Terms Certificate to the County Fiscal Officer.

Section 14. The Clerk of Council is directed to give public notice of the passage of this Ordinance in accordance with Article III, Section 12 of the Charter.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the principal of and interest on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to combine the Notes with other notes to be issued by the City into a consolidated note issue and obtain savings in the issuance of the Notes; and provided it receives the affirmative vote of at least five of its members, this Ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Passed: ____________, 2013

____________________
President of Council

____________________
Clerk of Council

Approved: ____________, 2013

____________________
Mayor

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Lakewood, Ohio:

As fiscal officer of the City of Lakewood, I certify in connection with your proposed issue of notes in a principal amount not to exceed $225,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of constructing a sheet pile bulkhead, docks and a parking area, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Ohio Revised Code, Section 133.20, is 16 years, being my estimate of the life or period of usefulness of the Improvement. If notes in anticipation of Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is 20 years.

Dated: ______________, 2013

______________________________
Director of Finance
City of Lakewood, Ohio

PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTE 2/19/13.
PLACED ON 2ND READING 3/4/13.

ORDINANCE NO. 6-13 By:

AN ORDINANCE TO TAKE EFFECT IMMEDIATELY PROVIDED IT RECEIVES THE AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL, OTHERWISE IT SHALL TAKE EFFECT AND BE IN FORCE AFTER THE EARLIEST PERIOD ALLOWED BY LAW, PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED $400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING PARKS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and that the estimated maximum maturity of the bonds described in Section 1 is 10 years, and the maximum maturity of the notes described in Section 3 is 15 years; and

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

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

Section 1. It is necessary to issue bonds of this City in a principal amount not to exceed $400,000 (the "Bonds") to pay costs of improving parks (the "Improvement").

Section 2. The Bonds shall be dated approximately April 1, 2014, shall bear interest at the now estimated rate of 5-1/2% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 10 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2014.

Section 3. It is necessary to issue and this Council determines that notes in a principal amount not to exceed $400,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds to pay costs of the Improvement. The Notes shall be dated the date of their issuance and shall mature one year from the date of their issuance, provided, however, that the Director of Finance may, if it is determined to be necessary or advisable for the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of the issuance of the Notes by setting forth that maturity date in a final terms certificate (the "Final Terms Certificate"). The Notes shall bear interest at a rate or rates not to exceed 5% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The aggregate principal amount (not to exceed $400,000) and the rate of interest on the Notes shall be determined by the Director of Finance in the Final Terms Certificate.

Section 4. The principal of and interest on the Notes shall be payable in lawful money of the United States of America and shall be payable, without deduction for services of the City's paying agent, The Huntington National Bank, at its principal corporate trust office located in Columbus, Ohio(the "Paying Agent").

Section 5. The Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by KeyBanc Capital Markets Inc. (the "Original Purchaser") and approved by the Director of Finance, provided that if the Notes are combined into a consolidated issue in an aggregate principal amount exceeding $1,000,000, the Notes shall be issued in denominations of not less than $100,000. The entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Director of Finance will serve as note registrar), and may be issued in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if requested by the Original Purchaser and it is determined by the Director of Finance that issuance of fully registered securities or in book-entry or other uncertificated form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

The Notes may be issued to any securities depository (a "Depository") that is a clearing agency under federal law operating and maintaining, with any participants contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations or otherwise ("Participants"), a system (a "book entry system") under which (a) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (b) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. If and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes.

Section 6. The Notes shall be sold to the Original Purchaser by the Director of Finance at a purchase price equal to not less than 100% of the aggregate principal amount of the Notes in accordance with law and the provisions of this Ordinance, the Final Terms Certificate and the Note Purchase Agreement (as hereinafter defined). The Note Purchase Agreement between the City and the Original Purchaser (the "Note Purchase Agreement") now on file with the Clerk of this Council is now approved, and the Director of Finance is authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the Director of Finance. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Director of Finance. The Director of Finance shall sign the Final Terms Certificate, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any income earned from the investment of the proceeds of the Notes shall be deposited into the fund in which such proceeds are deposited (and shall not be transferred to the General Fund). The proceeds of the Notes and the investment earnings on those proceeds are appropriated for the uses described above.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the principal of and interest on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Notes or the Bonds when and as the same fall due.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that the City, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which the City issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate amount in excess of $10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding $10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations". Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, that facts circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. If, in the judgment of the Director of Finance, the filing of an application for (a) a rating on the Notes by one or more nationally-recognized rating agencies, or (b) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Director of Finance has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The City desires to retain Benesch, Friedlander, Coplan & Aronoff LLP ("Benesch") as bond counsel to the City in connection with the issuance and sale of the Notes in accordance with the terms and conditions provided in the engagement letter from Benesch now on file with the Clerk of Council. That engagement letter is approved and the Mayor is authorized to sign and deliver, in the name of and on behalf of the City, the acceptance of that engagement letter in substantially the form now on file with the Clerk of Council with such changes therein that are not materially adverse to the interests of the City and are approved by the Mayor. The signing and delivery of the engagement letter shall be conclusive evidence that any changes therein are not materially adverse to the interests of the City and have been approved by the Mayor.

The City acknowledges that few legal firms actively represent public and private entities in connection with the authorization, sale and issuance of obligations by Ohio political subdivisions, and that the Original Purchaser may in the future request that Benesch represent the Original Purchaser in a matter or matters unrelated to the City. If such a request is made, the Mayor, after consultation with the Director of Law, is authorized to waive any conflict arising from Benesch's representation of the Original Purchaser in a matter or matters unrelated to the City.

Section 13. The Director of Finance is directed to deliver a certified copy of this Ordinance and the Final Terms Certificate to the County Fiscal Officer.

Section 14. The Clerk of Council is directed to give public notice of the passage of this Ordinance in accordance with Article III, Section 12 of the Charter.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the principal of and interest on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operations of municipal departments, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes to enable the City to combine the Notes with other notes to be issued by the City into a consolidated note issue and obtain savings in the issuance of the Notes; and provided it receives the affirmative vote of at least five of its members, this Ordinance shall take effect and be in force at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Charter.

Passed: ____________, 2013

______________________________
President of Council

______________________________
Clerk of Council

Approved: ____________, 2013

______________________________
Mayor

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Lakewood, Ohio:

As fiscal officer of the City of Lakewood, I certify in connection with your proposed issue of notes in a principal amount not to exceed $400,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of improving parks (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Ohio Revised Code, Section 133.20, is 10 years, being my estimate of the life or period of usefulness of the Improvement. If notes in anticipation of Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is 15 years.

Dated: ______________, 2013

______________________________
Director of Finance
City of Lakewood, Ohio



7529972 v2

12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.onelakewood.com
Lakewood City Council
BRIAN POWERS, PRESIDENT
MARY LOUISE MADIGAN, VICE PRESIDENT

**Council at Large**
RYAN P. NOWLIN
BRIAN E. POWERS
MONIQUE SMITH

**Ward Council**
DAVID W. ANDERSON, WARD 1
THOMAS R. BULLOCK III, WARD 2
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

March 13, 2013

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

**Re: Arthur Avenue (Detroit to Hilliard) Lighting Project**

Dear Members of Council:

At the request of a clear majority of residents on Arthur Avenue between Detroit Avenue and Hilliard Road, we request your support for the attached resolution, which is the first step in an assessment process to enable the completion of a decorative lighting infrastructure project. This project was proposed via a petition (petition and plan attached) signed by more than 70 percent of property owners in the affected area to "improve Arthur Avenue ... by replacing the existing street lighting system and installing decorative lighting fixtures and associated infrastructure including the necessary removal of existing utility poles and overhead wires." The proposed project would include the installation of underground conduits and wiring while utilizing the most recent high efficiency LED lighting technology. The selected historically-correct light fixture style was chosen to nearly match those recently installed at Rockport Square and in front of Lakewood Plaza (commonly referred to as "Drug Mart Plaza"). The project would beautify this historic street and increase the property values of homes in the neighborhood.

This project results from more than two years of neighborhood meetings, discussion among neighbors, letters to all property owners, and door-to-door canvassing for the formal petition-signing process. The project has been carefully researched, thoroughly thought out, planned with a sound budget based upon realistic cost estimates, and will be reviewed by engineers prior to and during the construction. In addition, it has been carefully designed and revised to keep the cost of the project as low as possible and the per-household payments reasonable.

For this project to move forward, the City must be involved since the work is within the public right-of-way and involves public infrastructure that the City will maintain. As an improvement to the public right-of-way that most directly benefits the 68 property owners on this block, the vast majority of the project cost (98 percent, estimated at $124,500) would be paid for by the residents, via an equal assessment, with the balance (2 percent) to be paid by the City of Lakewood, as required by the City Charter. Through use of the City's ability to fund projects such as this, the City has the ability to in effect act as a fiscal agent of the project, and upon project completion offer residents the option of a lump-sum payment (estimated at $1,831) or installment payments over a period of 10 years, while at the same time providing the same guarantees over quality control and cost efficiency as it would for any other public project.

We thank the residents of Arthur Avenue for their leadership in proposing this project, which the City likely would not otherwise consider or budget for in the immediate future. This project could potentially point the way for other neighbors in other parts of Lakewood to work together to plan and finance similar improvements that could beautify their neighborhoods and improve property values on their streets.

We request that this resolution be referred to the Committee of the Whole for further discussion and explanation of the assessment process.

Sincerely,

Thomas R. Bullock III

Thomas R. Bullock, III
Councilmember, Ward 2

Brian E. Powers

Brian E. Powers
President of Council

February 22, 2013

Brian E. Powers - Council President
Tom Bullock – Ward 2
Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

**RE: Arthur Avenue Decorative Street Lighting (Detroit to Hilliard)**

Dear Council President Powers and Councilman Bullock,

With this letter, the Arthur Avenue Enhancement Committee would like to request that the City of Lakewood utilize the assessment powers afforded in the Charter of the City of Lakewood to install new decorative lighting infrastructure on Arthur Avenue. Enclosed herein as a testament and commitment to the request is a petition representing 70% of property owners on Arthur signing in favor of self assessment to fund the project.

Beginning in late 2010 efforts began to bring further improvements to our already great street. Several ideas were discussed and debated, but historically correct decorative street lighting proved to provide the most benefit to all residents of the street. Following a series of neighborhood meetings, group discussions, door knocking, and outreach campaigns we are pleased to bring this exciting project to Council for consideration.

Herein please find for your consideration and review the following documents:

- Exhibit A – Lighting Petition (70% (48 of 68) residents represented)
- Exhibit B – Petition Signature Log
- Exhibit C – Project Description
- Exhibit D – Cost Estimate
- Exhibit E – Long Term Cost Comparison
- Exhibit F – Preliminary Plans
- Exhibit G – Lighting Details
- Exhibit H – History of Neighborhood Communications
    - H-1 – Meeting Notice (1/13/2011 meeting)
    - H-2 – Meeting Notice (2/2/2011 meeting)
    - H-2 – Neighborhood Communication (8/11/11) w/Fact Sheet (7/21/11)
    - H-3 – Meeting Notice (8/20/12 meeting)
    - H-4 – Neighborhood Communication (11/29/12) w/ Fact Sheet (6/8/12)

We look forward to working with Council on the process to see this project become reality. Please feel free to contact Sean McDermott with any questions.

Sincerely,
*Arthur Avenue Enhancement Committee*

| | | | |
|---|---|---|---|
| Sean McDermott | Cory Bruaw | Maureen Jamieson | Brian Grambort |
| Jim & Patty Ryan | Rolly Standish | Joyce Hood | Bill Craighead |

Enclosures

cc: Mayor Michael P. Summers
Kevin Butler - Law Director
Joe Beno - Director of Public Works
Jennifer Pae – Finance Director
Dru Siley – Director – Department of Planning and Development

# EXHIBIT A

## PETITION FOR STREET LIGHTING

# PETITION FOR ASSESMENT FOR INSTALLATION OF STREET LIGHTING ALONG ARTHUR AVENUE

TO THE CITY OF LAKEWOOD, OHIO, AND THE CITY COUNCIL THEREOF:

WE, the undersigned owners of lots and homes on Arthur Avenue (a public right-of-way running south of Detroit Avenue to Hilliard Road), being or representing more than sixty (60%) of the front footage of property abutting Arthur Avenue (not including, however, abutting property owners of the northerly approximately 250 feet of Arthur Avenue, on which are situated lands of CVS 3340 OH, L.L.C., to the west, and the land of Board of Trustees of Lakewood Public Library, to the east), petition the City of Lakewood to provide, install, and maintain a new street lighting system from Detroit Avenue to Hilliard Road (the "Street Light Improvements"). The cost to construct the Street Light Improvements will be assessed upon all sixty eight (68) lots, lands, and houses abutting said Arthur Avenue at the estimated cost of One Thousand Eight Hundred Thirty Dollars and Eighty Eight Cents ($1,830.88) per lot, payable as a special assessment, at each lot owner's option, by either (i) one lump sum when billed by the City once construction is completed, or (ii) an annual or semi-annual assessment, as determined by Council, for a period of 10 years at an interest rate of not less than the City's borrowing rate plus any applicable Cuyahoga County Fiscal Officer fees.

We understand that the estimated cost for the Street Light Improvements set forth herein is based only on an estimate of the anticipated bid price for the project. If the actual bid price for the project is fifteen percent (15%) or more greater than the estimated total price of $124,500, which total cost shall include all associated costs, including, but not limited to plan preparation fees, bonding fees, and other incidental costs typical to the project, then a public hearing will be held to determine if the installation of the street lighting system should proceed.

Each of the undersigned, warrants full authority on behalf of the property owner to execute this petition.

THIS PETITION IS PRESENTED PURSUANT TO OHIO REVISED CODE SECTIONS 727.06, ET. SEQ.

| Parcel # | Owner | Address | Front Footage | Signature | Date |
|---|---|---|---|---|---|
| 313-25-169 | GALLAGHER, FARRELL T. III | 1426 ARTHUR | 50 | | |
| 313-25-168 | MORGAN, COLE R | 1432 ARTHUR | 50 | | |
| 314-01-014 | FOLWACZNY, NORBERT | 1433 ARTHUR | 49 | | |
| 313-25-167 | BODI ANDY JR & GERTRUDE J | 1436 ARTHUR | 50 | Andy Bodi | 10 Sept. 2012 |
| 314-01-015 | BUTLER, BRENT A. | 1437 ARTHUR | 51 | | |
| 313-25-166 | CONSTANTINE, CHRISTOPHER & JESSICA | 1440 ARTHUR | 50 | C. Constantine | Sept 12, 2012 |
| 314-01-016 | NELSON, STEVEN J. | 1443 ARTHUR | 55 | | |
| 313-25-165 | HAMED, MONICA M | 1446 ARTHUR | 60 | Monica M. Hamed | 8/20/12 |
| 314-01-017 | CHR LKWD METHODIST EPISCOPAL | 1447 ARTHUR | 55 | | |

2

# PETITION FOR ASSESMENT FOR INSTALLATION OF STREET LIGHTING ALONG ARTHUR AVENUE

TO THE CITY OF LAKEWOOD, OHIO, AND THE CITY COUNCIL THEREOF:

WE, the undersigned owners of lots and homes on Arthur Avenue (a public right-of-way running south of Detroit Avenue to Hilliard Road), being or representing more than sixty (60%) of the front footage of property abutting Arthur Avenue (not including, however, abutting property owners of the northerly approximately 250 feet of Arthur Avenue, on which are situated lands of CVS 3340 OH, L.L.C., to the west, and the land of Board of Trustees of Lakewood Public Library, to the east), petition the City of Lakewood to provide, install, and maintain a new street lighting system from Detroit Avenue to Hilliard Road (the "Street Light Improvements"). The cost to construct the Street Light Improvements will be assessed upon all sixty eight (68) lots, lands, and houses abutting said Arthur Avenue at the estimated cost of One Thousand Eight Hundred Thirty Dollars and Eighty Eight Cents ($1,830.88) per lot, payable as a special assessment, at each lot owner's option, by either (i) one lump sum when billed by the City once construction is completed, or (ii) an annual or semi-annual assessment, as determined by Council, for a period of 10 years at an interest rate of not less than the City's borrowing rate plus any applicable Cuyahoga County Fiscal Officer fees.

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| 313-25-168 | MORGAN, COLE R | 1432 | ARTHUR | 50 | | |
| 314-01-014 | FOLWACZNY, NORBERT | 1433 | ARTHUR | 49 | [illegible] | 12/10/2012 |
| 313-25-167 | BODI ANDY JR & GERTRUDE J | 1436 | ARTHUR | 50 | | |
| 314-01-015 | BUTLER, BRENT A. | 1437 | ARTHUR | 51 | | |
| 313-25-166 | CONSTANTINE, CHRISTOPHER & JESSICA | 1440 | ARTHUR | 50 | | |
| 314-01-016 | NELSON, STEVEN J. | 1443 | ARTHUR | 55 | | |
| 313-25-165 | HAMED, MONICA M | 1446 | ARTHUR | 60 | | |
| 314-01-017 | CHR LKWD METHODIST EPISCOPAL | 1447 | ARTHUR | 55 | | |

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16

# PETITION FOR ASSESMENT FOR INSTALLATION OF STREET LIGHTING ALONG ARTHUR AVENUE

TO THE CITY OF LAKEWOOD, OHIO, AND THE CITY COUNCIL THEREOF:

WE, the undersigned owners of lots and homes on Arthur Avenue (a public right-of-way running south of Detroit Avenue to Hilliard Road), being or representing more than sixty (60%) of the front footage of property abutting Arthur Avenue (not including, however, abutting property owners of the northerly approximately 250 feet of Arthur Avenue, on which are situated lands of CVS 3340 OH, L.L.C., to the west, and the land of Board of Trustees of Lakewood Public Library, to the east), petition the City of Lakewood to provide, install, and maintain a new street lighting system from Detroit Avenue to Hilliard Road (the "Street Light Improvements"). The cost to construct the Street Light Improvements will be assessed upon all sixty eight (68) lots, lands, and houses abutting said Arthur Avenue at the estimated cost of One Thousand Eight Hundred Thirty Dollars and Eighty Eight Cents ($1,830.88) per lot, payable as a special assessment, at each lot owner's option, by either (i) one lump sum when billed by the City once construction is completed, or (ii) an annual or semi-annual assessment, as determined by Council, for a period of 10 years at an interest rate of not less than the City's borrowing rate plus any applicable Cuyahoga County Fiscal Officer fees.

