

Passed 6-0  
eff. August 9, 2023  
adopted July 10, 2023

ORDINANCE NO.: 56-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

Cosponsored: Vaughn, Donahue, Seither, Collier, Johnson, Kelley

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHM ADVISORS TO ANALYZE AND UPDATE THE GARFIELD HEIGHTS ZONING CODE

*WHEREAS*, The Garfield Heights zoning code has remained largely unchanged since 1962, and

*WHEREAS*, accordingly, portions of the language contained therein is outdated, archaic, and no longer relevant to zoning regulations in 2023, and

*WHEREAS*, at this time, the City wishes to enter into an agreement with OHM Advisors to complete a full analysis of the current zoning code and prepare a proposed zoning update to the Garfield Heights Codified Ordinances, and

*WHEREAS*, the completion timeline for the proposed project is approximately eighteen (18) months at an estimated total cost in the amount of \$146,540.00 (OHM Advisors proposal attached hereto as Exhibit A and incorporated as if fully written within), and

*WHEREAS*, the City intends to use ARPA grant funding to pay for Phase 1 (\$24,069.00) of the project; while Phase 1 is being completed, the City will apply for additional grant funding to assist with paying for Phase 2 and Phase 3 of the project.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. The Mayor is hereby authorized and directed to enter into an agreement (attached hereto as Exhibit A and incorporated as if fully written within) with OHM Advisors to analyze and update the City zoning code at a total cost not to exceed \$150,000.00.

SECTION 2. The Finance Director is hereby authorized and directed to issue her vouchers of the City for the purposes stated in Section 1. hereof, said vouchers to be charged to the appropriate fund.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: July 10, 2023

APPROVED: Matthew A. Burke  
MAYOR

ATTEST: Lottie Overby  
CLERK OF COUNCIL

Thomas J. Vaughn  
PRESIDENT OF COUNCIL

EFFECTIVE DATE: Aug 9, 2023



May 12, 2023

Mayor Matthew A. Burke  
City of Garfield Heights  
5407 Turney Road  
Garfield Heights, OH 44125

**RE: Zoning Code Update  
City of Garfield Heights  
Proposal #23064**

Dear Mayor Burke:

Thank you for this opportunity to continue advancing the City of Garfield Heights (City, Client). Our team of OHM Advisors (OHM, Consultant) and ZoneCO LLC (ZoneCO, Consultant) are excited to help the City in updating their zoning code. This process will be essential in preparing the City for future development opportunities and align the vision spelled out in the recent Master Plan update.

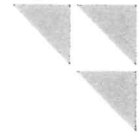
**Scope of Work:**

ZoneCo LLC and OHM Advisors will work with the city to complete the following scope of work:

**Phase 1 – Diagnose**

The Diagnostic Report “diagnoses” your current zoning ordinance. The team will review all of your long-range planning documents and their land-use goals and compare them with your current zoning code. We will review all variances requested and granted, as well as other planning approvals. At the end of the process, we will have gained an understanding of the community, the land use goals, and the existing code.

- 1.1 - Virtual project kick-off meeting (up to two hours) with the steering committee (SC#1).
- 1.2 - Review the Comprehensive Plan and any other city plans, administrative forms, decisions from legislative and quasi-judicial zoning hearings, the current zoning regulations, and applicable portions of the Municipal Code (to be provided by the Client)
- 1.3 - Distribute a form to receive general comments from staff to gain insight into those areas needing revision and improvement within the zoning regulations and the associated procedures and administrative practices
- 1.4 - Isolate goals for land use, site development, and the built environment from the Comprehensive Plan
- 1.5 - Create a diagnostic matrix and score the land use goal consistency with the zoning regulations, compiling detailed notes while reviewing every line of code
- 1.6 - Summarize and distill the findings from the diagnostic matrix and notes into a Diagnostic Report
- 1.7 - Review the Diagnostic Report with staff and make all appropriate changes. This will be followed by a steering committee meeting (SC#2) to go over and review the report.
- 1.8 - One presentation of final report to the City Administration, Planning Commission, and City Council by teleconference



## **Phase 2 – Calibrate**

The Calibration Module is where we lay out all of the base regulations that comprise the standards of the zoning districts and generally applicable chapters. This is an iterative process, and we will review the Calibration Table with staff and the public before finalizing it. Once the standards are revised, the consultant team can focus on drafting language and ensuring a visual and user-friendly zoning code document layout.

