

ORDINANCE NO.: 65-2021

SPONSORED BY: MAYOR MATTHEW BURKE

CO-SPONSORED BY: COUNCILMAN MICHAEL NENADOVICH

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO LEVY SPECIAL ASSESSMENTS TO THE COUNTY AUDITOR, AS IDENTIFIED IN ATTACHMENT A, AND INCORPORATED HEREIN, (LESS ANY PAYMENTS RECEIVED OR CORRECTIONS AUTHORIZED BY THE FINANCE DIRECTOR), TO BE ASSESSED AND COLLECTED ON THE NEXT TAX COLLECTION, PURSUANT TO THE REQUIREMENTS OF ORDINANCE 56-2012: COST OF GARBAGE AND REFUSE COLLECTION.

Whereas, On March 22, 2010 this Council adopted Ordinance 19-2010 which placed into effect Section 913.08: Cost of Garbage and Refuse Collection in the Codified Ordinances of the City of Garfield Heights, and on December 13, 2010 this council adopted Ordinance 87-2010 which amended this section, and on August 27, 2012 this council adopted Ordinance 56-2012 which amended the costs to be charged to each individual property in the City, and

Whereas, pursuant to this legislation, the cost of garbage and refuse collection for the tax collection year 2022 shall be collected in the manner provided by law for assessments, and

Whereas, pursuant to this section, Council shall review this section on a yearly basis and certify the charges to the County Auditor in time for the charges to be added to the tax duplicates and collected in the next collection year, and

Whereas, in order for these charges to be collected by the County as an assessment they must be certified to the County Auditor by September 13, 2021 and

Whereas, any payments received by the Finance Department, or corrections to individual parcels authorized by the Finance Director, may be amended from the amounts listed in Attachment A.

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

**SECTION 1.** The Finance Director is hereby authorized and directed to levy special assessments to the County Auditor, as identified in Attachment A, incorporated herein, (less any payments received or corrections authorized by the Finance Director), to be assessed and collected on the next tax collection, pursuant to the requirements of Ordinance 56-2012: Cost of Garbage and Refuse Collection.

**SECTION 2.** Council declares this Ordinance to be an emergency measure necessary for the immediate preservation and protection of the public peace, health, safety, and general welfare of the inhabitants of the City of Garfield Heights and shall take effect and be in full force immediately upon its adoption by this Council and approval by the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
MAYOR

PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

EFFECTIVE DATE: \_\_\_\_\_

ORDINANCE NO.: 66-2021

SPONSORED BY: MAYOR MATTHEW BURKE

CO-SPONSORED BY: COUNCILMAN MICHAEL NENADOVICH

AN EMERGENCY ORDINANCE AUTHORIZING THE ABATEMENT OF SPECIAL ASSESSMENTS AND DIRECTING THE FINANCE DIRECTOR TO CERTIFY SPECIAL ASSESSMENTS TO THE CUYAHOGA COUNTY FISCAL OFFICER, AS IDENTIFIED IN ATTACHMENT A, AND INCORPORATED HEREIN, TO BE ASSESSED AND COLLECTED ON THE NEXT TAX COLLECTION, PURSUANT TO THE REQUIREMENTS OF ORDINANCE 46-2004, RESOLUTION 48-2004, AND THE PETITION ATTACHED THERETO.

WHEREAS, on September 13, 2004, by Resolution 48-2004 (the "Resolution"), this Council accepted a petition for the improvement of Transportation Boulevard by constructing, paving, draining, curbing, installing lighting and traffic signalization and signage, constructing and installing the related Antenucci Drive intersection improvements, constructing driveway approaches, installing roof drain pipes, water service, connections, sanitary sewer laterals and underground electrical utility facilities, and by constructing storm sewers, sanitary sewers and water lines in connection with those streets and in other related locations (the "Petition"), as set forth in plans and specifications approved in the Resolution (the "Project"), and, in reliance on the Petition, declared the necessity for the Project and determined to undertake the Project; and

WHEREAS, this Council requested the assistance of the Cleveland-Cuyahoga County Port Authority (the "Cleveland Port") and the Summit County Port Authority (now known as the Development Finance Authority of Summit County) (the "Summit Port") to finance the Project, to include the issuance of the Cleveland-Cuyahoga County Port Authority Development Revenue Bonds, Series 2004D, Port of Cleveland Bond Fund (City of Garfield Heights Project) and the Summit County Port Authority Development Revenue Bonds (Summit County Port Authority Bond Fund), Series 2004A (City of Garfield Heights Project) (collectively, the "Bonds"); and

WHEREAS, this Council determined to assess the whole cost of the Project, to include the Project Costs, additional amounts necessary to pay Bond Service Charges not otherwise included under Project Costs, and Administrative Amounts, upon the lots and lands of the petitioners (the "Assessed Lands") in accordance with the petition in the amount of \$21,600,000; and

WHEREAS, this Council, by Ordinance No. 45-2004, passed September 13, 2004, determined to proceed with the Project, and by Ordinance No. 46-2004 adopted September 13, 2004, levied special assessments for the Project in accordance with the Petition, in the amount of \$1,200,000 for each year for 18 years, subject to reduction as provided in the Petition, dependent upon the collection of sufficient service payments required pursuant to Ohio Revised Code section 5709.42 (the "Service Payments"); and

WHEREAS, the City, the Cleveland Port and the Port of Cleveland Bond Fund trustee entered into an agreement for administrative services with a qualified entity (the "Administrator") to calculate the amount of the special assessment levy to be collected (the "Annual Required Installment") and the amount of the special assessment levy to be abated in accordance with the Petition, the Resolution, and Ordinance 46-2004; and