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| 314-01-014 | FOLWACZNY, NORBERT | 1433 ARTHUR | 49 | | |
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| 314-01-015 | BUTLER, BRENT A. | 1437 ARTHUR | 51 | | |
| 313-25-166 | CONSTANTINE, CHRISTOPHER & JESSICA | 1440 ARTHUR | 50 | | |
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| 314-01-018 | BENNETT MICHAEL J | 1453 | ARTHUR | 60 | | |
| 313-25-164 | BUTTERFIELD, JAMES T | 1454 | ARTHUR | 60 | | |
| 313-25-163 | MATE RICHARD P | 1458 | ARTHUR | 60 | | |
| 314-01-019 | CRONIN, JOSEPH P. | 1459 | ARTHUR | 60 | | |
| 313-25-162 | KING, BRUCE G. | 1464 | ARTHUR | 60 | Bruce G King | 8/21/12 |
| 314-01-020 | ELABAN, CAL R | 1465 | ARTHUR | 60 | | |
| 313-25-161 | PIZIR JOSIP & MYRNA J | 1470 | ARTHUR | 60 | Josip Pizir | 8.18.012 |
| 314-01-021 | WOOD, STEVEN J. | 1471 | ARTHUR | 60 | | |
| 313-25-160 | MISHIK, CHRISTINE M.. | 1476 | ARTHUR | 50 | | |
| 314-01-022 | NORRIS SANDRA A. | 1477 | ARTHUR | 50 | | |
| 314-01-023 | CAHAL, KAREN J & SEGUIN, KAREN | 1481 | ARTHUR | 50 | | |
| 313-25-159 | SHOBERT KAREN A | 1482 | ARTHUR | 50 | Karen Shobert | 8/21/12 |
| 313-25-158 | FELDER STEPHEN H & JANICE M | 1486 | ARTHUR | 50 | Janice Felder | 8/26/12 |
| 314-01-024 | BOOKMAN, ALLEN & CLAIRE | 1487 | ARTHUR | 50 | [illegible] | 11/11/12 |
| 313-25-157 | MCDERMOTT, SEAN E. & AMY L. | 1490 | ARTHUR | 50 | S McDermott | 8/12/12 |
| 314-01-025 | TYLER, KIMBERLY M & RUSH, ROBIN K. | 1493 | ARTHUR | 50 | K Tyler | 11/10/12 |
| 313-26-001 | MURRAY JANETTE | 1496 | ARTHUR | 50 | [illegible] | 10/17/12 |
| 314-02-131 | FOX, MEGAN GILSON TRUSTEE | 1497 | ARTHUR | 50 | | |
| 313-26-002 | CURETON, ROBERT J. | 1502 | ARTHUR | 50 | | |

3

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| 314-01-020 | ELABAN, CAL R | 1465 | ARTHUR | 60 | | |
| 313-25-161 | PIZIR JOSIP & MYRNA J | 1470 | ARTHUR | 60 | | |
| 314-01-021 | WOOD, STEVEN J. | 1471 | ARTHUR | 60 | | |
| 313-25-160 | MISHIK, CHRISTINE M.. | 1476 | ARTHUR | 50 | | |
| 314-01-022 | NORRIS SANDRA A. | 1477 | ARTHUR | 50 | | |
| 314-01-023 | CAHAL, KAREN J & SEGUIN, KAREN | 1481 | ARTHUR | 50 | | |
| 313-25-159 | SHOBERT KAREN A | 1482 | ARTHUR | 50 | | |
| 313-25-158 | FELDER STEPHEN H & JANICE M | 1486 | ARTHUR | 50 | | |
| 314-01-024 | BOOKMAN, ALLEN & CLAIRE | 1487 | ARTHUR | 50 | | |
| 313-25-157 | MCDERMOTT, SEAN E. & AMY L. | 1490 | ARTHUR | 50 | | |
| 314-01-025 | TYLER, KIMBERLY M & RUSH, ROBIN K. | 1493 | ARTHUR | 50 | | |
| 313-26-001 | MURRAY,JANETTE | 1496 | ARTHUR | 50 | | |
| 314-02-131 | FOX, MEGAN GILSON TRUSTEE | 1497 | ARTHUR | 50 | Megan G. Fox | 11-12-12 |
| 313-26-002 | CURETON, ROBERT J. | 1502 | ARTHUR | 50 | | |

5

| Parcel # | Owner | Address | | Front Footage | Signature | Date |
|---|---|---|---|---|---|---|
| 314-01-018 | BENNETT MICHAEL J | 1453 | ARTHUR | 60 | | |
| 313-25-164 | BUTTERFIELD, JAMES T | 1454 | ARTHUR | 60 | | |
| 313-25-163 | MATE RICHARD P | 1458 | ARTHUR | 60 | | |
| 314-01-019 | CRONIN, JOSEPH P | 1459 | ARTHUR | 60 | | |
| 313-25-162 | KING, BRUCE G. | 1464 | ARTHUR | 60 | | |
| 314-01-020 | ELABAN, CAL R | 1465 | ARTHUR | 60 | | |
| 313-25-161 | PIZIR JOSIP & MYRNA J | 1470 | ARTHUR | 60 | | |
| 314-01-021 | WOOD, STEVEN J | 1471 | ARTHUR | 60 | | |
| 313-25-160 | MISHIK, CHRISTINE M.. | 1476 | ARTHUR | 50 | | |
| 314-01-022 | NORRIS SANDRA A | 1477 | ARTHUR | 50 | | |
| 314-01-023 | CAHAL, KAREN J & SEGUIN, KAREN | 1481 | ARTHUR | 50 | | |
| 313-25-159 | SHOBERT KAREN A | 1482 | ARTHUR | 50 | | |
| 313-25-158 | FELDER STEPHEN H & JANICE M | 1486 | ARTHUR | 50 | | |
| 314-01-024 | BOOKMAN, ALLEN & CLAIRE | 1487 | ARTHUR | 50 | | |
| 313-25-157 | MCDERMOTT, SEAN E. & AMY L. | 1490 | ARTHUR | 50 | | |
| 314-01-025 | TYLER, KIMBERLY M & RUSH, ROBIN K | 1493 | ARTHUR | 50 | | |
| 313-26-001 | MURRAY,JANETTE | 1496 | ARTHUR | 50 | | |
| 314-02-131 | FOX, MEGAN GILSON TRUSTEE | 1497 | ARTHUR | 50 | | |
| 313-26-002 | CURETON, ROBERT J. | 1502 | ARTHUR | 50 | | |

7

| Parcel # | Owner | Address | | Front Footage | Signature | Date |
|---|---|---|---|---|---|---|
| 314-01-018 | BENNETT MICHAEL J | 1453 | ARTHUR | 60 | | |
| 313-25-164 | BUTTERFIELD, JAMES T | 1454 | ARTHUR | 60 | James T. Butterfield | [illegible] |
| 313-25-163 | MATE RICHARD P | 1458 | ARTHUR | 60 | | |
| 314-01-019 | CRONIN, JOSEPH P. | 1459 | ARTHUR | 60 | | |
| 313-25-162 | KING, BRUCE G. | 1464 | ARTHUR | 60 | | |
| 314-01-020 | ELABAN, CAL R | 1465 | ARTHUR | 60 | | |
| 313-25-161 | PIZIR JOSIP & MYRNA J | 1470 | ARTHUR | 60 | | |
| 314-01-021 | WOOD, STEVEN J. | 1471 | ARTHUR | 60 | | |
| 313-25-160 | MISHIK, CHRISTINE M.. | 1476 | ARTHUR | 50 | | |
| 314-01-022 | NORRIS SANDRA A | 1477 | ARTHUR | 50 | | |
| 314-01-023 | CAHAL, KAREN J & SEGUIN, KAREN | 1481 | ARTHUR | 50 | | |
| 313-25-159 | SHOBERT KAREN A | 1482 | ARTHUR | 50 | | |
| 313-25-158 | FELDER STEPHEN H & JANICE M | 1486 | ARTHUR | 50 | | |
| 314-01-024 | BOOKMAN, ALLEN & CLAIRE | 1487 | ARTHUR | 50 | | |
| 313-25-157 | MCDERMOTT, SEAN E. & AMY L. | 1490 | ARTHUR | 50 | | |
| 314-01-026 | TYLER, KIMBERLY M & RUSH, ROBIN K | 1493 | ARTHUR | 50 | | |
| 313-26-001 | MURRAY,JANETTE | 1496 | ARTHUR | 50 | | |
| 314-02-131 | FOX, MEGAN GILSON TRUSTEE | 1497 | ARTHUR | 50 | | |
| 313-26-002 | CURETON, ROBERT J. | 1502 | ARTHUR | 50 | | |

6

| Parcel # | Owner | Address | | Front Footage | Signature | Date |
|---|---|---|---|---|---|---|
| 314-01-018 | BENNETT MICHAEL J | 1453 | ARTHUR | 60 | | |
| 313-25-164 | BUTTERFIELD, JAMES T | 1454 | ARTHUR | 60 | | |
| 313-25-163 | MATE RICHARD P | 1458 | ARTHUR | 60 | | |
| 314-01-019 | CRONIN, JOSEPH P. | 1459 | ARTHUR | 60 | | |
| 313-25-162 | KING, BRUCE G. | 1464 | ARTHUR | 60 | | |
| 314-01-020 | ELABAN, CAL R | 1465 | ARTHUR | 60 | | |
| 313-25-161 | PIZIR JOSIP & MYRNA J | 1470 | ARTHUR | 60 | | |
| 314-01-021 | WOOD, STEVEN J. | 1471 | ARTHUR | 60 | | |
| 313-25-160 | MISHIK, CHRISTINE M., | 1476 | ARTHUR | 50 | | |
| 314-01-022 | NORRIS SANDRA A. | 1477 | ARTHUR | 50 | | |
| 314-01-023 | CAHAL, KAREN J & SEGUIN, KAREN | 1481 | ARTHUR | 50 | | |
| 313-25-159 | SHOBERT KAREN A | 1482 | ARTHUR | 50 | | |
| 313-25-158 | FELDER STEPHEN H & JANICE M | 1486 | ARTHUR | 50 | | |
| 314-01-024 | BOOKMAN, ALLEN & CLAIRE | 1487 | ARTHUR | 50 | | |
| 313-25-157 | MCDERMOTT, SEAN E. & AMY L. | 1490 | ARTHUR | 50 | | |
| 314-01-025 | TYLER, KIMBERLY M & RUSH, ROBIN K. | 1493 | ARTHUR | 50 | | |
| 313-26-001 | MURRAY,JANETTE | 1496 | ARTHUR | 50 | | |
| 314-02-131 | FOX, MEGAN GILSON TRUSTEE | 1497 | ARTHUR | 50 | | |
| 313-26-002 | CURETON, ROBERT J. | 1502 | ARTHUR | 50 | [signature] | 8/20/12 |

| Parcel # | Owner | Address | | Front Footage | Signature | Date |
|---|---|---|---|---|---|---|
| 314-02-130 | PECK RICHARD L & MARGARET M | 1503 | ARTHUR | 50 | Richard L Peck | 2/12/13 |
| 313-26-003 | UTRATA, CARL I | 1506 | ARTHUR | 50 | Carl I. Utrata | 8/26/12 |
| 314-02-129 | MARTIN, MARY L | 1507 | ARTHUR | 50 | | |
| 314-02-128 | GRAMMES, STEPHANIE L. | 1509 | ARTHUR | 50 | Stephanie Grammes | 11/17/12 |
| 313-26-004 | MACGREGOR, R TERRY & LYNN N | 1510 | ARTHUR | 50 | | |
| 313-26-005 | HOOD, JOYCE C | 1516 | ARTHUR | 50 | Joyce C Hood | 8/20/12 |
| 314-02-127 | BOND, THOMAS H. | 1517 | ARTHUR | 50 | | |
| 313-26-006 | RYAN, JAMES P | 1522 | ARTHUR | 50 | James P. Ryan | 9/10/12 |
| 314-02-126 | STRINGER, THOMAS C. & JESSICA | 1523 | ARTHUR | 50 | Jessica Stringer | 9/23/12 |
| 313-26-007 | ANDREW, DONNA M. | 1526 | ARTHUR | 50 | DMAndrew | 8/20/2012 |
| 314-02-125 | JONES, DAVID C | 1527 | ARTHUR | 50 | [illegible] | 8/26/12 |
| 313-26-008 | MESEK, TODD C. & CAMELIA E. | 1532 | ARTHUR | 50 | Todd C. [illegible] | 8/26/12 |
| | | | | | [illegible] | [illegible] |
| 314-02-124 | BENNET, JOHN B II | 1533 | ARTHUR | 50 | [illegible] | 8/26/12 |
| 313-26-009 | GREANOFF, BEVERLY L. | 1536 | ARTHUR | 50 | | |
| 314-02-123 | HOVEKAMP BARBARA A | 1537 | ARTHUR | 50 | Barbara Hovekamp | 8/26/12 |
| 314-02-122 | COLATRUGLIO, WILLIAM C. | 1541 | ARTHUR | 50 | Bill C. Colatruglio | 11/11/12 |
| 313-26-010 | CONROY, ERIC W. | 1542 | ARTHUR | 50 | Eric Conroy | 8/20/2012 |
| 313-26-011 | PACE, THOMAS B. & MARCY, JENNI | 1546 | ARTHUR | 50 | Thomas Pace | 9/23/12 |
| 314-02-121 | GRAHAM GREGORY | 1547 | ARTHUR | 50 | Greg Graham | 2/12/13 |

| Parcel # | Owner | Address | | Front Footage | Signature | Date |
|---|---|---|---|---|---|---|
| 313-26-012 | WINTERS, JOHN JR. & KELLY DRAKE | 1552 | ARTHUR | 50 | | 10/14/12 |
| 314-02-120 | HOPKINS, DOUGLAS R. & DIETZ, J | 1553 | ARTHUR | 50 | | |
| 313-26-013 | BOCKBRADER, MATTHEW B. & ANDREA BISHOF- | 1556 | ARTHUR | 50 | | 12/2/12 |
| 314-02-119 | KUBOVCIK, SEAN & BRICKMAN, WENDY | 1557 | ARTHUR | 50 | | 8/26/2012 |
| 313-26-014 | EVANS, BRYAN J & EVANS, MEGAN | 1560 | ARTHUR | 50 | | 10/14/12 |
| 313-26-015 | LAMPARYK, JOHN | 1562 | ARTHUR | 50 | | |
| 314-02-118 | LAFORTE, JOSEPH & CHRISTINA M. | 1563 | ARTHUR | 50 | | 10/11/2012 |
| 314-02-117 | CIHLAR, STEPHEN C | 1569 | ARTHUR | 50 | | |
| 313-26-016 | MOWRY,MARTHA O | 1570 | ARTHUR | 50 | | |
| 314-02-116 | GIROD EMIL H & JANET M | 1575 | ARTHUR | 50 | | |
| 313-26-017 | FOOTE RICHARD C & JUDITH A | 1576 | ARTHUR | 50 | Judith A Foote | 2/17/2013 |
| 314-02-115 | SARACINA, DANIEL P | 1577 | ARTHUR | 50 | | |
| 313-26-018 | STANDISH, ROLLAND B | 1582 | ARTHUR | 50 | | 9/10/12 |
| 314-02-114 | CAMP, CHRISTOPHER M. | 1581 | ARTHUR | 50 | | |
| 313-26-019 | CRAIGHEAD, WILLIAM J III & DIANE M | 1586 | ARTHUR | 50 | | 9/10/12 |

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| Parcel # | Owner | Address | | Front Footage | Signature | Date |
|---|---|---|---|---|---|---|
| 313-26-012 | WINTERS, JOHN JR. & KELLY DRAKE | 1552 | ARTHUR | 50 | | |
| 314-02-120 | HOPKINS, DOUGLAS R. & DIETZ, J | 1553 | ARTHUR | 50 | | |
| 313-26-013 | BOCKBRADER, MATTHEW B. & ANDREA BISHOF- | 1556 | ARTHUR | 50 | | |
| 314-02-119 | KUBOVCIK, SEAN & BRICKMAN, WENDY | 1557 | ARTHUR | 50 | | |
| 313-26-014 | EVANS, BRYAN J & EVANS, MEGAN | 1560 | ARTHUR | 50 | | |
| 313-26-015 | LAMPARYK, JOHN | 1562 | ARTHUR | 50 | | |
| 314-02-118 | LAFORTE, JOSEPH & CHRISTINA M. | 1563 | ARTHUR | 50 | | |
| 314-02-117 | CIHLAR, STEPHEN C | 1569 | ARTHUR | 50 | | |
| 313-26-016 | MOWRY,MARTHA O | 1570 | ARTHUR | 50 | | |
| 314-02-116 | GIROD EMIL H & JANET M | 1575 | ARTHUR | 50 | | |
| 313-26-017 | FOOTE RICHARD C & JUDITH A | 1576 | ARTHUR | 50 | | |
| 314-02-115 | SARACINA, DANIEL P | 1577 | ARTHUR | 50 | [illegible] | 11/14/2012 |
| 313-26-018 | STANDISH, ROLLAND B | 1582 | ARTHUR | 50 | | |
| 314-02-114 | CAMP, CHRISTOPHER M. | 1581 | ARTHUR | 50 | | |
| 313-26-019 | CRAIGHEAD, WILLIAM J III & DIANE M | 1586 | ARTHUR | 50 | | |

5.

| Parcel # | Owner | Address | | Front Footage | Signature | Date |
|---|---|---|---|---|---|---|
| 313-26-012 | WINTERS, JOHN JR. & KELLY DRAKE | 1552 | ARTHUR | 50 | | |
| 314-02-120 | HOPKINS, DOUGLAS R. & DIETZ, J | 1553 | ARTHUR | 50 | | |
| 313-26-013 | BOCKBRADER, MATTHEW B. & ANDREA BISHOF- | 1556 | ARTHUR | 50 | | |
| 314-02-119 | KUBOVCIK, SEAN & BRICKMAN, WENDY | 1557 | ARTHUR | 50 | | |
| 313-26-014 | EVANS, BRYAN J & EVANS, MEGAN | 1560 | ARTHUR | 50 | | |
| 313-26-015 | LAMPARYK, JOHN | 1562 | ARTHUR | 50 | | |
| 314-02-118 | LAFORTE, JOSEPH & CHRISTINA M. | 1563 | ARTHUR | 50 | | |
| 314-02-117 | CIHLAR, STEPHEN C | 1569 | ARTHUR | 50 | | |
| 313-26-016 | MOWRY,MARTHA O | 1570 | ARTHUR | 50 | | |
| 314-02-116 | GIROD EMIL H & JANET M | 1575 | ARTHUR | 50 | | |
| 313-26-017 | FOOTE RICHARD C & JUDITH A | 1576 | ARTHUR | 50 | | |
| 314-02-115 | SARACINA, DANIEL P | 1577 | ARTHUR | 50 | | |
| 313-26-018 | STANDISH, ROLLAND B | 1582 | ARTHUR | 50 | [illegible] | 9/10/12 |
| 314-02-114 | CAMP, CHRISTOPHER M | 1581 | ARTHUR | 50 | C. Camp | 9/10/12 |
| 313-26-019 | CRAIGHEAD, WILLIAM J III & DIANE M | 1586 | ARTHUR | 50 | | |

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| Parcel # | Owner | Address | | Front Footage | Signature | Date |
|---|---|---|---|---|---|---|
| 313-26-012 | WINTERS, JOHN JR. & KELLY DRAKE | 1552 | ARTHUR | 50 | | |
| 314-02-120 | HOPKINS, DOUGLAS R. & DIETZ, J | 1553 | ARTHUR | 50 | [signature] | 8/20/12 |
| 313-26-013 | BOCKBRADER, MATTHEW B. & ANDREA BISHOF- | 1556 | ARTHUR | 50 | | |
| 314-02-119 | KUBOVCIK, SEAN & BRICKMAN, WENDY | 1557 | ARTHUR | 50 | | |
| 313-26-014 | EVANS, BRYAN J & EVANS, MEGAN | 1560 | ARTHUR | 50 | | |
| 313-26-015 | LAMPARYK, JOHN | 1562 | ARTHUR | 50 | | |
| 314-02-118 | LAFORTE, JOSEPH & CHRISTINA M. | 1563 | ARTHUR | 50 | | |
| 314-02-117 | CIHLAR, STEPHEN C | 1569 | ARTHUR | 50 | | |
| 313-26-016 | MOWRY,MARTHA O | 1570 | ARTHUR | 50 | | |
| 314-02-116 | GIROD EMIL H & JANET M | 1575 | ARTHUR | 50 | | |
| 313-26-017 | FOOTE RICHARD C & JUDITH A | 1576 | ARTHUR | 50 | | |
| 314-02-115 | SARACINA, DANIEL P | 1577 | ARTHUR | 50 | | |
| 313-26-018 | STANDISH, ROLLAND B | 1582 | ARTHUR | 50 | | |
| 314-02-114 | CAMP, CHRISTOPHER M. | 1581 | ARTHUR | 50 | | |
| 313-26-019 | CRAIGHEAD, WILLIAM J III & DIANE M | 1586 | ARTHUR | 50 | | |

3

| Parcel # | Owner | Address | | Front Footage | Signature | Date |
|---|---|---|---|---|---|---|
| 314-02-113 | GETZ, CHRISTOPHER N & HORVATH, DOROTHY L | 1587 | ARTHUR | 50 | | |
| 313-26-020 | CHABEK, DANIEL TRUSTEE | 1592 | ARTHUR | 50 | | |
| 314-03-041 | RAYMOND, JENNIFER A. | 1595 | ARTHUR | 147 | | |
| 313-27-001 | GEITHER, JOSEPH R. | 1600 | ARTHUR | 50 | [signature] | 11-12-12 |
| 313-27-002 | GRAMBORT, BRIAN E. & HOLLY A. | 1602 | ARTHUR | 50 | | |
| 313-27-105 | JAMIESON, JOHN W. | 1606 | ARTHUR | 106 | [signature] | 11/12/2012 |