- 2.1 - Develop draft zoning districts and draft zoning map, to be reviewed by the steering committee (SC#3).
- 2.2 - Develop sample code outline and table of contents
- 2.3 - Develop Draft of Base Regulations in the form of Draft Calibration Table
- 2.4 - Test Base Regulations with Community through a public open house/workshop – Public Input
- 2.5 - Finalize Calibration Table

## **Phase 3 – Codify**

The Codification Module is where the consultant team drafts each section of the zoning code and provides to staff for review. Several drafts will be produced and the public will be engaged.

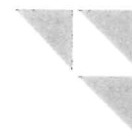
- 3.1 - Develop each chapter of the zoning code – provide each section to staff for review
- 3.2 - Develop a full administrative draft of regulations/zoning code
- 3.3 - Public meeting or open house for public to review administrative draft of regulations/zoning code
- 3.4 – Update online GIS zoning map
- 3.5 - Final draft of regulations/zoning code
- 3.6 - Two adoption meetings (City Council, Planning Commission) \_ one meeting will be virtual and one in-person

### **Fee, Reimbursable Expenses and Schedule:**

ZoneCO and OHM will complete the proposed scope of work, as outlined above, for the following fee and timeframe. The fee will be billed monthly on a percent complete basis. A notice to proceed (NOP) will be required for each phase. ZoneCO and OHM will not move forward with the next phase until the NOP has been received.

Item	Fee	Timeframe
Phase 1 – Diagnose	\$24,069	4 months
Phase 2 – Calibrate	\$36,990	4 months
Phase 3 – Codify	\$85,310	13 months
<b>Total:</b>	<b>\$146,540</b>	<b>18-19 months</b>





**Assumptions:**

1. The ZoneCO LLC team will be led by Christopher Myers with support from other ZoneCO team members.
2. The OHM team will be led by John Lippus and James Sickels, and will include input from our planning, landscape architecture, and municipal engineering groups, as needed.
3. The Client will assemble its Steering Committee, led by a city staff representative.
4. The recently adopted City Master Plan will be used as the base for the initial diagnostic review and direction throughout the project.
5. The Standard Terms and Conditions contained in the Annual Engineer contract per ordinance number 104-2022 shall also apply to this contract.
6. All other work not listed above is excluded from this proposal but can be added as an additional service, if requested.
7. Force Majeure: In the event either party is delayed or prevented from performing this Agreement due to any cause beyond its reasonable control, including but not limited to, strike, labor or civil unrest or dispute, embargo, blockage, work stoppage, protest, pandemics, or acts of God, such delay shall be excused during the continuance of such delay, and the period of performance shall be extended to such extent as may be reasonable to perform after the cause of delay has been removed. In the event any such delay continues for a period of more than thirty (30) days, either party may terminate the Agreement upon written notice to the other party. In the event of any such termination, The Owner shall pay OHM for work performed through the effective date of termination.

**Authorization:**

If this proposal is acceptable to you, your signature on this letter with a copy returned to us will serve as our authorization to proceed. All other terms and conditions of our municipal contract with the City will apply.

We appreciate the opportunity to serve the City of Garfield Heights and look forward to working with you on this project. Please do not hesitate to contact me directly at 419.366.2649 with any questions or for additional information.

Sincerely,  
OHM Advisors

John Lippus, Client Representative  
[John.Lippus@ohm-advisors.com](mailto:John.Lippus@ohm-advisors.com)  
D: 216.865.1335 C: 419.366.2649

Dave Krock, Principal  
[Dave.krock@ohm-advisors.com](mailto:Dave.krock@ohm-advisors.com)  
D: 330.913.1045 C: 330.350.0521

Authorization to Proceed:

  
Signature Date 7/13/2023

Matthew A Burke Mayor  
Printed Name Title

RESOLUTION NO.