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| Parcel # | Owner | Address | | Front Footage | Signature | Date |
|---|---|---|---|---|---|---|
| 314-02-113 | GETZ, CHRISTOPHER N & HORVATH, DOROTHY L | 1587 | ARTHUR | 50 | | |
| 313-26-020 | CHABEK, DANIEL TRUSTEE | 1592 | ARTHUR | 50 | Christopher Chabek | 12/7/12 |
| 314-03-041 | RAYMOND, JENNIFER A. | 1595 | ARTHUR | 147 | | |
| 313-27-001 | GEITHER, JOSEPH R. | 1600 | ARTHUR | 50 | | |
| 313-27-002 | GRAMBORT, BRIAN E. & HOLLY A. | 1602 | ARTHUR | 50 | | |
| 313-27-105 | JAMIESON, JOHN W. | 1606 | ARTHUR | 106 | | |

8.

| Parcel # | Owner | Address | | Front Footage | Signature | Date |
|---|---|---|---|---|---|---|
| 314-02-113 | GETZ, CHRISTOPHER N & HORVATH, DOROTHY L | 1587 | ARTHUR | 50 | | |
| 313-26-020 | CHABEK, DANIEL TRUSTEE | 1592 | ARTHUR | 50 | | |
| 314-03-041 | RAYMOND, JENNIFER A. | 1595 | ARTHUR | 147 | | |
| 313-27-001 | GEITHER, JOSEPH R. | 1600 | ARTHUR | 50 | | |
| 313-27-002 | GRAMBORT, BRIAN E. & HOLLY A. | 1602 | ARTHUR | 50 | Holly Grambort | 08/20/2012 |
| 313-27-105 | JAMIESON, JOHN W. | 1606 | ARTHUR | 106 | | |

# EXHIBIT B

## ARTHUR AVENUE PETITION SIGNATURE LOG

| | Parcel # | Owner | Address | | Front Footage | Signed |
|---|---|---|---|---|---|---|
| 1 | 313-25-169 | ORLANDO, RAYLEEN M | 1426 | ARTHUR | 50 | |
| 2 | 313-25-168 | MORGAN, COLE R | 1432 | ARTHUR | 50 | YES |
| 3 | 314-01-014 | FOLWACZNY, NORBERT | 1433 | ARTHUR | 49 | YES |
| 4 | 313-25-167 | BODI ANDY JR & GERTRUDE J | 1436 | ARTHUR | 50 | YES |
| 5 | 314-01-015 | BUTLER, BRENT A | 1437 | ARTHUR | 51 | |
| 6 | 313-25-166 | CONSTANTINE, CHRISTOPHER & JESSICA | 1440 | ARTHUR | 50 | YES |
| 7 | 314-01-016 | NELSON, STEVEN J | 1443 | ARTHUR | 55 | YES |
| 8 | 313-25-165 | HAMED, MONICA M | 1446 | ARTHUR | 60 | YES |
| 9 | 314-01-017 | CHR LKWD METHODIST EPISCOPAL | 1447 | ARTHUR | 55 | |
| 10 | 314-01-018 | BENNETT MICHAEL J | 1453 | ARTHUR | 60 | |
| 11 | 313-25-164 | BUTTERFIELD, JAMES T | 1454 | ARTHUR | 60 | YES |
| 12 | 313-25-163 | MATE RICHARD P | 1458 | ARTHUR | 60 | |
| 13 | 314-01-019 | CRONIN, JOSEPH P | 1459 | ARTHUR | 60 | YES |
| 14 | 313-25-162 | KING, BRUCE G. | 1464 | ARTHUR | 60 | YES |
| 15 | 314-01-020 | FLABAN, CAL R | 1465 | ARTHUR | 60 | |
| 16 | 313-25-161 | PIZIR JOSIP & MYRNA J | 1470 | ARTHUR | 60 | YES |
| 17 | 314-01-021 | WOOD, STEVEN J | 1471 | ARTHUR | 60 | |
| 18 | 313-25-160 | MISHIK, CHRISTINE M.. | 1476 | ARTHUR | 50 | |
| 19 | 314-01-022 | NORRIS SANDRA A | 1477 | ARTHUR | 50 | |
| 20 | 314-01-023 | CAHAL, KAREN J & SEGUIN, KAREN | 1481 | ARTHUR | 50 | |
| 21 | 313-25-159 | SHOBERT KAREN A | 1482 | ARTHUR | 50 | YES |
| 22 | 313-25-158 | FELDER STEPHEN H & JANICE M | 1486 | ARTHUR | 50 | YES |
| 23 | 314-01-024 | BOOKMAN, ALLEN & CLAIRE | 1487 | ARTHUR | 50 | YES |
| 24 | 313-25-157 | MCDERMOTT, SEAN E. & AMY L. | 1490 | ARTHUR | 50 | YES |
| 25 | 314-01-025 | TYLER, KIMBERLY M & RUSH, ROBIN K | 1493 | ARTHUR | 50 | YES |
| 26 | 313-26-001 | MURRAY,JANETTE | 1496 | ARTHUR | 50 | YES |
| 27 | 314-02-131 | FOX, MEGAN GILSON TRUSTEE | 1497 | ARTHUR | 50 | YES |
| 28 | 313-26-002 | CURETON, ROBERT J. | 1502 | ARTHUR | 50 | YES |
| 29 | 314-02-130 | PECK RICHARD L & MARGARET M | 1503 | ARTHUR | 50 | YES |
| 30 | 313-26-003 | UTRATA, CARL I | 1506 | ARTHUR | 50 | YES |
| 31 | 314-02-129 | MARTIN, MARY L | 1507 | ARTHUR | 50 | |
| 32 | 314-02-128 | GRAMMES, STEPHANIE L. | 1509 | ARTHUR | 50 | YES |
| 33 | 313-26-004 | MACGREGOR, R TERRY & LYNN N | 1510 | ARTHUR | 50 | |
| 34 | 313-26-005 | HOOD, JOYCE C | 1516 | ARTHUR | 50 | YES |

| | | | | | | |
|---|---|---|---|---|---|---|
| 35 | 314-02-127 | BOND, THOMAS H | 1517 | ARTHUR | 50 | |
| 36 | 313-26-006 | RYAN, JAMES P | 1522 | ARTHUR | 50 | YES |
| 37 | 314-02-126 | STRINGER, THOMAS C & JESSICA | 1523 | ARTHUR | 50 | YES |
| 38 | 313-26-007 | ANDREW, DONNA M. | 1526 | ARTHUR | 50 | YES |
| 39 | 314-02-125 | JONES, DAVID C | 1527 | ARTHUR | 50 | YES |
| 40 | 313-26-008 | MESEK, TODD C. & CAMELIA E. | 1532 | ARTHUR | 50 | YES |
| 41 | 314-02-124 | BENNET, JOHN B II | 1533 | ARTHUR | 50 | YES |
| 42 | 313-26-009 | GREANOFF, BEVERLY L | 1536 | ARTHUR | 50 | |
| 43 | 314-02-123 | HOVEKAMP BARBARA A | 1537 | ARTHUR | 50 | YES |
| 44 | 314-02-122 | COLATRUGLIO, WILLIAM C. | 1541 | ARTHUR | 50 | YES |
| 45 | 313-26-010 | CONROY, ERIC W | 1542 | ARTHUR | 50 | YES |
| 46 | 313-26-011 | PACE, THOMAS B. & MARCY, JENNI | 1546 | ARTHUR | 50 | YES |
| 47 | 314-02-121 | GRAHAM GREGORY | 1547 | ARTHUR | 50 | YES |
| 48 | 313-26-012 | WINTERS, JOHN JR. & KELLY DRAKE | 1552 | ARTHUR | 50 | YES |
| 49 | 314-02-120 | HOPKINS, DOUGLAS R & DIETZ, J | 1553 | ARTHUR | 50 | YES |
| 50 | 313-26-013 | BOCKBRADER, MATTHEW B. & ANDREA BISHOF- | 1556 | ARTHUR | 50 | YES |
| 51 | 314-02-119 | KUBOVCIK, SEAN &BRICKMAN WENDY | 1557 | ARTHUR | 50 | YES |
| 52 | 313-26-014 | EVANS, BRYAN J & EVANS, MEGAN | 1560 | ARTHUR | 50 | YES |
| 53 | 313-26-015 | LAMPARYK, JOHN & JESSICA | 1562 | ARTHUR | 50 | |
| 54 | 314-02-118 | LAFORTE, JOSEPH & CHRISTINA M. | 1563 | ARTHUR | 50 | YES |
| 55 | 314-02-117 | CIHLAR, STEPHEN C | 1569 | ARTHUR | 50 | |
| 56 | 313-26-016 | ROSS LAURA T & GORSKI JUSTIN | 1570 | ARTHUR | 50 | |
| 57 | 314-02-116 | GIROD EMIL H & JANET M | 1575 | ARTHUR | 50 | |
| 58 | 313-26-017 | FOOTE RICHARD C & JUDITH A | 1576 | ARTHUR | 50 | YES |
| 59 | 314-02-115 | SARACINA, DANIEL P | 1577 | ARTHUR | 50 | YES |
| 60 | 313-26-018 | STANDISH, ROLLAND B | 1582 | ARTHUR | 50 | YES |
| 61 | 314-02-114 | CAMP, CHRISTOPHER M | 1581 | ARTHUR | 50 | YES |
| 62 | 313-26-019 | CRAIGHEAD, WILLIAM J III & DIANE M | 1586 | ARTHUR | 50 | YES |
| 63 | 314-02-113 | GETZ, CHRISTOPHER N & HORVATH, DOROTHY L | 1587 | ARTHUR | 50 | |
| 64 | 313-26-020 | CHABEK, DANIEL TRUSTEE | 1592 | ARTHUR | 50 | YES |
| 65 | 314-03-041 | RAYMOND, JENNIFER A. | 1595 | ARTHUR | 147 | |
| 66 | 313-27-001 | GEITHER, JOSEPH R. | 1600 | ARTHUR | 50 | YES |
| 67 | 313-27-002 | GRAMBORT, BRIAN E. & HOLLY A. | 1602 | ARTHUR | 50 | YES |
| 68 | 313-27-105 | JAMIESON, JOHN W. | 1606 | ARTHUR | 106 | YES |

| | |
|---|---|
| **Percentage of Owners Signed** | **70.6%** |
| Frontage Represented | 68.7% |

EXHIBIT C
PROJECT DESCRIPTION
ARTHUR AVENUE (DETROIT TO HILLIARD)

The Arthur Avenue Decorative Street Light Project involves removal of the 9 existing "cobra head" light fixtures fed by overhead wires on wood poles and replaces such with 14 decorative lights on decorative 12' poles on alternating sides of the street. The proposed decorative lights nearly match those recently installed fronting Lakewood Plaza (aka Drug Mart Plaza) and also Rockport Square. Additionally, the lights proposed for Arthur utilize LED fixtures, thus reducing the power consumption and costs associated with long term operation.

The project would take place between Detroit Avenue and Hilliard Boulevard. The cost of which will be spread equally among the 68 homeowners on Arthur, not including the Lakewood Public Library and CVS Pharmacy.

Due to homes on Arthur being fed from the rear with power, the overhead lines in the tree lawns only power the street light system, not individual homes. Therefore, the lines can be removed with relative ease. Additionally, the wide tree lawns allow for directionally bored conduit to be installed. Directionally bored conduits have been proposed to minimize disturbance to lawn areas, driveways, and sidewalks.

Following the completion of construction of the proposed street light system, the residents of Arthur are requesting the City of Lakewood to maintain the new street lighting system. A long term cost comparative analysis has been performed demonstrating the costs associated with long term maintenance and reduced power consumption costs associated with the proposed street lighting system. The proposed system represents notable long term operational savings when compared to the monthly fee paid currently for the existing street lights.

The estimated project cost is $124,500. If paid upfront each homeowner will be assessed $1,831 (estimated). The petition and request to council allows for this cost to be spread out, at the homeowners option, and placed on each owner's respective tax bill over a ten-year period. Additionally, the petition allows for the deferment of payment, if chosen by a homeowner, to include market bond interest rates and Cuyahoga County Fiscal Officer fees for collection of a special assessment. It is expected that at the completion of construction the residents will have option to pay the full amount due or pay a partial amount and spread the balance due over the 10-year time period. If typical bond rates and the Fiscal Officer fee were applied to the estimated per owner cost, the monthly average of the assessment over the 10-year period is $19/month ($114 half). *Although, it appears unlikely that this project would be funded from bond sources.* In the event that a homeowner spreads out the cost over 10 years and sells their home in the interim, the assessment stays with the property.

# EXHIBIT D

## COST ESTIMATE

# Arthur Avenue Lighting Project Estimated Improvement Costs

**2/8/2013**

- Overhead and Profit included in Labor and Materials

| | Cost Type | Unit | Quantity | Material | Labor | Total | Notes |
|---|---|---|---|---|---|---|---|
| Directional Conduit Boring | Hard | LF | 3665 | $1.25 | $5.00 | $22,906.25 | |
| Pole Base Installation (both sides) | Hard | Each | 13 | $500.00 | $850.00 | $17,550.00 | |
| Pole Installation | Hard | Each | 13 | $1,000.00 | $300.00 | $16,900.00 | |
| LED Light Head | Hard | Each | 10 | $1,600.00 | | $16,000.00 | - 4 Lights Free with Holophane Promotion |
| LED Light Head Installation | Hard | Each | 14 | | $130.00 | $1,820.00 | |
| Electrical Wiring | Hard | LF | 3665 | $4.32 | $2.71 | $25,764.95 | |
| First Energy Pole Removal Fee | Hard | Lump | 1 | | $0.00 | $0.00 | - Per Ted Raider on12/19/12 |
| First Energy Connection and Meter Set Fee | Hard | Lump | 1 | | $3,000.00 | $3,000.00 | - Estimated allowance. |
| Bond Origination Fees | Soft | Lump | | | | $0.00 | - None budgeted. Bonding not utilized. |
| Legal Fees | Soft | Lump | | | | $0.00 | - None budgeted |
| Adminstrative costs | Soft | Lump | 1 | 400 | | $400.00 | |
| Engineering and CA | Soft | Lump | 1 | | 13500 | $13,500.00 | |
| Long Term Maintenance Deposit | Soft | Lump | 1 | 4000 | | $4,000.00 | |
| | | | | | SUB-TOTAL | $121,841.20 | |
| | | | | | 5% HARD COST CONTINGENCY | $5,197.06 | |
| | | | | | TOTAL | $127,038.26 | |
| | | | | | City's Share of Cost | $2,540.77 | - Charter requires City pay 1/50th |
| | | | | | Arthur Homeowner's Share of Cost | $124,497.49 | |

| Up Front Payment Option: | | |
|---|---|---|
| Homeowners | 68 | |
| Homeowner Total Cost | $1,831 | - Fall 2013 |

| Long Term Payoff Option | (No bonding) | |
|---|---|---|
| Payoff Length (yrs) | 10 | |
| Payments | 120 | |
| Borrowing Interest Rate (APR) | 0.00% | 1.00% - Cuy County Fiscal Officer Assessment Fee |
| Monthly Rate | 0.08% | |
| Homeowner Monthly Payment | ($16.04) | - If taxes paid through mortgage |
| Homeowner Annual Payment | ($192.47) | - If paid over ten years |
| Homeowner Total Cost | ($1,924.68) | - If paid over ten years |

| Maximm Allowable Cost | - Petition allows for 14.9% increase | |
|---|---|---|
| Homeowner Total Cost | $2,146.57 | - If paid upfront |
| Homeowner Monthly Payment | ($18.43) | - If taxes paid through mortgage |
| Homeowner Annual Payment | ($221.15) | - If paid over ten years |
| Homeowner Total Cost | ($2,211.45) | - If paid over ten years |

# EXHIBIT E

## LONG TERM COST COMPARISON

# Arthur Avenue Lighting

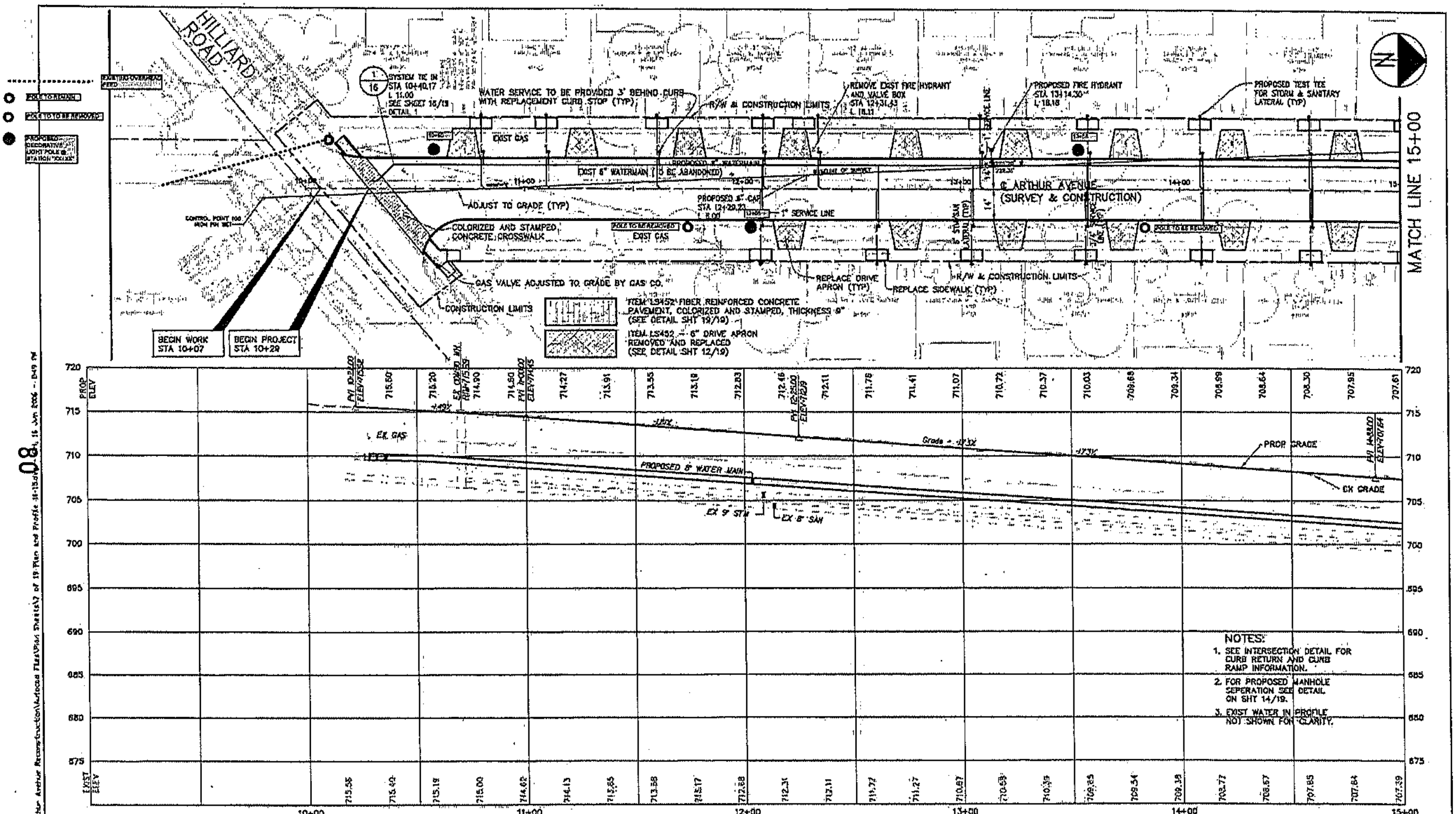
Long Term Cost Comparison

Updated 12/22/12
All costs are 2012 Dollars

| | Granville, 100 W LED<br>Maintenance by City of Lakewood | Cobra Head, 250W MH<br>Maintenace by First Energy | Notes: |
|---|---|---|---|
| Input Wattage | 96.4 | N/A | |
| Annual Energy Cost @$.10/KwH, 4380 hours per year | $42.22 | $264 ( 22*12) | - Cost per light / year (lights cost $22/month) |
| 5 yr. Energy Cost | $211.12 | $1,320.00 | - Cost per light |
| 5 Yr. Maintenance Cost | $0 | Material & Labor for (1) relamp | - First Energy cost includes maintenance |
| | | $0.00 | **9 existing lights |
| 5 Yr. Operating Cost | 211*14=2,954* | $1,320*9=$11,880** | *14 proposed lights |
| 5 year Operating Cost Savings | $8,926 | | |
| 10 yr. Energy Cost | $422.00 | $2,640.00 | - Cost per light |
| 10 Yr. Maintenance Cost | Material ($50) & labor ($50) to Replace photocontrol / per light | Material & Labor for (2) relamps, replace ballast | - Cost per light |
| | $1,400.00 | $0.00 | |
| 5 Yr. Maintenance Cost | $0.00 | $0.00 | |
| 10 Yr. Operating Cost | $422*14+$1,400=$7,308 | $2,640*9=$23,760 | |
| 10 year Operating Cost Savings | $16,452 | | |
| 20 yr. Energy Cost | $844.00 | $5,280.00 | |
| 20 Yr. Maintenance Cost | Material ($50) & labor ($50) to Replace photocontrol. Material to replace LED Stock ($400) and LED driver ($75) & labor ($100) / per light | Material & Labor for (2) relamps, replace ballast | |
| | $9,450.00 | $0.00 | |
| 10 Yr. Maintenance Cost | $1,400.00 | | |
| 20 Yr. Operating Cost | $1,400+$844*14+$9,450=$22,666 | $5,280*9=$47,520.00 | |
| 20 year Operating Cost Savings | $24,854 | | |
| 50 yr. Energy Cost | $2,111.16 | $13,200.00 | |
| 50 Yr. Maintenance Cost | Pole and light replacment material ($2,500) & labor ($300) to replace / per pole. Material ($50) & labor ($50) to Replace photocontrol / per light | Material & Labor for (2) relamps, replace ballast | |
| | $40,600.00 | $0.00 | |
| 10 Yr. Maintenance Cost | $1,400.00 | | |
| 20 Yr. Maintenance Cost | $9,450.00 | | |
| 30 Yr. Maintenance Cost | $1,400.00 | | |
| 40 Yr. Maintenance Cost | $9,450.00 | | |
| 50 Yr. Operating Cost | $2,111*14+$62,300=$91,854 | 13,200*9=$118,800 | |
| 50 year Operating Cost Savings (with pole and light replacement) | $26,946 | | |
| 50 year Operating Cost Savings (without replacement) | $66,146 | | |

# EXHIBIT F

## PRELIMINARY PLANS




| NO. | DATE | REVISIONS | BY |
|---|---|---|---|

DESIGNED BY: BILL SHEPARD
DRAWN BY: BLAIR P. GONDA
CHECKED BY: STEVE GOODREAU
DATE: JUNE 16, 2005

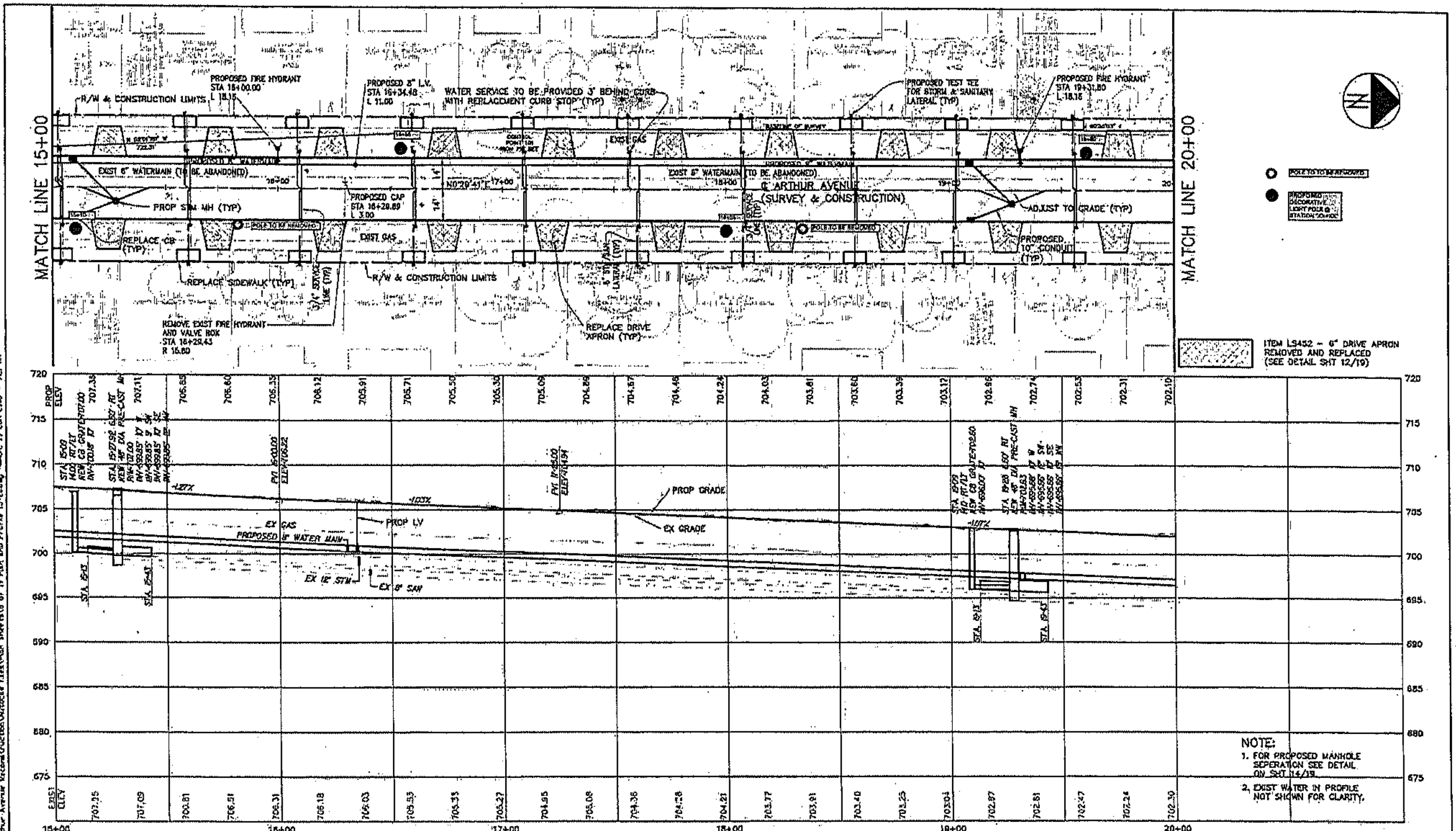
CITY OF LAKEWOOD, OHIO
DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING AND CONSTRUCTION

2006 ARTHUR AVENUE
WATERMAIN, SEWER AND STREET RECONSTRUCTION
HILLIARD ROAD TO DETROIT AVENUE

PLAN AND PROFILE
STA. 10+00 TO 15+00

SCALE: HORIZ: 1"=20' VERT: 1"=5'
PROJECT & FILE NAME: ARTHUR AVENUE Plan and Profile
SHEET NO.: 7 OF 19

A-1026




| DESIGNED BY: | BILL SHEPARD |
|---|---|
| DRAWN BY: | BLAIR F GORDA |
| CHECKED BY: | STEVE GOODREAD |
| DATE: | JUNE 16, 2006 |

| NO. | DATE | REVISIONS | BY |
|---|---|---|---|

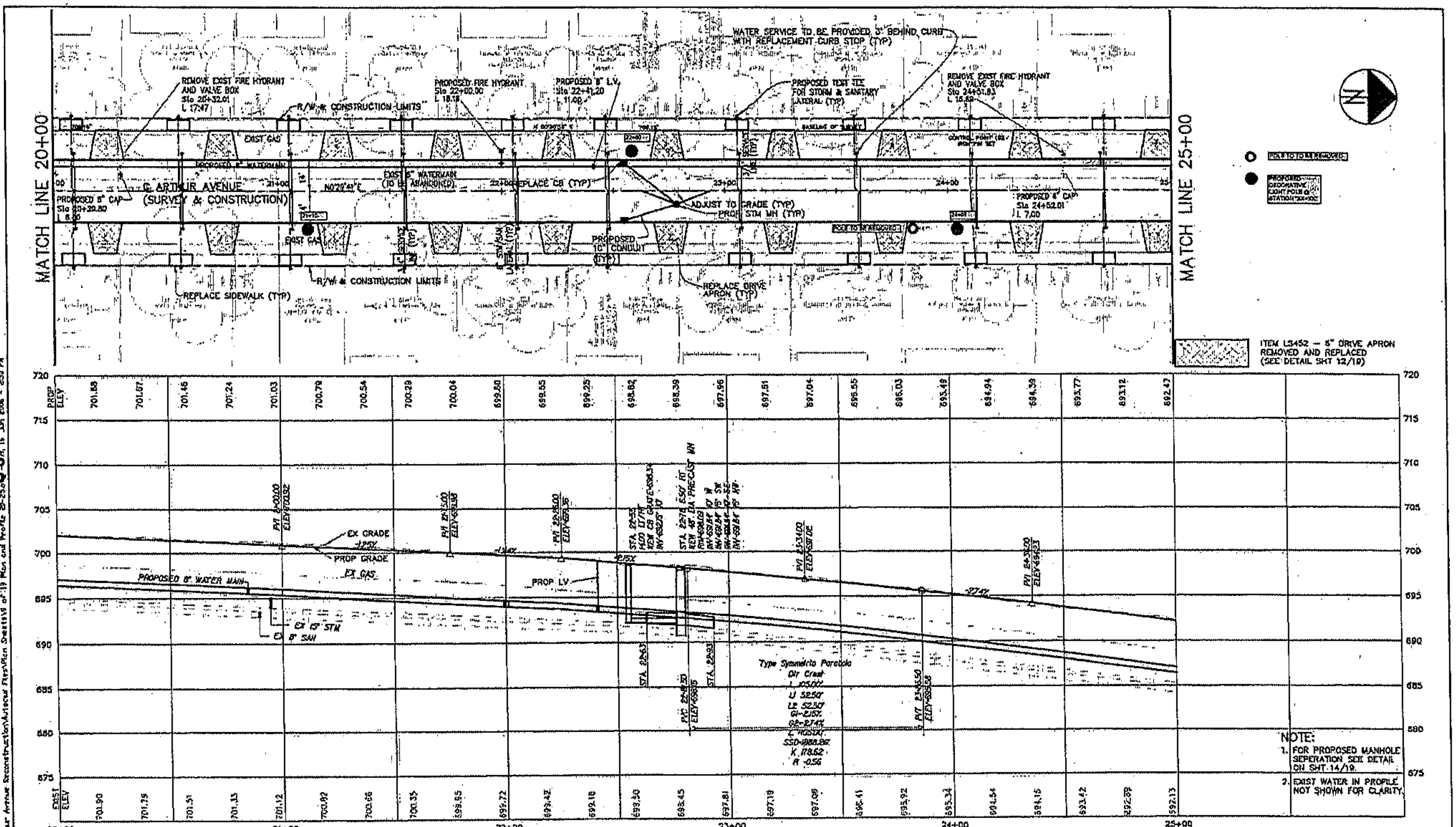
CITY OF LAKEWOOD, OHIO
DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING AND CONSTRUCTION

2006 ARTHUR AVENUE
WATERMAIN, SEWER AND STREET RECONSTRUCTION
*HILLIARD ROAD TO DETROIT AVENUE*

PLAN AND PROFILE
STA. 15+00 TO 20+00

SCALE: HORIZ: 1"=20' VERT: 1"=5'
PROJECT & FILE NAME: ARTHUR AVENUE Plan and Profile
SHEET NO. 8 of 19

A–1026

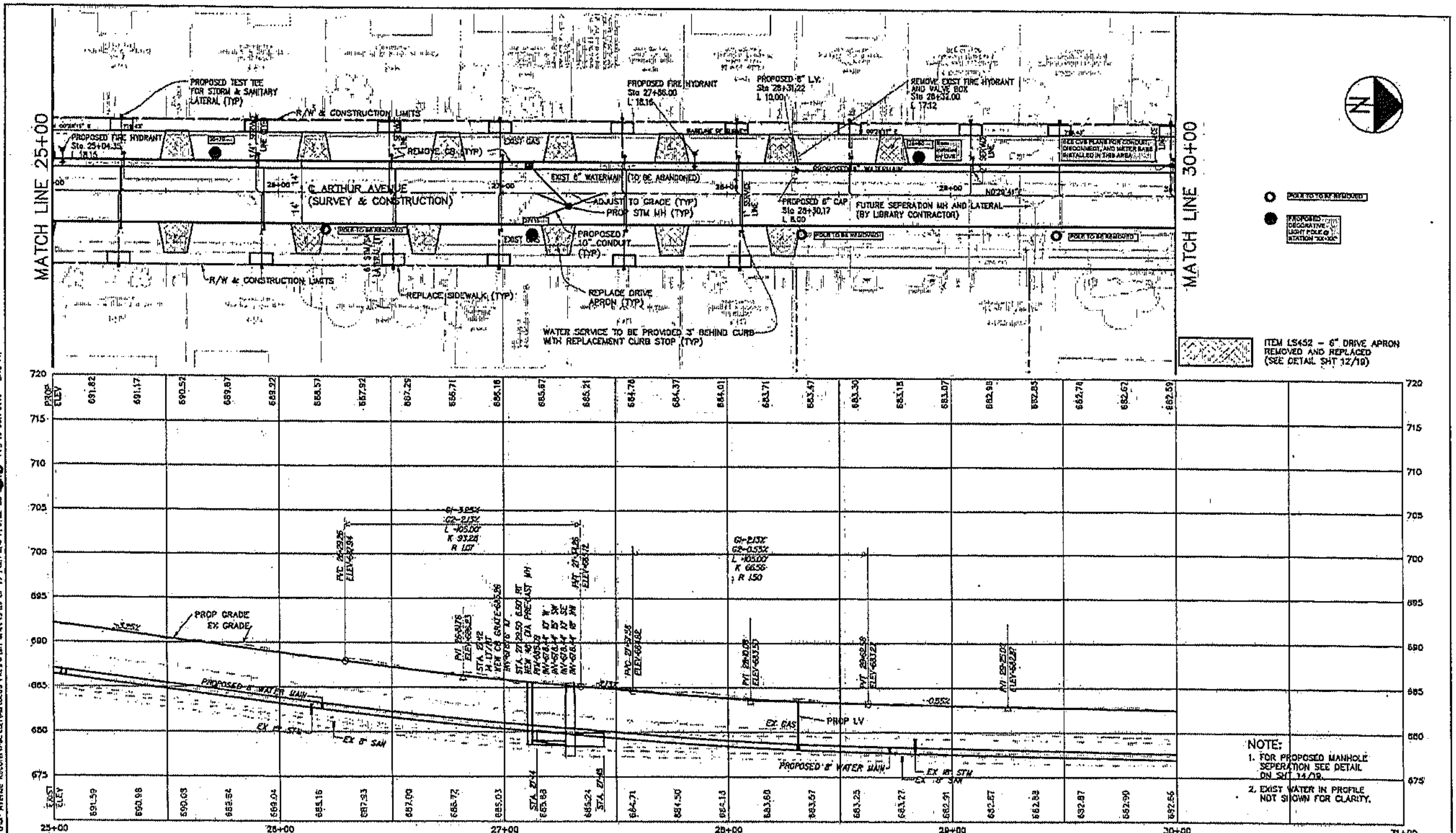



| | | | |
|---|---|---|---|
| DESIGNED BY: BILL SHEPARD<br>DRAWN BY: BLAIR F. GONDA<br>CHECKED BY: STEVE GOODREAU<br>DATE: JUNE 16, 2006 | CITY OF LAKEWOOD, OHIO<br>DEPARTMENT OF PUBLIC WORKS<br>DIVISION OF ENGINEERING AND CONSTRUCTION | 2006 ARTHUR AVENUE<br>WATERMAIN, SEWER AND STREET RECONSTRUCTION<br>HILLIARD ROAD TO DETROIT AVENUE | PLAN AND PROFILE<br>STA. 20+00 TO 25+00 |

NO. | DATE | REVISIONS | BY

SCALE: HORIZ. 1"=20' VERT. 1"=8'
PROJECT & FILE NAME: ARTHUR AVENUE Plan and Profile
SHEET NO.: 9 of 19

A–1026




NOTE:
1. FOR PROPOSED MANHOLE SEPERATION SEE DETAIL ON SHT 14/19.
2. EXIST WATER IN PROFILE NOT SHOWN FOR CLARITY.

| | | | |
|---|---|---|---|
| DESIGNED BY: | WILL SHEPARD | | |
| DRAWN BY: | BLAIR F CONDA | | |
| CHECKED BY: | STEVE GOODREAU | | |
| DATE: | JUNE 16, 2006 | | |
| NO. | DATE | REVISIONS | BY |

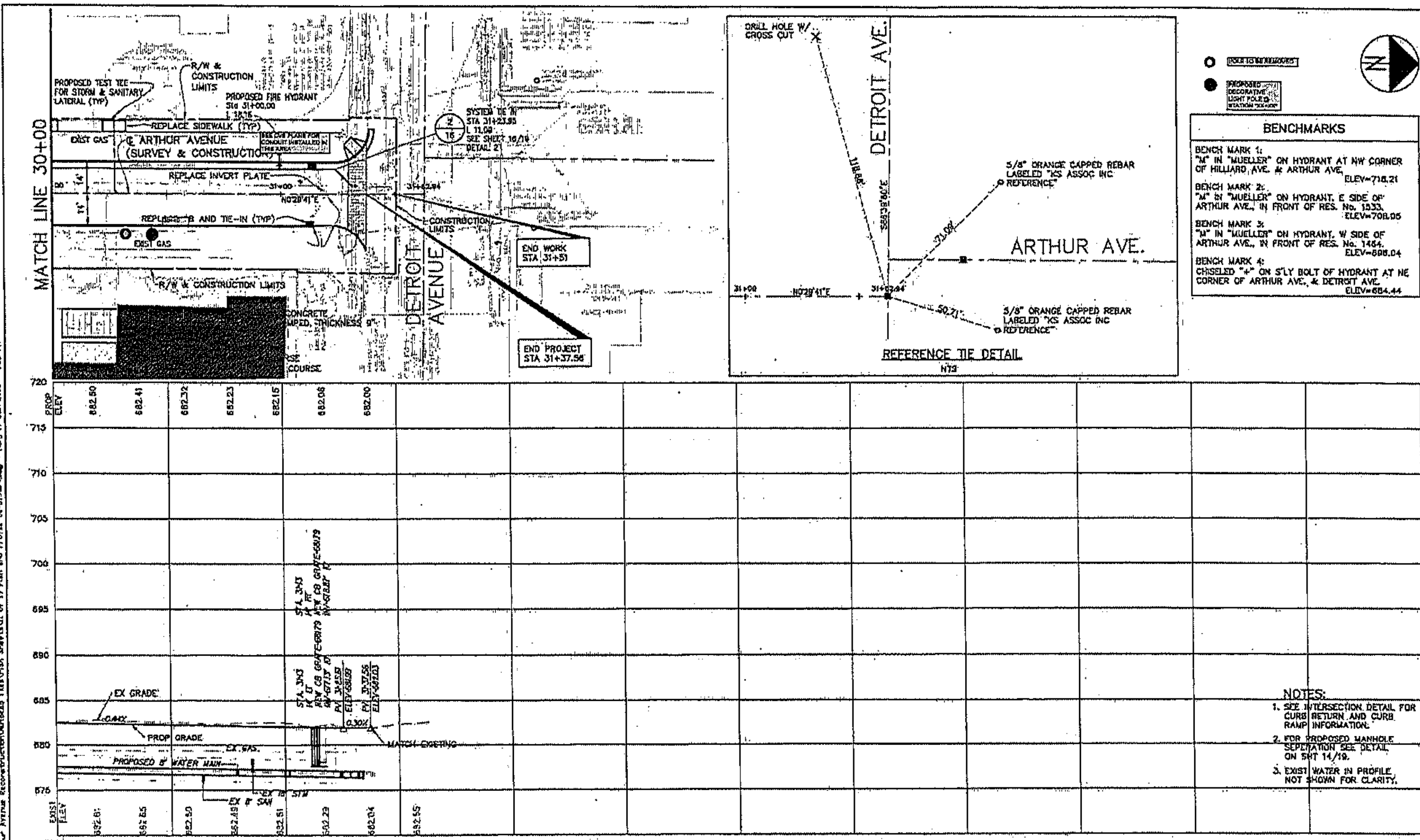
CITY OF LAKEWOOD, OHIO
DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING AND CONSTRUCTION