15-2023

SPONSORED BY:

MAYOR MATTHEW BURKE

CO-SPONSORED BY:

COUNCIL AS A WHOLE

*Vaughn, Collier, Donahue, Seither, Johnson, Kelley*

AN EMERGENCY RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF GARFIELD HEIGHTS, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024, HERETO ATTACHED, AND SUBMITTING THE SAME TO THE CUYAHOGA COUNTY BUDGET COMMISSION

WHEREAS, the Mayor has heretofore prepared a tentative budget for the City of Garfield Heights, Ohio, for the fiscal year beginning January 1, 2024 showing detailed estimates of all balances that will be available at the beginning of fiscal year, 2024, for the purpose of such year, and all revenues, costs, percentages, penalties, allowances, prerequisites, and all other types of classes of revenue; also, estimates of all expenditures of charges in or for the purposes of such fiscal year to be paid or met from the said revenue or balance; and otherwise conforming with the requirements of the law.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Garfield Heights, Ohio that:

SECTION 1. The budget of the City of Garfield Heights, Ohio, for the Fiscal Year beginning January 1, 2024, hereto attached, heretofore prepared by the Mayor and submitted to this Council, copies of which have been and are on file in the Office of the Finance Director and Clerk of Council, be and it is hereby adopted as the official budget of the City of Garfield Heights, Ohio for the fiscal year beginning January 1, 2024.

SECTION 2. The Finance Department be and it is hereby authorized and directed to transmit a certified copy of said budget and of this Resolution to the Cuyahoga County Budget Commission.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the public health, safety, and welfare of the citizens of Garfield Heights, Ohio, and for the further reason that it must be filed with the Cuyahoga County Budget Commission on or before July 20, 2023, and shall be in full force from and after its passage and approval by the Mayor, otherwise after the earliest period allowed by law.

PASSED: July 10, 2023

APPROVED: Matthew Burke  
MAYOR

Thomas J. Vaughn  
PRESIDENT OF COUNCIL

ATTEST: Lottie Overly  
CLERK OF COUNCIL

EFFECTIVE DATE: July 10, 2023

*Passed 6-0  
eff. July 10, 2023  
adopted July 10, 2023*



## ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit City of Garfield Heights

For the Fiscal Year Commencing January 1, 2024

Fiscal Officer Signature \_\_\_\_\_ Date 7/11/2023

# COUNTY OF CUYAHOGA

### **Background**

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

Under the law in effect prior to June 3, 2002, the budget commission could only waive the tax budget for a subdivision or other taxing unit that was receiving a share of the county undivided local government fund or the county undivided local government revenue assistance fund under an alternative method or formula pursuant to ORC Sections 5747.53 and 5747.63. Thus, tax budgets could be waived only for counties, municipalities, townships, and park districts. This restriction is now removed.

### **Ohio Revised Code Section 5705.281**

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

### **County Budget Commission Duties**

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

### **County Budget Commission Action**

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

### **Alternative Tax Budget Information Filing Deadline**

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

# DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)  
(List All Levies Of The Taxing Authority)

City of Garfield Heights

## SCHEDULE 1

I Fund	II Purpose	III Authorized By Voters On MM/DD/YY	IV Levy Type	V Number Of Years Levy To Run	VI Tax Year Begins/ Ends	VII Collection Year Begins/ Ends	VIII Maximum Rate Authorized	IX \$ AMOUNT Requested Of Budget Commission
Inside Millage								
Bond Retirement	Debt					2024	3.64	\$1,288,110.00
Outside Millage								
General Fund	Current Ex	00/00/72	Charter	Continuous	1976	2024	1.76	\$622,823.00
Police Pension	Pension	00/00/72	Charter	Continuous	1976	2024	.30	\$106,163.00
Fire Pension	Pension	00/00/72	Charter	Continuous	1976	2024	.30	\$106,163.00
Permanent Improve	Capital Ex	00/00/72	Charter	Continuous	1976	2024	1.00	\$353,877.00
Recreation	Programs	00/00/72	Charter	Continuous	1976	2024	.15	\$53,081.00
Street Lighting	Security	00/00/72	Charter	Continuous	1976	2024	1.15	\$406,958.00
Average Pay	Current Ex	00/00/72	Charter	Continuous	1976	2024	20.6	\$7,289,856.00
Totals							28.90	\$10,227,031.00

# STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

City of Garfield Heights

## SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
General Fund	1,258,950.00	2,803,234.00	16,564,367.00	20,626,551.00	20,253,050.00	373,501.00
Street Lighting Fund	0.00	406,958.00	82,542.00	489,500.00	489,500.00	0.00
Debt Service Fund	342,695.00	1,288,110.00	706,520.00	2,337,325.00	2,055,053.00	282,272.00
Average Pay Fund	0.00	7,289,856.00	5,965,619.00	13,255,475.00	13,255,475.00	0.00
Police Pension Fund	0.00	106,163.00	928,757.00	1,034,920.00	1,034,920.00	0.00
Fire Pension Fund	0.00	106,163.00	818,759.00	924,922.00	924,922.00	0.00
Permanent Improvement Fund	347,900.00	353,877.00	51,122.00	752,899.00	54,605.00	698,294.00
Recreation Fund	581,568.00	53,081.00	995,784.00	1,630,433.00	1,124,500.00	505,933.00
Street Constr Maint & Repair Fund	1,228,350.00	0.00	2,273,925.00	3,502,275.00	2,052,740.00	1,449,535.00
State Highway Fund	109,945.00	0.00	122,900.00	232,845.00	105,505.00	127,340.00
City Income Tax Fund	0.00	0.00	13,760,600.00	13,760,600.00	13,760,600.00	0.00
Motor Vehicle License Tax Fund	170,615.00	0.00	161,000.00	331,615.00	270,000.00	61,615.00
Storm & Sanitary Sewer Fund	88,252.00	0.00	798,923.00	887,175.00	182,409.00	704,766.00
Water Main & Distribution Fund	69,450.00	0.00	3,105,000.00	3,174,450.00	3,105,000.00	69,450.00
Federal Nutrition Budget Fund	360.00	0.00	468,845.00	469,205.00	469,205.00	0.00
Community Development Fund	102,675.00	0.00	1,000.00	103,675.00	1,000.00	102,675.00

Page Totals 4,300,760.00 12,407,442.00 46,805,663.00 63,513,865.00 59,138,484.00 4,375,381.00



# STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

City of Garfield Heights

## SCHEDULE 2

I Fund By Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
Law Enforcement Trust Fund	25,892.00	0.00	1,000.00	26,892.00	15,000.00	11,892.00
Indigent Driver Alcohol Treatment Fund	353,875.00	0.00	47,000.00	400,875.00	107,000.00	293,875.00
Enforcement & Education Fund	12,830.00	0.00	2,250.00	15,080.00	2,000.00	13,080.00
FEMA Fund	0.00	0.00	0.00	0.00	0.00	0.00
Debt Amortization Fund	90,350.00	0.00	931,960.00	1,022,310.00	931,960.00	90,350.00
Opoid Settlement Fund	9,928.00	0.00	3,000.00	12,928.00	0.00	12,928.00
Municipal Court Probation Service Fund	42,561.00	0.00	130,000.00	172,561.00	134,534.00	38,027.00
Municipal Court Special Service Fund	277,750.00	0.00	250,100.00	527,850.00	238,400.00	289,450.00
Municipal Court Capital Improvement Fund	24,415.00	0.00	167,100.00	191,515.00	116,195.00	75,320.00
GH Family Resource Fund	0	0	11845	11,845.00	11845	0.00
Municipal Court Special Building Fund	0	0	0	0.00	0	0.00
Municipal Court Traffic Camera Fund	0	0	1252000	1,252,000.00	358015	893,985.00
Street Improvement Bond 2010	121,553.00	0.00	0.00	121,553.00	121,553.00	0.00
Granger/Transportation Improvement Fund	896,358.00	0.00		896,358.00	896,358.00	0.00
Street Improvement Note (2023)	0.00		3,620,000.00	3,620,000.00	3,620,000.00	0.00
1480 Granger Rd Interchange Fund	0.00		200,000.00	200,000.00	200,000.00	0.00
Transportation/Anlenucci Improvement Note Fund	320,000.00	0.00	0.00	320,000.00	320,000.00	0.00
Revolving Equipment Fund	0.00	0.00	1,107,680.00	1,107,680.00	1,107,680.00	0.00
Restricted Fund	482,495.00	0.00	103,000.00	585,495.00	102,500.00	482,995.00
American Rescue Act 2021	886,686.00	0.00	0.00	886,686.00	886,686.00	0.00
Page Totals	3,544,693.00	0.00	7,826,935.00	11,371,628.00	9,169,726.00	2,201,902.00
Grand Totals (yes)	7,845,453.00	12,407,442.00	1,632,598.00	74,885,493.00	68,308,210.00	6,577,283

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)  
(Do Not Include General Obligation Debt Being Paid By Other Sources)  
(Do Not Include Special Obligation Bonds & Revenue Bonds)

—

Revised 3-2004

**VOTED DEBT OUTSIDE 10 MILL LIMIT**

(Bonds Or Notes Must Actually Be Issued In Order To Commence Collection Of Property Taxes For Debt Service)

## SCHEDULE 4

[illegible]



\* If the levy is outside the 10 mill limit by vote enter the words "by vote" and the date of the election.