2006 ARTHUR AVENUE
WATERMAIN, SEWER AND STREET RECONSTRUCTION
HILLIARD ROAD TO DETROIT AVENUE

PLAN AND PROFILE
STA. 25+00 TO 30+00

SCALE: HORIZ. 1"=20' VERT. 1"=5'
PROJECT & FILE NAME: ARTHUR AVENUE Plan and Profile
SHEET NO.: 10 of 19

A-1026




| | |
|---|---|
| DESIGNED BY: | BILL GUEPARD |
| DRAWN BY: | BLAIR CONDA |
| CHECKED BY: | STEVE GOURCAU |
| DATE: | JUNE 16, 2006 |

NO. | DATE | REVISIONS | BY

CITY OF LAKEWOOD, OHIO
DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING AND CONSTRUCTION

2006 ARTHUR AVENUE
WATERMAIN, SEWER AND STREET RECONSTRUCTION
HILLIARD ROAD TO DETROIT AVENUE

PLAN AND PROFILE
STA. 30+00 TO 31+62.94

SCALE: HORIZ. 1"=20' VERT. 1"=5'
PROJECT & FILE NAME: ARTHUR AVENUE Plan and Profile
SHEET NO. 11 OF 19

A–1026

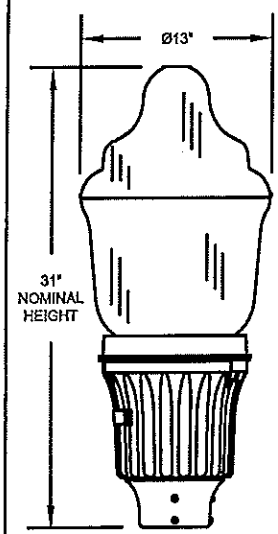
# EXHIBIT G

## LIGHTING DETAILS

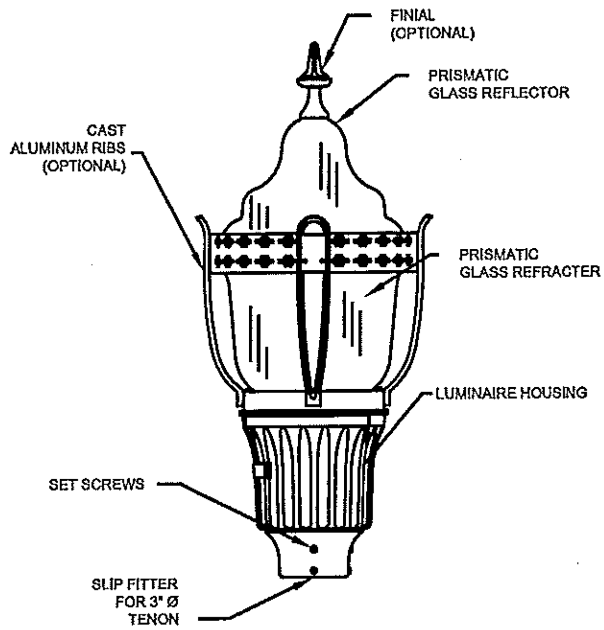
# GranVille®II LED Classic Utility

DECORATIVE OUTDOOR

Maximum weight - 47 lbs
Maximum effective projected area - 1.38 sq. ft.




*drawing depicting base model no finial.




## ORDERING INFORMATION:

**HOUSING**
GVD = GRANVILLE CLASSIC UTILITY

**SOURCE & WATTAGE BALLAST (LED DRIVER)**
100 = 100 W (525mA)
80 = 80 W (420mA)
60 = 60 W (315mA)
40 = 40 W (215mA)

**COLOR TEMPERATURE**
3K = 3000 K CCT
4K = 4000 K CCT
5K = 5000 K CCT

**VOLTAGE**
AS = AUTO-SENSING VOLTAGE (120 THRU 277 V)
AH = AUTO-SENSING VOLTAGE (347 THRU 480 V)

**HOUSING**
M = MODERN STYLE SWING OPEN DESIGN
T = LEAF STYLE SWING OPEN DESIGN

**HOUSING COLOR**
A = AS SPECIFIED
B = BLACK
N = GREEN
Z = BRONZE

**OPTICS**
3 = IES TYPE III DISTRIBUTION
5 = IES TYPE V DISTRIBUTION
6 = ASYMMETRIC LUNAR OPTIC (AVAILABLE IN 80W, 60W, 40W ONLY)
8 = SYMMETRIC LUNAR OPTIC (AVAILABLE IN 80W, 60W, 40W ONLY)

**TRIM**
R = RIBS & BAND
N = NO TRIM
S = SYRACUSE STYLE WITH COVER (M HOUSING ONLY)

**FINIAL**
B = BALL
C = CLEAR
E = EAGLE
F = FLOWER
N = NONE
P = PAWN
R = CROSS
S = STANDARD
T = ROM CROSS

**COLOR**
A = AS SPECIFIED
B = BLACK
G = GOLD
N = GREEN
Z = BRONZE
U = NO TRIM AND CLEAR OR NO FINIAL

**OPTIONS**
H = NEMA TWISTLOCK PHOTOCONTROL RECEPTACLE
DM = DIMMING DRIVER (100W AS, AH VOLTAGE 40, 60, 80W AS VOLTAGE ONLY)
PND = BLC2 CONTROL PROVIDED FOR PART-NIGHT DIMMING (40W, 60W, AND 80W 120-277V ONLY)
PCS = DTL TWISTLOCK PHOTOCONTROL FOR SOLID STATE
PSC = SHORTING CAP
TB = BLACK TOP REFLECTOR & CAP
L1H = 1.5 FEET OF PREWIRED LEADS
L03 = 3 FEET OF PREWIRED LEADS
L10 = 10 FEET OF PREWIRED LEADS
L20 = 20 FEET OF PREWIRED LEADS
L25 = 25 FEET OF PREWIRED LEADS
L30 = 30 FEET OF PREWIRED LEADS
DE = ROAM CONCIERGE DIMMING CONTROL
VE = ROAMVIEW DIMMING CONTROL

**ACCESSORIES**
GVBANDX = DECORATIVE BAND (INSERT TRIM FINISH FOR X)
GVDHSS90 = HOUSE SIDE SHIELD SOLID 90 DEGREE
GVDHSS12 = HOUSE SIDE SHIELD SOLID 120 DEGREE
GVDHSS18 = HOUSE SIDE SHIELD SOLID 180 DEGREE
GVDHSL90 = HOUSE SIDE SHIELD SOLID 90 DEGREE (LUNAR)
GVDHSL12 = HOUSE SIDE SHIELD SOLID 120 DEGREE (LUNAR)
GVDHSL18 = HOUSE SIDE SHIELD SOLID 180 DEGREE (LUNAR)

HOLOPHANE® LEADER IN LIGHTING SOLUTIONS
An AcuityBrandsCompany

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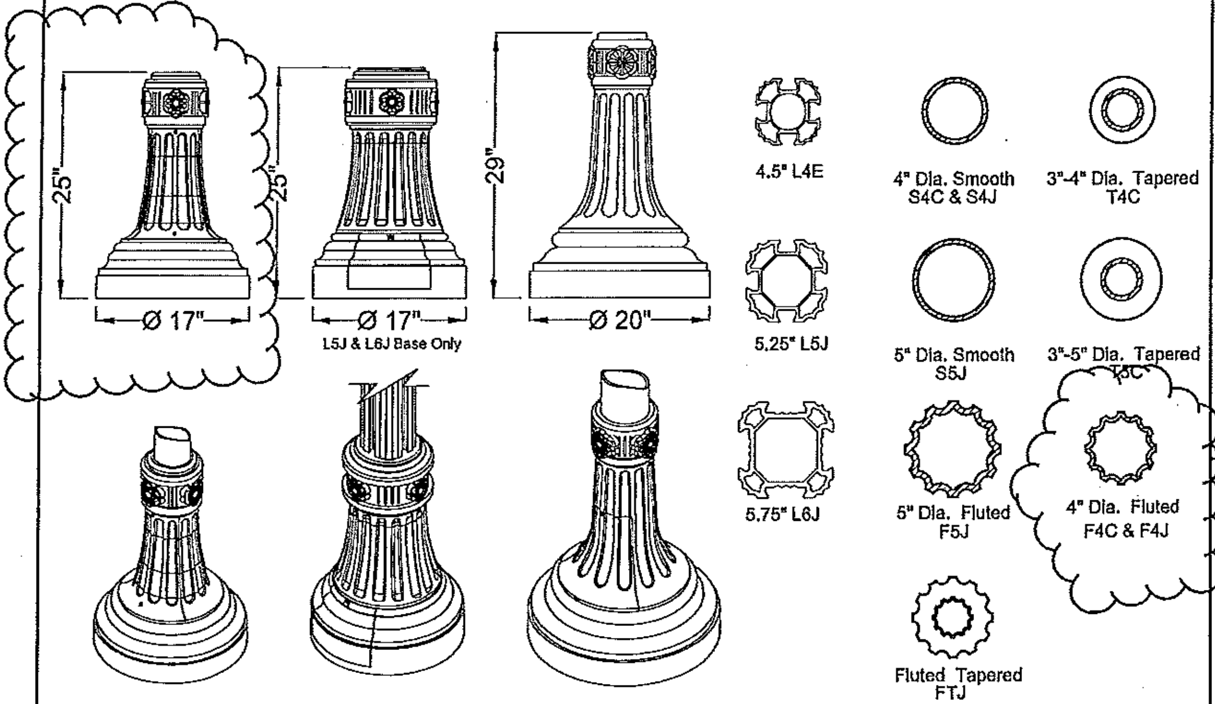
ORDER #:
TYPE:
DRAWN: KRW
DATE: 10/18/12
DWG #: LUM_GVDC




# NORTH YORKSHIRE™

## Aluminum Pole

Architectural Outdoor

## ORDERING INFORMATION:

| NY | A | 12 | F4J |
|---|---|---|---|
| Post | Material | Height | Shaft Style |

**Post**
- NY = North Yorkshire

**Material**
- A = Aluminum

**Height**

| | 17" Base FTJ | 20" Base FTJ |
|---|---|---|
| 08 = 8' | 09 = 8'-7" | 09 = 8'-11" |
| 09 = 9' | 11 = 10'-7" | 11 = 10'-11" |
| 10 = 10' | 13 = 12'-7" | 13 = 12'-11" |
| 11 = 11' | 14 = 14'-1" | 14 = 14'-5" |
| 12 = 12' | | |
| 13 = 13' | | |
| 14 = 14' | | |
| 16 = 16' | | |
| 18 = 18' | | |
| 20 = 20' | | |
| 22 = 22' | | |

**Shaft Style**
- FTJ = Fluted Tapered, .25 Wall
- F4C = 4" DIA. Fluted, .125 Wall
- F4J = 4" DIA. Fluted, .25 Wall
- F5J = 5" DIA. Fluted, .25 Wall
- L4E = SiteLink 4.5" Fluted, .156 Wall
- L5J = SiteLink 5.25" Fluted, .25 Wall
- L6J = SiteLink 5.75" Fluted, .25 Wall
- S4C = 4" DIA. Smooth, .125 Wall
- S4J = 4" DIA. Smooth, .25 Wall
- S5J = 5" DIA. Smooth, .25 Wall
- T4C = 3" to 4" DIA. Tapered, .125 Wall
- T5C = 3" to 5" DIA. Tapered, .125 Wall

| 17 | | ABG | BK |
|---|---|---|---|
| Base | Tenon | Mounting | Finish |

**Base**
- 17 = 17" Round (TMP-85) (L4E=TMP40008) (L5J & L6J = TMP40010)
- 20 = 20" Round (TMP-99)

**Tenon**
- P01 = POLE CAP
- P05 = 3" O.D. X 4" LG.
- P07 = 3" O.D. X 3" LG.
- P08 = 3" O.D. X 5" LG.
- P09 = 3" O.D. X 6" LG.
- P10 = 3" O.D. X 9" LG.
- P11 = 4.38 O.D. x 12" LG.
- P12 = 3" O.D. X 12" LG.
- P13 = 3" O.D. X 8" LG.
- P14 = 3" O.D. X 14" LG.
- P15 = 3.5" O.D. X 8" LG.
- P16 = 4.5" O.D. X 10" LG.
- PT1 = VGC Plate

(3" O.D. = ACTUAL SIZE IS 2.88" O.D.)

**Mounting**
- ABG = Anchor Bolts Galvanized Steel
- LAB = Less Anchor Bolts
- DBB = Direct Burial Base Galvanized Steel

**Finish**
- BK = Black
- BD = Dark Blue
- BZ = Bronze
- GH = Graphite
- GN = GREEN
- GR = Gray
- PP = Prime Painted
- SL = Silver
- WH = White

**Options**
- EXXXY² = Provision for eye bolt.
- LXXXY² = Large provision.
- RXXXY² = Receptacle provision.
- SXXXY² = Small provision.
- FGB = Receptacle inside base.

## SPECIFICATIONS

**DESCRIPTION**

The lighting post shall be all aluminum, one-piece construction, with a classic tapered and fluted base design.

**MATERIALS**

The base shall be heavy wall, cast aluminum produced from certified ASTM 356.1 ingot per ASTM B-179-95a or ASTM B26-95. The straight shafts shall be extruded from aluminum, ASTM 6061 alloy, heat treated to a T6 temper. The tapered shaft shall be extruded from aluminum, ASTM 6063 alloy, spun to a tapered shape, then heat treated to a T6 temper. All hardware shall be tamper resistant stainless steel. Anchor bolts to be completely hot dip galvanized.

**CONSTRUCTION**

The shaft shall be double welded to the base casting and shipped as one piece for maximum structural integrity. The shaft shall be welded inside the base casting at the top of the access door, and externally where the shaft exits the base. All welding shall be per ANSI/AWS

**DIMENSIONS**

The post shall be X'- XX" in height with a 17" or 20" diameter base. The shaft diameter shall be XX". At the top of the post, an integral tenon with a transitional donut shall be provided for luminaire mounting.

**INSTALLATION**

The post shall be provided with four, hot dip galvanized L-type anchor bolts. A door shall be provided in the base for anchorage and wiring access. A grounding screw shall be provided inside the base opposite the door.

² - Replace "XXX" with height from grade (inches), can be up to 3 digits. Must use whole numbers. Leading zeros are not used. Replace Y with orientation from hand hole (A=0, B=90, C=180, D=270). Add multiple provisions as necessary to cover each location. Must validate EPA restrictions for banners.

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LEADER IN LIGHTING SOLUTIONS
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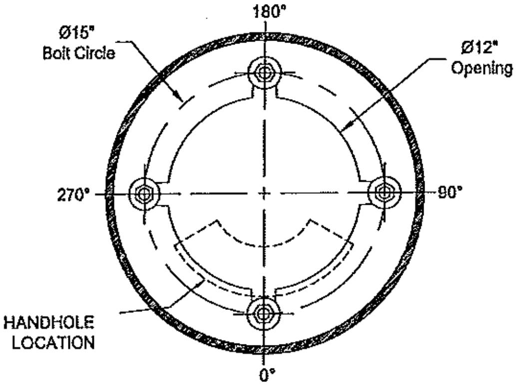
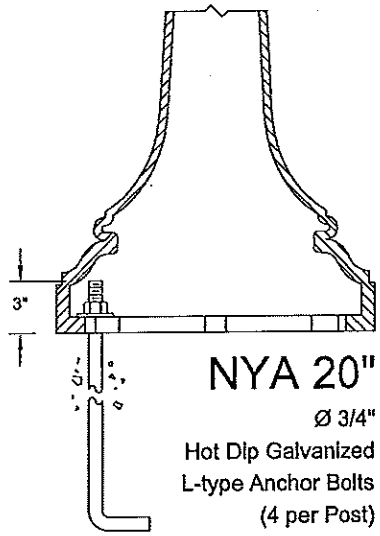
ORDER #:
TYPE:
DRAWN: KRW
DATE: 4/21/11
DWG #: POL_NYA
1 of 3

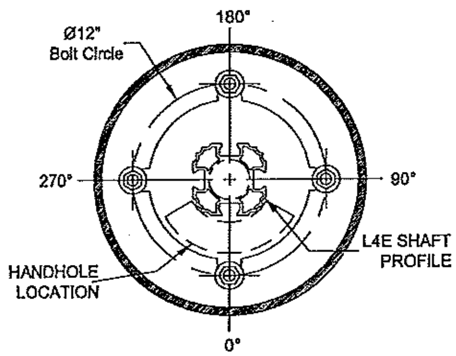
# ANCHORAGE GUIDE

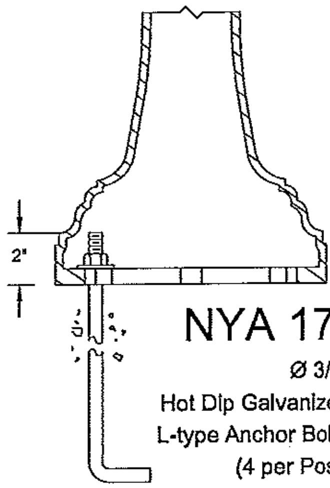



NYA 20"

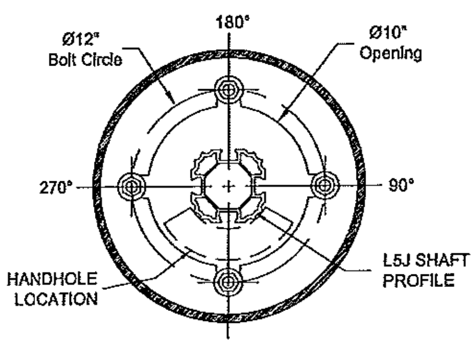
Ø 3/4"
Hot Dip Galvanized
L-type Anchor Bolts
(4 per Post)

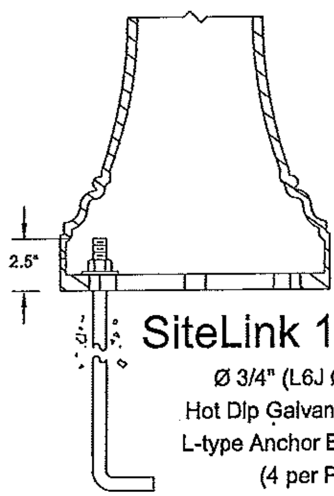



NYA 17"

Ø 3/4"
Hot Dip Galvanized
L-type Anchor Bolts
(4 per Post)




SiteLink 17"

Ø 3/4" (L6J Ø1")
Hot Dip Galvanized
L-type Anchor Bolts
(4 per Post)

NORTH YORKSHIRE™
Aluminum Pole

Architectural
Outdoor

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LEADER IN LIGHTING SOLUTIONS
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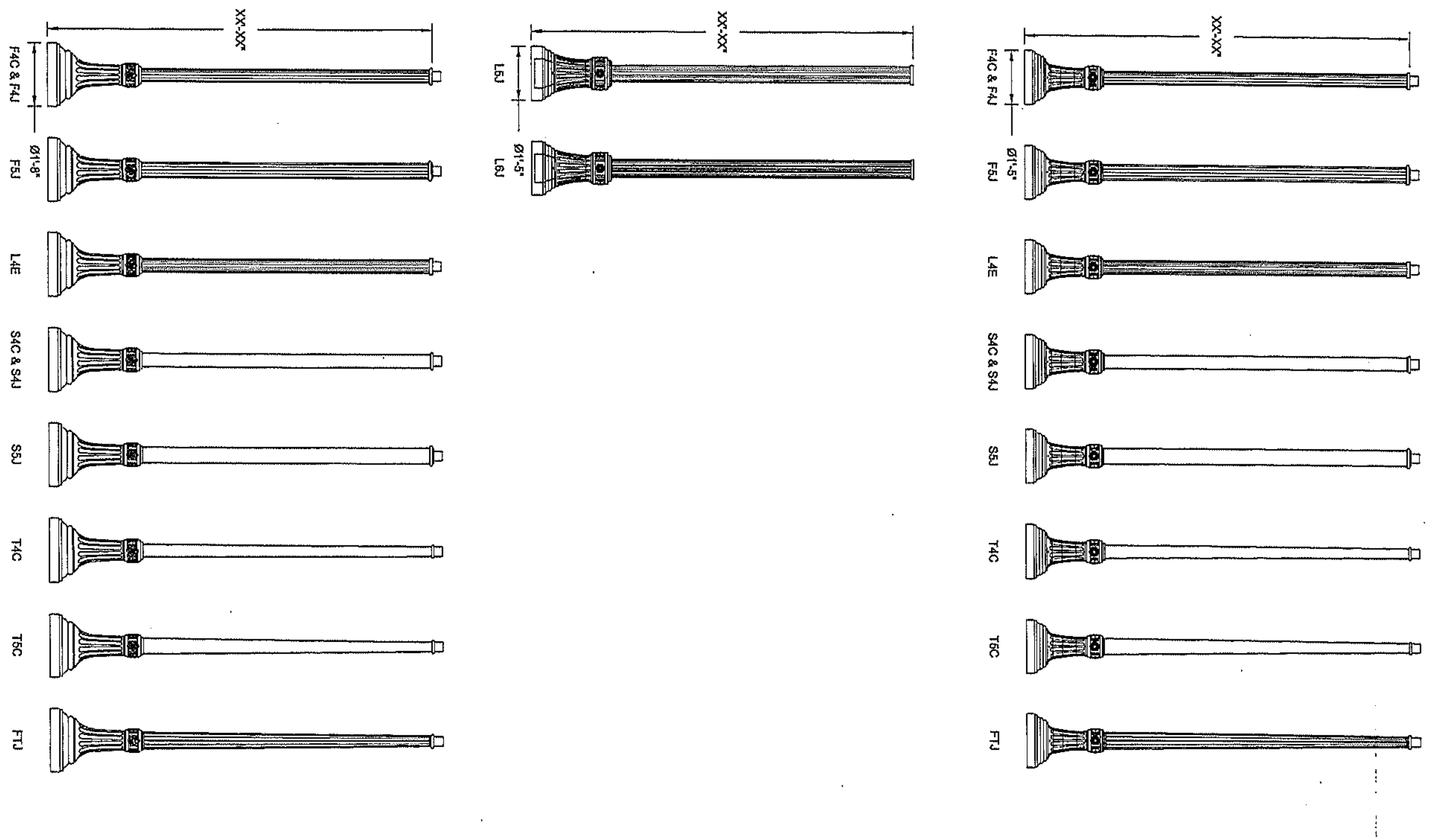
ORDER #:
TYPE:
DRAWN: KRW
DATE: 03/22/11
DWG #: POL_NYA

2 of 3

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| ORDER #: | |
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| DRAWN: | KRW |
| DATE: | 03/22/11 |
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3 of 3

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Architectural
Outdoor

# NORTH YORKSHIRE™
## Aluminum Pole

# EXHIBIT H

## HISTORY OF NEIGHBORHOOD COMMUNICATIONS

- H-1 – Meeting Notice (1/13/2011 meeting)
- H-2 – Meeting Notice (2/2/2011 meeting)
- H-3 – Neighborhood Communication (8/11/11) w/Fact Sheet (7/21/11)
- H-4 – Meeting Notice (8/20/12 meeting)
- H-5 – Neighborhood Communication (11/29/12) w/ Fact Sheet (6/8/12)

EXHIBIT H-1

# Arthur Avenue Enhancement Project Update

## Come and learn more about potential improvements to Arthur Avenue at an informational meeting.

## **Thursday, January 13, 2011 at 7:30pm**
## **Lakewood Public Library**

The following photos are of lantern fixtures that may be used in the lighting portion of the project if we proceed. Assuming the cost is the same, please indicate your style preference below.

LED lantern & pole with bands

Arthur Avenue has always been a coveted Lakewood address. Our wide tree lined street with stately turn of the century homes, situated close to the library and downtown make it a very desirable location. The residents of Arthur also make it special. This is a great neighborhood with wonderful traditions; a big block party, a children's Halloween party, Christmas luminaries, flags on patriotic holidays and more!

Time has been good to Arthur Avenue, but with age we've lost some of our charm and beauty. A few years ago, a group of concerned residents began to explore ways to reinvest in our street to help maintain property values and enhance the beauty and history of our neighborhood. In early May 2010, the Arthur Avenue Enhancement Committee was formed to discuss and research two potential enhancement projects; the reconstruction of the historical estate wall at Detroit Avenue and the replacement of the lighting system of the street.

The Arthur Avenue Enhancement Committee would like to present the findings of their research to all Arthur property owners at the January 13th informational meeting. We hope to share the information we have gathered, answer questions, and determine what steps should to be taken next. Below are some of the facts we will present.

- It was found that both improvements could be completed for reasonable cost if divided equally among the residents of Arthur Avenue (between Detroit and Hilliard)

EXHIBIT H-1

LED lantern & pole with no bands

Click here to vote for your favorite lantern style.

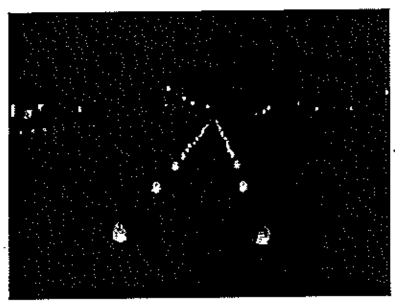
Know a neighbor we've missed?

Forward to a Friend

Join Our Mailing List!

- The City of Lakewood is aware and supportive of the potential project, if it is supported by the residents. Additionally, the City is able to lend the necessary funds through their bonding capacity. The funds would be paid back on a per resident basis over a 10-year period or in a lump sum (at the resident's option).
- If residents desire both projects (the historic wall reconstruction and replacement lighting) and complete a petition representing at least 60% of the property front footage of the street, the projects would move forward at the expense of the property owners, payable by a lump sum or through a 10 year special assessment.
- The cost is approximately $3,000 per resident if paid in full upfront or $30/month if applied to county property taxes over a 10-year period. ***A more detailed cost analysis will be provided at the public meeting on January 13th. The costs listed herein are conservative.***

## We've Always Been Known for Our Great Taste in Lighting!



Although we think of ourselves as trend setters here on Arthur, the idea of completing community improvement projects by forming a neighborhood alliance is not new. In our research, we found an excellent example of a neighborhood lighting project from Upper Arlington, Ohio. The brochure they developed for their residents explaining the approval and financing process will be available at the January 13th meeting.

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Lakewood Chamber of Commerce | 16017 Detroit Avenue | Lakewood | OH | 44107

EXHIBIT H-2

**Sean McDermott**

**From:** Sean McDermott [smcworm@hotmail.com]
**Sent:** Thursday, January 27, 2011 9:20 AM
**To:** Sean McDermott
**Subject:** FW: Arthur Avenue Neighborhood 2nd Meeting

---

Date: Wed, 26 Jan 2011 22:50:04 -0500
From: pryan@lakewoodchamber.org
To: smcworm@hotmail.com
Subject: Arthur Avenue Neighborhood 2nd Meeting

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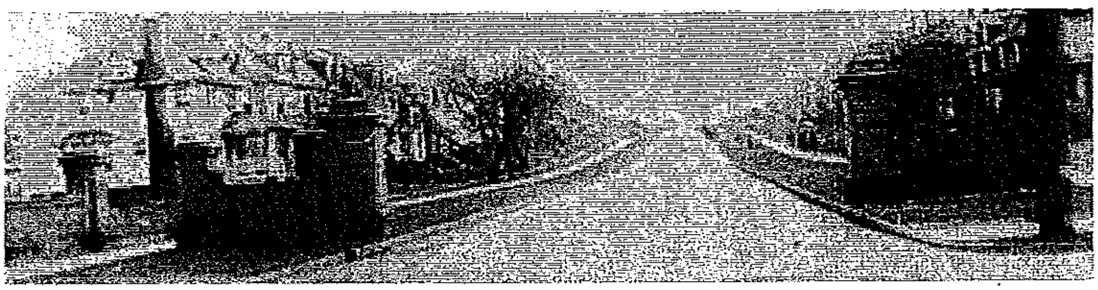
# Arthur Avenue Enhancement Project Update
# Second Informational Meeting



## Wednesday, February 2, 2011 at 7:30pm
## Lakewood Public Library

Know a neighbor we've missed?

Forward to a Friend

Join Our Mailing List!

Our first Arthur Avenue Enhancement Project meeting was well attended with 33 residents and 26 households in attendance. The meeting began with a brief history of the street, followed by presentations on both the rebuilding of the estate wall and the replacement of the street lights with historically accurate fixtures.

A lot of information was shared and many great questions were posed regarding location, safety, cost, maintenance, and the scope of the project. There were some questions that could not be addressed

**Arthur Historic Fun Fact**

Early Arthur Avenue homeowners urged the Lakewood school board to build the library at the head of

EXHIBIT H-2

their street. In 1914, they collected funds sufficient to buy the library's original lot -- 147 by 200 feet on the southeast corner -- from the estates of John C. Hall (Arthur's father) and Clara I. Murray. The cost was $8,885.

*from the book* ***Lakewood Lore*** *by Dan Chabek*

that evening without more research. We hope to have answers to these questions at next Wednesday's meeting.

If you were not able to attend the first meeting, we strongly encourage you to attend on February 2nd. This is your opportunity to ask questions and make suggestions and we need everyone's input. For the fact sheet that was shared at the first meeting just click here.

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EXHIBIT H-3

Dear Arthur Avenue Resident,

8/11/11

Efforts have been underway for the past many months to reduce the cost of the proposed historic street lighting project that has been considered for the street. It was decided after two resident meetings this past winter that there seemed to be more support on the street for the street lighting project than reconstruction of the former estate wall at Arthur and Detroit. Therefore, only the street lighting project has been proposed and pursued.

In order to pay for the cost of the lighting improvements the original idea was to assess each resident on the street equally to cover the entire cost of the project. A petition was circulated in the early spring that prompted positive response from many and reservation from some, as is understandable. The cost, if paid upfront, at the time was estimated at $2,419 per household. *Please keep in mind that this cost can be spread over a ten year period, with interest, and placed on your bi-annual taxes, if elected by you.*

The circulation of the petition was then postponed when CVS announced that they would be constructing a new store at the end of the street. During this time we (The Arthur Avenue Enhancement Committee) have been working on ways to reduce the cost of the project. We are glad to announce that we have been able to reduce the cost of the project by approximately $40,000. This cost reduction stems from the following:

- Holophane, the current lighting provider, has committed to providing FOUR FREE LIGHTS if the project moves forward relatively soon
- CVS will be installing lighting conduits along their frontage, providing a light base, pole, and light head, in addition to installing the lighting system disconnect enclosure and meter base. The light pole and head that CVS will provide will be put in storage until installation *(if project moves forward)*

This means that the estimated per resident cost has now been reduced from $2,419 per resident to **$1,831**, a reduction of nearly $600 per household.

The intent is to now continue circulation of the original petition. Due to the good number of signatures already collected on the original petition, it is easier to continue the signing of the original than start a new petition and have to recollect signatures. Please note that the original petition does depict the original higher cost ($2,419 per household). If we do collect enough signatures to go forward with the project it will be fully communicated to City Council that any resolution that they pass reflect the reduced costs discussed both herein and on the attached fact sheet. Please note that Ohio Revised Code allows for a 15% fluctuation in estimated costs on self assessments (see attached fact sheet).

We look forward to answering any questions that you have and hope that you find this information informing and clear. Although we do understand that this is a complicated process, so please feel free to contact anyone on the Enhancement Committee. The attached fact sheet includes the phone numbers of those on the committee. Also included herein is a petition (if you have not yet signed). If you would like to support the project please sign the petition and return it to a committee member.

Lastly, if indeed enough signatures are collected (75% participation goal) the project would likely occur next Spring. The assessment would likely be due in August 2012 or spread out from 2012 to 2022, depending upon your preference. Have a great summer!

Sincerely,

Arthur Avenue Enhancement Committee

Enclosures

Cc: Tom Bullock – City of Lakewood Council – Ward 2

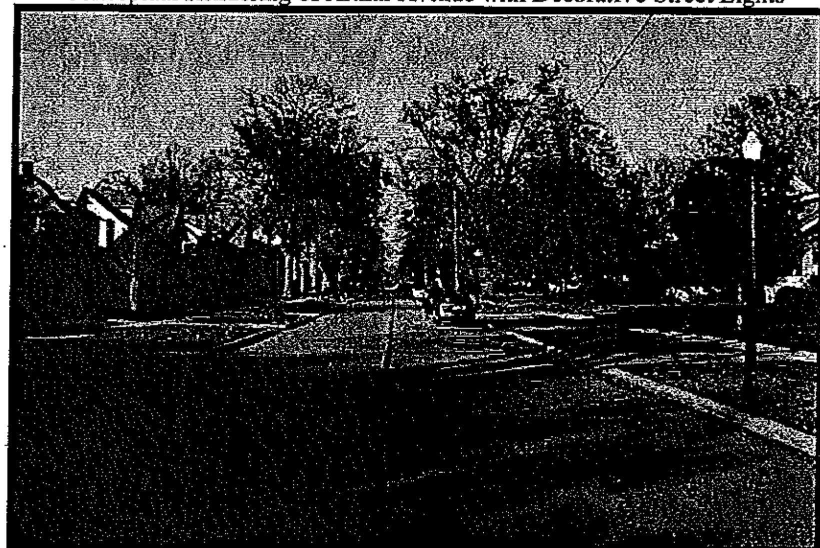
EXHIBIT H-3

7/21/11

# Arthur Avenue Enhancement Project
# LIGHTING PROJECT FACT SHEET

- The **Arthur Avenue Enhancement Committee** is a collection of Arthur residents that was formed to explore ways to improve our already great neighborhood. Through a series of public meetings it was determined to proceed with collecting signatures towards the implementation of a resident funded project to install new decorative street lights on Arthur Avenue from Detroit to Hilliard.

Conceptual Rendering of Arthur Avenue with Decorative Street Lights



- Benefits of the Decorative Lighting Project include:
  - Improved aesthetics
  - Community pride
  - Increase / stabilization of property values
  - Reinvestment in the neighborhood
  - Reinforce Arthur's history

- Decorative Neighborhood Street Lighting Facts
  - 9 Existing poles, lights, and overhead wires to be removed
  - New conduit and wire to be directionally buried
  - 14 Decorative metal poles to be installed (12-14' high)
  - New lights to be installed on both sides of street
  - New lights to utilize LED technology
  - City of Lakewood willing to maintain the new system
  - Construction will not disturb driveways or sidewalks

## Decorative Lighting Resident Investment Details

(Cost estimates herein are conservative)

•68 Arthur Avenue Residents
•$1,831 per Resident if Paid Upfront
REDUCED FROM $2,419
•$2,227 per Resident if Paid Over 10 years*
REDUCED FROM $3,009
–*Market bond interest rates and 1% auditor fee will apply
•$19 per Month per Resident if Paid Via Taxes
• Assessment "Runs with the land"
• Petition allows for a 15% maximum increase in the above costs per Ohio Law

## The Process

1. Residents Sign Self Assessment Petition
–Law requires 60% of owners to sign
–75% participation desired
- If petition is successful all residents to pay assessment equally
2. Lakewood City Council Passes "Resolution of Necessity"
3. Project Bid
4. Council Accepts Bid, Awards Project, and Passes "Assessment" Ordinance
5. Construction Commences
6. Final Costs Calculated
7. Residents Given Options to Pay in 1st Year of Assessment
- Up Front Lump Sum ($1,831*)
- 1/10th of Cost Up Front (plus interest in later years)
- Defer to Bi-Annual Taxes ($19/month)
8. Assessment Cycle Repeats for 4+/- Years
9. Assessment "Locks In" in Year 5+/- Due to Bonding Through Year 10

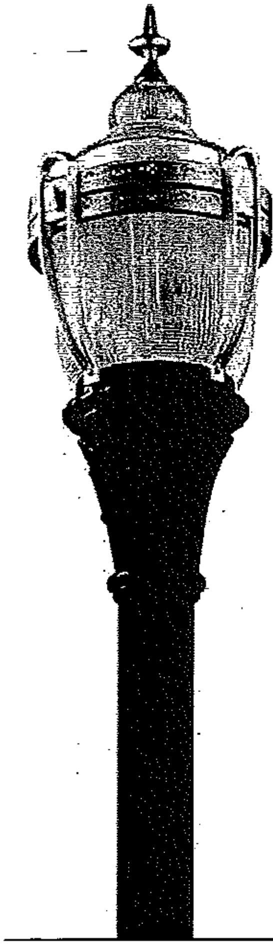
## Total Project Cost

$124,500
Reduced from $164,500
Due to CVS improvements and 4 free lights from Holophane

Please feel free to contact anyone on the committee if you have questions or would like to assist in the efforts.

| Name | Arthur Address | Phone |
|---|---|---|
| Cory Bruaw | 1446 | 216-334-4853 |
| Rolly Standish | 1582 | 216-236-8022 |
| Patty Ryan | 1522 | 216-233-0767 |
| Jim Ryan | 1522 | |
| Maureen Jamieson | 1606 | 216-410-1042 |
| Bill Craighead | 1586 | 216-773-0326 |
| Sean McDermott | 1490 | 440-452-8765 |
| Andy Bodi | 1436 | |

EXHIBIT H-4



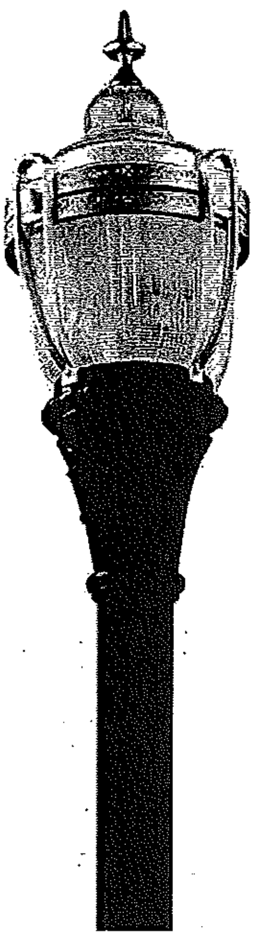
# Arthur Avenue Enhancement Project

8/12/12

## LIGHTING PROJECT UPDATE

- Please join us for a **Neighborhood Meeting on Monday, August 20th, 2012** in the library multi-purpose room at 7:00 p.m.
- We will be discussing how the cost to bring decorative historical lights to Arthur Avenue (and remove the overhead wires) has been **reduced by $40,000.**
- A renewed effort is now underway to collect signatures and a new petition will be available to sign at the meeting.
- Detailed information will be distributed at the meeting.
- The petition and assessment process will be fully explained and any questions you have will be answered.

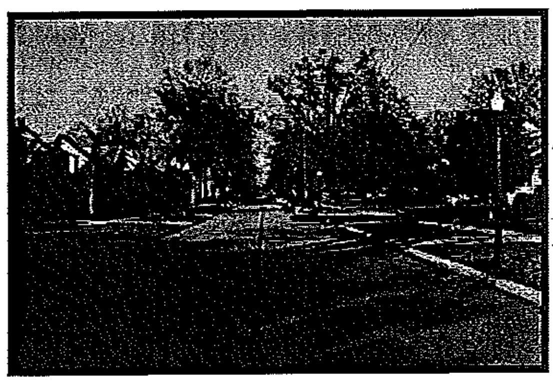
Please contact Sean McDermott with any questions at (440) 452-8765




Arthur Avenue Enhancement Project

8/12/12

LIGHTING PROJECT UPDATE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- We will be discussing how the cost to bring decorative historical lights to Arthur Avenue (and remove the overhead wires) has been **reduced by $40,000.**
- A renewed effort is now underway to collect signatures and a new petition will be available to sign at the meeting.
- Detailed information will be distributed at the meeting.
- The petition and assessment process will be fully explained and any questions you have will be answered.

Please contact Sean McDermott with any questions at (440) 452-8765

EXHIBIT H-5

Dear Arthur Neighbor, 11/29/12

Collective efforts have been underway for nearly 2-1/2 years to bring further improvements to our already fantastic street. Starting in 2010 meetings were held to discuss potential improvements that included re-construction of a former gateway at Detroit Avenue and the installation of historically correct street lighting, as we are no-doubt a street rich with history.

A look back in history shows that a streetwide effort brought the library to the foot of Arthur Avenue in 1916 and in the 1950's residents gathered against the power company who wanted to bring additional aerial power lines down the tree lawns. Today neighborhood traditions continue of block parties, lining the street on national holidays with flags (Thank you Bodi's!) and Christmas Eve luminaries.

We look to continue the tradition of Arthur residents investing in and protecting their neighborhood with the neighborhood street lighting project. The project consists of the removal of the existing standard issue "cobra head" street lights and aerial wires and replaces the lights with historically accurate lights and decorative poles fed by underground wires. Installation of the wires will be directionally bored, as to minimize disruption and not require repair of driveway aprons or sidewalks. The lights proposed for the street will be nearly identical to the new decorative lights installed in front of the renovated Lakewood Plaza (Drug Mart).

**We are happy to share that 65% of Arthur neighbors have signed a petition to bring the historical lighting to the street!** Efforts have been underway and ongoing since late August to collect signatures on the current petition. With just a few more signatures we will bring the project forward to City Council. Although the legal threshold of 60% has been exceeded we have yet to receive responses from several neighbors.

Cost, understandably, has been the highest concern topic of the streetlight project. Since 2010 we have been researching ways to reduce the cost of the self funded project and make it as affordable as possible. By working with both CVS Pharmacy and the lighting vendor we have brought the cost down by $40,000. During CVS construction, they funded installation of underground conduits, a disconnect cabinet, meter base, light pole base, and purchased and stored a light and light pole. Some of the aboveground improvements are visible on their parcel and we thank them for their valuable contributions. Addtionally, we have worked out a deal with the lighting vendor for 4 free lights.

The upfront estimated cost per resident is $1,831. You have the option to pay the upfront cost or spread the cost over ten years and have it placed on your tax bill. If you choose to spread out the cost and already pay your taxes through your mortgage the estimated payment averages $19 a month. *(Initial figures shared in 2010 estimated the cost at $30 a month, please note the reduction)* If the project were to commence in Spring 2013 the upfront estimated cost of $1,831 would likely be due in September of 2013. If you choose to spread out payment of the assessment you likely would not see it show up on your tax bill or in your mortgage until 2014 since our taxes are paid in arrears.

The main purpose of this letter is to inform each and every neighbor of the current state of the project. Secondly, we would like to put forth a deadline for you to get in contact with us, if you have not already done so. In an effort to assure that each neighbor has been provided the necessary information to make an informed decision we have again included the fact sheet on the back side of this letter. We ask that if you have not already signed the petition, or let your intentions be known that you wish not to sign the petition, that you please do so by December 17th. Please contact Sean McDermott at 440-452-8765 or smcdermott@zarembagroup.com. Following the December 17th petition deadline the committee will reconvene and communicate the outcome to the street following the New Year.

We hope that you consider signing the petition if you have not already done so. The investment that we make today on our street can pay off for future generations and families, while acting as a model for the City of Lakewood and building on the millions of dollars that has been invested on Detroit Avenue over the past 8 years.

Sincerely,

Arthur Avenue Enhancement Committee

P.S. Don't forget to tune into the Hallmark Channel for The Christmas Heart on Dec. 2nd at 8:00. It has special meaning to Arthur Ave.

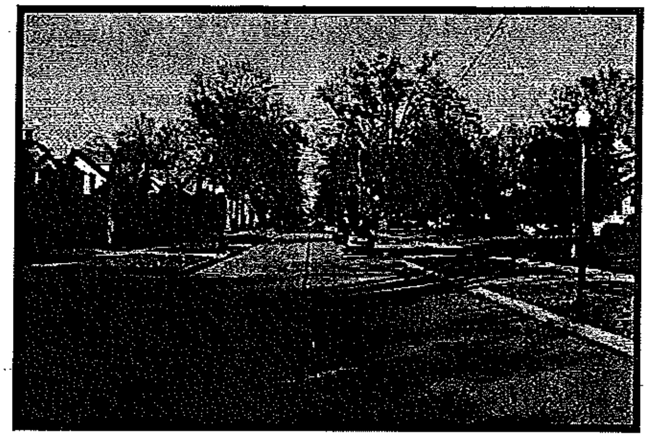
EXHIBIT H-5

# Arthur Avenue Enhancement Project

6/8/12

## LIGHTING PROJECT FACT SHEET

- The **Arthur Avenue Enhancement Committee** is a collection of Arthur residents that was formed to explore ways to improve our already great neighborhood. Through a series of public meetings in early 2011 it was determined to proceed with collecting signatures towards the implementation of a resident funded project to install new decorative street lights on Arthur Avenue from Detroit to Hilliard. That effort was suspended following the announcement of the construction of a new CVS at the north end of the street.
- A renewed effort has now been undertaken to collect the necessary signatures to proceed with the project.
- **The cost of the project has been reduced by $40,000 since early 2011 due to CVS' contributions, lighting vendor negotiations, and LED technology advances. *That's a reduction of $588 per household!***



Conceptual Rendering of Arthur Avenue with Decorative Street Lights

- Benefits of the Decorative Lighting Project include:
  - Reinforce Arthur's history while increasing / stabilizing property values
  - Provide for reinvestment in the neighborhood and leverage recent investments on Detroit Ave
- Decorative Neighborhood Street Lighting Facts
  - 9 Existing poles, lights, and overhead wires to be removed
  - New conduit and wire to be directionally buried
  - 14 Decorative metal poles to be installed (12' high)
  - New lights to be installed on both sides of street
  - New lights to utilize LED technology
  - City of Lakewood willing to maintain the new system
  - Construction will not disturb driveways or sidewalks

### Decorative Lighting Resident Investment Details

- 68 Arthur Avenue Residents
- $1,831 per Resident if Paid Upfront **REDUCED FROM $2,419**
- $2,227 per Resident if Paid Over 10 years*
  –*Market bond interest rates and 1% fiscal officer fee will apply
- $19 per Month per Resident if Paid Via Taxes in mortgage ($114/half yr)
- Assessment "Runs with the land"
- Petition allows for a 15% maximum increase in the above costs per Ohio Law

The Process

1. Residents Sign Self Assessment Petition
   –Law requires 60% of owners to sign
   **–75% participation desired**
   - If petition is successful all residents to pay assessment equally
2. Lakewood City Council Passes "Resolution of Necessity"
3. Project Bid
4. Council Accepts Bid, Awards Project, and Passes "Assessment" Ordinance
5. Construction Commences
6. Final Costs Calculated
7. Residents Given Options to Pay in 1st Year of Assessment
   - Up Front Lump Sum ($1,831*)
   - 1/10th of Cost Up Front (plus interest)
   - Defer to Bi-Annual Taxes (avg $19/month)($114/half)
8. Assessment Cycle Repeats from years 2 to 10 (with minor adjustments if city consolidates bonds)

Total Project Cost

$124,500 Reduced from $164,500 Due to CVS improvements and 4 free lights from Holophane

Please feel free to contact anyone on the committee if you have questions or would like to assist in the efforts.

| Name | Arthur Address | Phone |
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| Jim Ryan | 1522 | 216-533-0864 |
| Maureen Jamieson | 1606 | 216-410-1042 |
| Bill Craighead | 1586 | 216-773-0326 |
| Sean McDermott | 1490 | 440-452-8765 |

RESOLUTION NO. 8642-13 BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, declaring it necessary to improve Arthur Avenue (from Detroit Avenue to Hilliard Road) by replacing the existing street lighting system and installing decorative lighting fixtures and associated infrastructure including the necessary removal of existing utility poles and overhead wires and associated appurtenances and the installation of underground conduits, lampposts, lighting fixtures, electrical transmission devices and controls, together with the performance of any necessary tree lawn repair, and including all necessary appurtenances thereto.

WHEREAS, a majority of residential property owners of Arthur Avenue between Detroit Avenue and Hilliard Road wish to have the street improved as described above it the title of this resolution and have demonstrated such through the signing of a petition in support of self-assessment for the cost associated with such; and

WHEREAS, the City desires to assist the property owners of that section of Arthur Avenue by making these improvements and permitting the property owners the benefit of paying for these improvements by way of special assessment; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the 2013 construction season is upon us; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. It is necessary to improve Arthur Avenue (from Detroit Avenue to Hilliard Road) in the City of Lakewood.

Section 2. Said section of Arthur Avenue shall be improved in accordance with specifications hereinafter referred to and now on file in the office of the Engineering Division, including the installation of decorative lighting fixtures and associated infrastructure including the necessary removal of existing utility poles and overhead wires and associated appurtenances and the installation of underground conduits, lampposts, lighting fixtures, electrical transmission devices and controls, together with the performance of any necessary tree lawn repair, and including all necessary appurtenances thereto.

Section 3. It is hereby determined and declared that said improvement is conducive to the public health, convenience and welfare of said City and the inhabitants thereof.

Section 4. The plans, specifications and estimates of the proposed improvements heretofore prepared and now on file in the office of the City Engineer are hereby approved.

Section 5. Council hereby determines that the 68 residential lots and lands abounding and abutting upon the proposed improvements are specially benefited by said improvements and shall be assessed equally, that is, in proportion to the benefits which may result from the improvements. The assessments shall cover no more than 49/50ths of the entire actual cost of engineering of, site preparation for and construction of said improvements and include the cost of preliminary and other surveys; publishing notices, resolutions and ordinances; the amount of damages resulting from the improvement assessed in favor of any owner of land affected by the improvement; the preparation, levy, and collection of the special assessments; the cost of purchasing, appropriating and otherwise acquiring labor and material; together with all other necessary expenditures, such total amount of the assessment not to exceed $150,000 and being hereby determined to be equal to the special benefit derived by the 68 residential lots and lands so abounding and abutting these improvements.

Section 6. The Clerk of Council is hereby directed to deliver a certified copy of this resolution to the Director of Finance of the City.

Section 7. Pursuant to Section 3 of Article XVI of the Second Amended Charter of the City, the Director of Finance is hereby authorized and directed to prepare and file with this Council the estimated assessments of the cost of the improvement described in this resolution. When such estimated assessments have been so filed, said Director of Finance shall cause notice of the adoption of this resolution and the filing of said estimated assessments to be made as provided in said Article XVI.

Section 8. The assessments to be levied shall be paid in 20 equal and consecutive semi-annual installments as provided herein, provided that the owner of any property assessed may, at his, her or its option, pay such assessment in whole within 30 days after initial receipt of the City's invoice.

Section 9. When an owner of any property assessed elects to pay said assessment via installments as described above, additional fees and charges such as those imposed by the Cuyahoga County Fiscal Officer for special assessments shall be borne by said property owner.

Section 10. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 11. This resolution is hereby declared to be an emergency measure for the reasons stated in the preamble hereof, and provided it receives the affirmative vote of at least five members of Council it shall take effect and be in force immediately upon its adoption and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted:______________________________ 

______________________________
President

______________________________
Clerk

Approved: ______________________________

______________________________
Mayor

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Lakewood City Council
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MARY LOUISE MADIGAN, VICE PRESIDENT

**Council at Large**
RYAN P. NOWLIN
BRIAN E. POWERS
MONIQUE SMITH

**Ward Council**
DAVID W. ANDERSON, WARD 1
THOMAS R. BULLOCK III, WARD 2
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

March 18, 2013

Lakewood City Council
Lakewood, OH 44107

Re: Defining Quadricyle

Dear Members of Council:

As you know, the Public Safety Committee recently met to discuss the Lakewood Municipal Court decision regarding quadricycles. Judge Carroll's decision rightly noted that these four-wheeled self-propelled vehicles are not statutorily defined in our Codified Ordinances. As we continue to discuss how quadricycles should be treated under City law, some initial steps may be to actually define what quadricycles are, and to consider some ways to ensure that the operators and passengers of quadricycles (and those sharing the road with such vehicles) are kept safe on our streets.

Please refer this proposed ordinance to the Public Safety Committee for further discussion.

Respectfully submitted,

Ryan P. Nowlin, Chair
David Anderson, Shawn Juris; Members
PUBLIC SAFETY COMMITTEE

ORDINANCE NO. 7-13 BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Section 301.04, Bicycle; Motorized Bicycle; Section 373.02, Riding upon Seats; Handle Bars; Helmets and Glasses; Section 373.04, Riding Bicycles and Motorcycles Abreast; Section 373.06, Lights and Reflector on Bicycle; Brakes; and Section 373.10, Riding on Sidewalk, of the Codified Ordinances of the City of Lakewood to define and regulate the operation of bicycles.

WHEREAS, the types of vehicles resembling those traditionally defined as bicycles that are being manufactured and put into use on roadways has increased; and

WHEREAS, absent guidance in state code, the Traffic Code within the Codified Ordinances stands to be modified in order to recognize and accommodate these types of vehicles; and

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

WHEREAS, this Council by a vote of at least five members thereof determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary to provide for the usual daily operation of municipal departments in that new bicycle-related vehicles are currently in operation on City streets; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 301.04, Bicycle; Motorized Bicycle, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**301.04 BICYCLE; MOTORIZED BICYCLE.**

(a) "Bicycle" means every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power, upon which any person may ride having two tandem wheels or one wheel in the front and two wheels in the rear or two wheels in the front and one wheel in the rear, any of which is more than fourteen inches in diameter.

(b) "Motorized bicycle" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.

shall be and hereby is amended to read as follows:

**301.04 BICYCLE; MOTORIZED BICYCLE.**

(a) "Bicycle" means every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power, upon which any person may ride having ~~two tandem~~ <u>one or more</u> wheels ~~or one wheel in the front and two wheels in the rear or two wheels in the front and one wheel in the rear, any of which is more than fourteen inches in diameter.~~

...

Section 2. Section 373.02, Riding upon Seats; Handle Bars; Helmets and Glasses, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**373.02 RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES.**

(a) For purposes of this section "snowmobile" has the same meaning as given that term in Ohio R.C 4519.01.

(b) No person operating a bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle other than upon such a firmly attached and regular seat.

(c) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.

(d) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.

(e) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

(f) No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.

(g) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall any motorcycle be operated on a highway when the handle bars or grips are more than fifteen inches higher than the seat or saddle for the operator.

(h) No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.

(i) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

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

shall be and hereby is amended to read as follows:

**373.02 RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES.**

...

(i) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children, is equipped with appropriate manufacturer-designed restraints and is firmly attached to the bicycle.

...

Section 3. Section 373.04, Riding Bicycles and Motorcycles Abreast, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.**

(a) Persons riding bicycles or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.

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

shall be and hereby is amended to read as follows:

**373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.**

(a) <u>Persons riding bicycles wider than the customary widths of two-wheeled bicycles upon a roadway shall ride not more than one abreast in a single lane.</u> Persons riding bicycles or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.

...

Section 4. Section 373.06, Lights and Reflector on Bicycle; Brakes, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**SECTION 373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.**

(a) Every bicycle when in use at the times specified in Section 337.02, shall be equipped with the following:

(1) A lamp mounted on the front of either the bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.

(2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(3) A lamp emitting either flashing or steady red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector;

If the red lamp performs as a reflector in that it is visible as specified in subsection (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

(b) Additional lamps and reflectors may be used in addition to those required under subsection (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle.

(c) Every bicycle shall be equipped with an adequate brake when used on a street or highway.

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

shall be and hereby is amended to read as follows:

**SECTION 373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.**

...

(b) Additional lamps and reflectors may be used in addition to those required under subsection (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle. <u>The Director of Public Safety may in his or her discretion and in writing require additional lamps and reflectors to be affixed to any bicycle depending on such factors as its size in relation to other bicycles and vehicles.</u>

...

Section 5. Section 373.10, Riding on Sidewalk, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**373.10 RIDING ON SIDEWALK.**

(a) Except as provided in subsection (b) below, it shall be legal to operate a bicycle upon a sidewalk when sidewalks are available and not congested with pedestrian traffic. If the sidewalk is congested with pedestrian traffic, any bicycle operator using the sidewalk shall walk the bicycle. At no time shall a bicyclist under the age of eight years operate a bicycle on Berea Road; Detroit Avenue; Madison Avenue; Warren Road between Franklin Boulevard and Detroit Avenue; or West 117 Street, unless while under the supervision of an adult.

(b) No person shall ride a bicycle upon a sidewalk, upon or along which signs have been erected by authority of the Director of Public Safety prohibiting such bicycle riding.

(c) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. This audible signal may be given by the voice or by a bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as not to startle person or persons being overtaken and passed.

(d) A person operating a bicycle upon a sidewalk, before overtaking and passing a blind person carrying a white cane or guided by a dog, shall dismount and overtake or pass on foot, if necessary for safety.

(e) A person shall not operate a bicycle from a sidewalk so as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

(f) No person shall operate a bicycle on a sidewalk at a speed greater than an ordinary walk when approaching or entering a crosswalk or approaching or crossing a driveway if a vehicle is approaching the crosswalk or driveway. This paragraph does not require reduced speeds for bicycles when other vehicles are not present.

shall be and hereby is amended to read as follows:

**373.10 RIDING ON SIDEWALK.**

...

(b) No person shall ride a bicycle upon a sidewalk, upon or along which signs have been erected by authority of the Director of Public Safety prohibiting such bicycle riding<u>; or if the bicycle is wider than the customary widths of two-wheeled bicycles</u>.

...

Section 6. 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 7. This ordinance is hereby declared to be an emergency measure necessary for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: ______________________ ______________________
President of Council

______________________
Clerk of Council

Approved: ______________________ ______________________
Mayor

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MARY LOUISE MADIGAN, VICE PRESIDENT

**Council at Large**
RYAN P. NOWLIN
BRIAN E. POWERS
MONIQUE SMITH

**Ward Council**
DAVID W. ANDERSON, WARD 1
THOMAS R. BULLOCK III, WARD 2
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

March 18, 2013

Lakewood City Council
Lakewood, Ohio 44107

Hello:

The Housing Committee met at 5:30 p.m. on Monday, March 11, 2013. I was joined by Councilwoman Smith, Director Siley, the council liaison, Hilary Schickler of Lakewood Alive and a member of the public.

The first discussion item on the docket was a recap of the Federal Neighborhood Stabilization Program which first became available in 2009 and will ultimately result in eight rehab and two new house projects. In general, the administration's strategy to utilize this program has invigorated the rehabilitation of foreclosed and abandoned housing, and created new housing, for the benefit of neighbors, residents, the city and the school district. Specifically, the following points were derived from the reports provided by Director Siley.

- Five specific properties have been acquired, rehabbed and sold – 1598 Wyandotte, two blocks east of Lakewood High School; 1300 Andrews, just north of Kauffman Park; 1269 Westlake, border of Wards 1 and 2, just north of the railroad tracks; 1459 Lakewood, between Detroit and Franklin and; 1301 Cranford, one block east of the Westlake property.
- A sixth property, 2060 Marlowe, is on the market and has received a purchase offer.
- The seventh and eighth projects are two new homes being built in partnership with the Greater Cleveland Habitat for Humanity and are 2070 Dowd and 1549 Lakewood.
- The rehab project at 1195 Gladys is 75 percent complete.
- The rehab project at 1337 Hall will commence next month.

Also since 2009, funds from NSP and three other sources were used to demolish 19 properties (13 with NSP funds, two via CDBG, three via general funds and one by way of L. B. non Federal).

So, as a composite:

| Ward | Demo | Rehab/New |
|---|---|---|
| 1 | 4 | 1 |
| 2 | 2 | 4 |
| 3 | 1 | 2 |
| 4 | 12 | 3 |

Moving into the second point of discussion, an update on Housing Forward, the administration reported that 1,741 properties were identified throughout the city in March of 2012 as having a rating of three, the next to worst condition. As of November 2012 this number had dropped to 910 as a result of a focused effort to gain the attention of these homeowners and support repair projects through tough love or various other resources. These remaining 900 will receive additional communication from the city within the next two months.

Also noted was the fact that Lakewood has around 40 properties in the worst designation of four. It appears that half of these are in the hands of rehab contractors but I look to have a location and status report available to Council in the near future.

Comment was rightly made regarding the concern that a rating of two seemed to include a wide range of condition. We do not want to see occasions where a number of these properties slip backwards in rating and perhaps additional attention can be paid to this possible shift.

Director Siley then spoke about the various home repair financing programs available in the community. He mentioned the Heritage Home Loan program which offers 1.4% loan terms through Key and First Federal Lakewood. The program has recently loosened its funding restrictions and working on building interest. The HELP program through the County has no income restrictions. Director Siley explained that information on other programs was available on the Department website.

In conclusion, I find it important to note that progress on this front is due to many factors including the administration's dogged pursuit of Federal awards, its persistence with our homeowners along with Council's willingness to support the strategy by tightening and strengthening ordinances that can be used as tools. (Council's work to enhance nuisance codes comes to mind.)

However, moving ahead, Lakewood still has 185 REO properties available today including some of the 40 or so with ratings of four. It is not hard to imagine that the city will have to deal with many of these properties in some form or fashion similar to what has been done since 2009. This time, though, the days of waiting for Washington, which helped create the situation, or Columbus to react and provide meaningful resources are over. It really is up to us here in this chamber and beyond to continue to take charge of our housing strategy and ensure that all neighborhoods meet or exceed their full potential. As such, please look for more work on these issues from the Housing Committee and this member of council in particular to continue to invigorate the capacity of the REO rehab industry and truly stabilize and grow neighborhoods.

Yours in service,

David W. Anderson
Councilman, Ward 1

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SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

March 18, 2013

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

**Re: Appointment of JT Neuffer to The Citizens Advisory Committee**

Dear Members of Council:

This letter is to announce my re-appointment of JT Neuffer to the Citizens Advisory Committee for fiscal year 2013.

His willingness to volunteer his time and contributions to the important work of the CAC during his first term are greatly appreciated. The city of Lakewood is fortunate to have citizens like Mr. Neuffer, who are willing to become engaged in these critical tasks.

Sincerely,

Shawn Juris
Councilmember, Ward 3

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MARY LOUISE MADIGAN, WARD 4

March 18, 2013

Lakewood City Council
Lakewood, Ohio 44107

**Re: Re-appointment of John Mitterholzer to the Citizens Advisory Committee**

Dear Fellow Members of Council:

Let this correspondence confirm my re-appointment of John Mitterholzer to the Citizens Advisory Committee, with a term ending February 28, 2014.

Sincerely,

Ryan P. Nowlin
Councilmember at Large

12650 DETROIT AVENUE • 44107 • 216/521-7580• fax 216/529-5652
Website: www.onelakewood.com

MICHAEL SUMMERS
MAYOR

March 18, 2013

Lakewood City Council
Lakewood, Ohio 44107

Dear Members of Council:

Re: *Mayoral appointment to the Audit Committee*

It is with great pleasure that I announce my appointment of Christopher J. Connell to the City of Lakewood Audit Committee. His term will begin immediately and expire on December 31, 2013.

I am grateful that this fine Lakewood citizen is willing to volunteer his time, energy and knowledge to improve the quality of our community. I am confident that he will bring commitment, prudence and enthusiasm to this important responsibility.

Sincerely,

Michael P. Summers/ab

Michael P. Summers

KEVIN M. BUTLER
DIRECTOR OF LAW

PAMELA L. ROESSNER
CHIEF PROSECUTOR

JENNIFER L. MLADEK
ASSISTANT LAW DIRECTOR

ASHLEY L. BELZER
ASSISTANT PROSECUTOR/
ASSISTANT LAW DIRECTOR

**LAW DEPARTMENT**
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www.onelakewood.com
law@lakewoodoh.net

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

March 18, 2013

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

**Re: Resolution ratifying one-year extension of collective bargaining agreements with the IAFF Local 382 (Lakewood Association of Firefighters) and the OPBA Corrections Officer Unit**

Dear Members of Council:

The International Association of Firefighters Local 382 (Lakewood Association of Firefighters) and the Ohio Patrolmen's Benevolent Association Corrections Officer Unit have agreed to an extension of their existing collective bargaining agreements with the city through December 31, 2013. Six of seven bargaining units have now agreed to extensions through the end of 2013.

Please find attached two resolutions that, if adopted, would ratify the extensions and permit the administration to enter into agreements memorializing their terms.

The resolutions are ready for adoption this evening but may be referred to committee for further review.

Very truly yours,

Kevin M. Butler

RESOLUTION NO. 8643-13 BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Lakewood Association of Firefighters, IAFF Local 382, for a one-year period commencing upon the date of ratification and ending December 31, 2013.

WHEREAS, the administration has conducted extensive negotiations with the Lakewood Association of Firefighters, IAFF Local 382 (the "Union") as the bargaining representative for certain employees of the City; and

WHEREAS, such negotiations have provided a tentative agreement between the parties for the year 2013; and

WHEREAS, Council and the administration have reviewed such proposal and do desire to ratify and adopt such agreement; and

WHEREAS, this Council by a vote of at least five members thereof determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it provides for the usual daily operation of municipal departments in that until this agreement is executed, the employees in the Union will continue employment under the current agreement, which expired December 31, 2012; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council hereby ratifies and authorizes the Mayor to enter into an Agreement for a one-year period with the Union, on behalf of certain employees of the City, commencing upon the date of ratification and ending December 31, 2013; the agreement shall be on file in the office of the Director of Law.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in 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.

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

Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: ______________________

______________________________
President of Council

______________________________
Clerk of Council

Approved: ______________________

______________________________
Mayor

RESOLUTION NO. 8644-13 BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, ratifying and authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Ohio Patrolmen's Benevolent Association Corrections Officer Unit for a one-year period commencing upon the date of ratification and ending December 31, 2013.

WHEREAS, the administration has conducted extensive negotiations with the Ohio Patrolmen's Benevolent Association Corrections Officer Unit (the "Union") as the bargaining representative for certain employees of the City; and

WHEREAS, such negotiations have provided a tentative agreement between the parties for the year 2013; and

WHEREAS, Council and the administration have reviewed such proposal and do desire to ratify and adopt such agreement; and

WHEREAS, this Council by a vote of at least five members thereof determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it provides for the usual daily operation of municipal departments in that until this agreement is executed, the employees in the Union will continue employment under the current agreement, which expired February 28, 2013; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council hereby ratifies and authorizes the Mayor to enter into an Agreement for a one-year period with the Union, on behalf of certain employees of the City, commencing upon the date of ratification and ending December 31, 2013; the agreement shall be on file in the office of the Director of Law.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in 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.

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

Adopted: ____________________  ______________________________
President of Council

______________________________
Clerk of Council

Approved: ____________________  ______________________________
Mayor

DEPARTMENT OF PLANNING & DEVELOPMENT
DRU SILEY, DIRECTOR

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

March 11, 2013

Lakewood City Council
Lakewood, OH 44107

RE: Clifton Pointe Phase II – Irish Cottage Parcels

Dear Members of Council:

Following this letter is an ordinance rezoning the parcels at 18828 Sloane Avenue (PPN#'s 311-14-018, 311-14-019 and 311-14-102) from R2 (Single and Two Family) to MH (Multiple-Family High Density. These parcels are commonly referred to as the Irish Cottage property.

As you area aware, the property has been used for commercial retail purposes for decades. Recent uses have been Marian Flowers in the early 80's, the Garden House in the latter half of that decade and then in 1990 it became the Irish Cottage gift store. In approximately 2008 the gift shop closed and the property has been mostly vacant since that time.

Recently, Abode Living acquired the bank held property at 18828 Sloane and is developing a proposal to build five townhomes as a second phase to Clifton Pointe project. Clifton Pointe Phase I is currently under construction on the other side of the Sloane subway and that property is zoned MH. Abode has had remarkable success in selling the seventeen units in first phase and the developer would like to expand the project by changing the zoning of the Irish Cottage parcels to also be MH.

Please refer the ordinance to the Planning Commission for a review and recommendation.

Sincerely,

Dru Siley
Director

ORDINANCE NO. 8-13 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 18828 Sloane Avenue (PP#'s 311-14-018, 311-14-019 and 311-14-102) also known as the Clifton Pointe Phase 2.

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That 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 R2, Single and Two-Family to MH, Multiple-Family High Density, for the property at 18828 Sloane Avenue (PPN#'s 311-14-018, 311-14-019, and 311-14-102) also known as Clifton Pointe Phase 2 and described as follows:

**(Insert legal description of all three parcels)**

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

DEPARTMENT OF PLANNING & DEVELOPMENT

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5936

www.onelakewood.com/development

March 13, 2013

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

**RE: Proposed Amendment to Community Reinvestment Area #4**

Dear Members of Council,

The attached Resolution proposes to make an amendment to the Community Reinvestment Area (CRA) #4 that was established by Council in July 2011 on the west side of Sloane Avenue along the Rocky River. The original 13 parcels within the CRA are zoned for high density residential and are currently occupied by a combination of single family homes, vacant lots and a new townhouse development.

CRA's are a significant development tool that provides the City an ability to grant property tax abatement as an incentive for new development. Previously, Lakewood has established CRA's for the Rockport and Rosewood developments and has a history of using community reinvestment legislation dating back to 1978.

As discussed with Council during the review of the original legislation, CRA #4 is part of the a more comprehensive housing and development strategy and has help position the administration to more effectively guide high quality residential development on these desirable water front properties. For example, Abode Living currently has the Clifton Pointe townhouse development under construction within the CRA and those 17 residences are scheduled to be completed by summer 2013.

The proposed revision to the legislation requests that the three parcels at 18828 Sloane Avenue, commonly referred to as the Irish Cottage site, be added to the CRA. This site is currently under consideration by Abode for an expansion of their current project that would include five more townhouses.

Upon passing of the resolution and additional public notice, the Director of Planning and Development is then authorized to petition the Ohio Department of Development to certify that the proposed CRA complies with all of the terms and conditions outlined in the Ohio Revised Code.

Please refer to the Housing Committee for review and a recommendation.

Respectfully,

Dru Siley

RESOLUTION NO. 8645-13 BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, implementing Sections 3735.65 through 3735.70 of the Revised Code, establishing and describing the boundaries of a Community Reinvestment Area in the City of Lakewood.

WHEREAS, Ohio Revised Code Sections 3735.65 through 3735.70 (collectively, the "Act") have authorized counties or municipalities to designate areas as Community Reinvestment Areas for the purpose of encouraging economic and community development in areas that have not enjoyed reinvestment by remodeling or new construction; and

WHEREAS, this Council desires to pursue all reasonable and legitimate incentive measures to assist and encourage development of new residential housing within the City consistent with the City's planning and zoning needs referred to below; and

WHEREAS, as required by Section 3735.66 of the Ohio Revised Code, a survey of housing (the "Survey") has been prepared for the area proposed to be included in the Community Reinvestment Area designated in this resolution and described and depicted in attached Exhibit A to this resolution (the "Area"); and

WHEREAS, the Survey shows the facts and conditions relating to existing housing in that proposed Community Reinvestment Area, including, among other things, evidence of deterioration and lack of new construction in substantial portions of the Area; and

WHEREAS, the City has determined that there has been and is a shortage of new residential housing within the City and the City therefore wishes to encourage the construction of new residential housing within the Area; and

WHEREAS, Council hereby finds and determines that the construction of structures in the Community Reinvestment Area, consistent with the City's land use requirements, would serve to encourage residential growth and stability, maintain real property values, and generate new employment opportunities within the City; and

WHEREAS, there has been recommended to this Council the approval of the designation of the proposed Community Reinvestment Area as a Community Reinvestment Area and this Council has been apprised of the Survey and the facts and conditions relating to the Community Reinvestment Area, and this Council has determined that the construction of new housing facilities in the Area would serve to encourage economic stability and growth, maintain real property values, and generate new employment opportunities in the City; and

WHEREAS, the construction of new residential housing facilities in the Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted and is supported by the Survey; and

WHEREAS, "baseline tax value" of an existing structure within the Area shall mean the auditor's assessed value as of January 1 of the year in which the demolition permit was issued for the removal of that structure as part of a redevelopment project; and

WHEREAS, Council requires, in support of the Lakewood City School District, that the baseline tax value of an existing structure within the Area prior to demolition shall be maintained for the duration of any abatement period granted to the new construction unless the parcel on which the existing structure sat shall have been without any structural improvements for a period in excess of 24 months, in which case the baseline tax value shall be zero; and

WHEREAS, this Council by a vote of at least five (5) of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments, in that this legislation is necessary for the timely encouragement of construction of new housing within the City; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

SECTION 1. That, based upon the aforesaid recommendations and the Survey, and on this Council's own knowledge of the facts and conditions existing in the proposed Community Reinvestment Area, this Council hereby finds and determines that the area to be designated as Community Reinvestment Area #4 constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged.

SECTION 2. That, pursuant to Section 3735.66 of the Ohio Revised Code, Community Reinvestment Area #4 is hereby established as that Area described and depicted in attached Exhibit A to the resolution. Only Qualified Residential Facilities, including condominiums, used consistent with the applicable zoning regulations within Community Reinvestment Area #4 will be eligible to apply for exemptions under this resolution, and commercial and industrial uses are not eligible to apply for exemptions under this resolution. As used in this resolution, "Qualified Residential Facilities" shall mean for-sale residential units in a Multiple Family High Density District and shall not include residential rental property.

SECTION 3. That within Community Reinvestment Area #4, new construction of residential facilities, including Qualified Residential Facilities, is hereby declared to be public purposes and exempt from real property taxation as provided herein and, in accordance with the procedures and requirements of Section 3735.67 of the Revised Code, the exemption periods shall not be more than ten (10) years.

SECTION 4. That the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to Qualified Residential properties shall be between fifty percent (50%) and one hundred percent (100%) after completion and application.

SECTION 5. That applications for abatement must be filed by the individual property owner where the improvement is made to a dwelling containing less than two family units or an individual condominium. Only one application per project for abatement shall be submitted for common areas of condominium buildings by the president of the association on behalf of the association, if the property is titled to the association, or on behalf of the individual owners, if the property is titled to the individual owners.

SECTION 6. That the baseline tax value of any existing structure within Community Reinvestment Area #4 prior to demolition shall be maintained for the duration of any abatement period granted to the new construction unless the parcel on which the existing structure sat shall have been without any structural improvements for a period in excess of 24 months, in which case the baseline tax value shall be zero.

SECTION 7. That all projects in Community Reinvestment Area #4 seeking tax abatement pursuant to this resolution are required to comply with the State of Ohio application fee requirements of Section 3735.672(C) of the Revised Code.

SECTION 8. That to administer and implement the provision of this resolution, the City's Assistant Housing Commissioner is designated as the Housing Officer as described in Sections 3735.65 through 3735.70 of the Revised Code.

SECTION 9. That the Housing Officer shall verify that all work has been completed under proper building permits and completed in compliance with all building codes, zoning codes and any other applicable laws.

SECTION 10. That the Community Reinvestment Area Housing Council shall make an annual inspection of the properties within the Area for which an exemption has been granted under Section 3735.67 of the Revised Code. The Housing Council shall also hear appeals under Section 3735.70 of the Revised Code and meet no less than once annually to fulfill the duties imposed by Revised Code Section 3735.69.

SECTION 11. A copy of this resolution shall be forwarded to the Cuyahoga County Auditor; and a copy of this resolution shall be published in a newspaper of general circulation in the City once a week for two consecutive weeks immediately following its passage.

SECTION 12. The Director of Planning and Development of the City is hereby directed and authorized to petition the Director of Development of the State of Ohio to confirm the findings contained within this resolution and such petition shall be accompanied by a copy of this resolution and by a map of Community Reinvestment Area #4 which map shall describe Community Reinvestment Area #4 in sufficient detail to denote the specific boundaries of such Area and shall indicate zoning restrictions applicable to Community Reinvestment Area #4.

SECTION 13. This Council hereby finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION 14. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five (5) of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: ______________________

______________________
President of Council

______________________
Clerk of Council

Approved: ______________________

______________________
Mayor

## Exhibit A

*Permanent Parcel Number: 311-14-019*
*Property Address: Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-14-020*
*Property Address: 1300 Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-14-021*
*Property Address: 1302 Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-14-022*
*Property Address: 1308 Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-14-023*
*Property Address: 1312 Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-14-024*
*Property Address: 1316 Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-14-101*
*Property Address: Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-14-025*
*Property Address: 1322 Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-14-099*
*Property Address: Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-14-026*
*Property Address: 1328 Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-14-027*
*Property Address: 1332 Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-14-028*
*Property Address: 1332 Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-14-029*
*Property Address: 1350-54 Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-11-018*
*Property Address: 18228 Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-11-019*
*Property Address: 18228 Sloane Avenue, Lakewood, OH 44107*
*Permanent Parcel Number: 311-11-102*
*Property Address: 18228 Sloane Avenue, Lakewood, OH 44107*

## Exhibit B

Criteria for tax abatement for new residential construction in Community Reinvestment Area #4:

Level 1: 5 year duration at 50% exemption
If the proposed development meets the following criteria the City may grant Level 1 exemptions:

A. Must be a minimum of 8 units.
B. Must meet all condition and requirements of the Multifamily High Density Zone district.
C. Must meet the Architectural Board of Review's design criteria for high quality design and materials.

Level 2: 5 year duration at a 100% exemption
If the proposed development meets the following criteria the City may grant Level 2 exemptions:

A. Must meet the all of the criteria in Level 1 and be a minimum of 12 units.
B. Must include provisions for energy efficiency that include, but are not limited to, energy-efficient windows, high-efficiency HVAC and insulation with an R-value higher than standard building-code requirements.
C. Must provide storm water quality measures over and above those already mandated by federal, state or local code such as but not limited to pervious pavement, bio-swales and landscaped detention areas., in compliance with current best practices, as outlined by the Cuyahoga Soil and Water Conservation District or the Ohio Environmental Protection Agency.

Level 3: 10 year duration at 100% exemption
If the proposed development meets the following criteria the City may grant Level 3 exemptions:

A. Must meet the all of the criteria in Level 1 and 2 and be a minimum of 15 units.
B. Must provide pedestrian and or recreational connectivity to the riverfront or at least 2,500 square feet of greenspace for use by all residents of the development that can include but not be limited amenities such as community garden area, pavilions, grills, patios and seating areas.

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

| | |
|---|---|
| 1914675 PERMIT NUMBER / TRFO TYPE | DAMIJU LLC<br>DBA SULLIVANS IRISH PUB & REST<br>& 13376-80 REAR PATIO ONLY<br>13368 MADISON AV<br>LAKEWOOD OHIO 44107 |
| 10 01 2011 ISSUE DATE | |
| 02 26 2013 FILING DATE | |
| C2 D1 D3 D3A D6 D8 PERMIT CLASSES | |
| 18 286 TAX DISTRICT / C / F09301 RECEIPT NO. | |

FROM 02/28/2013

| | |
|---|---|
| 8686780 PERMIT NUMBER / TYPE | PATRICK M SULLIVAN<br>DBA SULLIVANS IRISH PUB & REST<br>& 13376-80 REAR PATIO ONLY<br>13368 MADISON AV<br>LAKEWOOD OHIO 44107 |
| 10 01 2011 ISSUE DATE | |
| 02 26 2013 FILING DATE | |
| C2 D1 D3 D3A D6 D8 PERMIT CLASSES | |
| 18 286 TAX DISTRICT / RECEIPT NO. | |

MAILED 02/28/2013 RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/01/2013

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES C TRFO 1914675
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107