WHEREAS, a report of the Administrator (ATTACHMENT A) has been received which determines that the Annual Required Installment of the assessment for collection in tax collection year 2022 is calculated to be \$190,827 (the "Assessment Amount"), and

WHEREAS, the Assessed Lands have been subdivided and the Assessment Amount has been apportioned according to the acreage of each subdivided parcel, in accordance with the Petition; and

WHEREAS, in its report, the Administrator has apportioned the Assessment Amount according to the acreage of the parcels of land comprised by the Assessed Lands as provided in the Petition; and

WHEREAS, in the Petition, petitioners waived any and all rights, benefits and privileges in Sections 727.03 and 727.06 of the Ohio Revised Code or any other provision restricting special assessments to a percentage of the actual improved value of the Assessed Lands; and

WHEREAS, in the Petition petitioners agreed not to contest the special assessments levied against the Assessed Lands, and to include in any deed conveying any of the Assessed Lands a covenant running with the Assessed Lands that the Assessed Lands shall be bound by the provisions of the Petition to pay timely the installments of the special assessments as they come due; and

WHEREAS, the Administrator has informed the City that Service Payments received or to be received in tax collection years 2021 and 2022 are insufficient to pay Project Costs including, but not limited to, Bond Service Charges and Administrative Amounts due and payable in 2022; and

WHEREAS, this Council desires to provide for the partial abatement of the annual assessment of \$190,827 to the Assessment Amount, and the certification of the Assessment Amount to the Cuyahoga County Fiscal Officer for collection in tax collection year 2022, and to authorize and direct certain officers of the City to proceed with such certification and collection;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Garfield Heights, Cuyahoga County, Ohio, that:

Section 1. Each capitalized term not otherwise defined herein or by reference to another document shall have the meaning assigned to it in Ordinance No. 46-2004.

Section 2. The Special Assessment of \$190,827 for the year 2022 is abated to the Annual Required Installment of \$190,827 as determined by the Administrator.

Section 3. The Assessment Amount as apportioned by the Administrator is hereby approved and the Assessment Amount is apportioned as follows:

Parcel 543-06-001	\$170,000.00
Parcel 543-06-002	\$2,859.00
Parcel 543-09-001	\$17,968.00
Total	\$190,827.00

Section 4. The Finance Director is authorized and directed to certify the Assessment Amount, apportioned as set forth above, to the Cuyahoga County Fiscal Officer no later than the second Monday in September to be placed on the tax duplicate and collected as taxes are collected in collection year 2022, in accordance with Ohio Revised Code Section 727.33.

Section 5. The Finance Director shall deliver a certified copy of this Ordinance and of Ordinance No. 46-2004 to the County Fiscal Officer prior to the September 13, 2021, special assessment filing deadline.

Section 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in open meetings of this Council, and that all such deliberations of this Council and of any of its committees that resulted in any such formal action were in meetings open to the public in compliance with the law.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that the special assessment is necessary to permit the city to timely meet its obligations for the payment of Project Costs including but not limited to Bond Service Charges and Administrative Amounts, to preserve economic benefits for the residents of this city; it shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
MAYOR

PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

EFFECTIVE DATE: \_\_\_\_\_

**\$3,785,000**

**CLEVELAND CUYAHOGA COUNTY PORT AUTHORITY  
DEVELOPMENT REVENUE BONDS (PORT OF CLEVELAND  
BOND FUND), SERIES 2016D  
DATED MAY 11, 2016**

**AND**

**\$1,290,000**

**DEVELOPMENT FINANCE AUTHORITY OF SUMMIT COUNTY  
JOBS & INVESTMENT FUND PROGRAM DEVELOPMENT REVENUE  
REFUNDING BONDS, SERIES 2016A  
DATED JULY 20, 2016**

**(CITY OF GARFIELD HEIGHTS PROJECT)**

**REPORT ON THE ABATEMENT OF SPECIAL ASSESSMENTS  
For Tax Year 2021/Collection Year 2022**

**September 1, 2021**



**Prepared By:**

**JWB  
DEVELOPMENT  
ADVISORS**

**REPORT ON THE ABATEMENT OF SPECIAL ASSESSMENTS**  
For Tax Year 2021/Collection Year 2022

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**TABLE OF CONTENTS**

	<u>PAGE</u>
TABLE OF CONTENTS .....	i
INTRODUCTION .....	ii
DEFINITION OF ANNUAL REQUIRED INSTALLMENT .....	1
AGGREGATE PERIOD DEBT SERVICE & ADMINISTRATIVE REQUIREMENTS .....	3
Debt Service on Bonds .....	3
Port Authority Fee .....	3
Administrative Expenses .....	3
TOTAL AVAILABLE ASSETS .....	4
Service Payment Account .....	4
Assessment Account .....	4
Interest Account of the Bond Fund .....	4
Principal Account of the Bond Fund .....	4
Estimated Service Payments .....	4
Special Assessments .....	4
Reserve Fund Investment Earnings .....	7
Additional Reserve Fund Investment Earnings .....	7
CALCULATION OF ANNUAL REQUIRED INSTALLMENT .....	9

## ***INTRODUCTION***

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The Cleveland-Cuyahoga County Port Authority (the "Authority") issued its \$8,850,000 Development Revenue Bonds, Series 2004D (City of Garfield Heights Project) (the "CCCPA Bonds"), pursuant to the terms of a Trust Indenture dated as of November 1, 1997 (the "Trust Indenture") between the Authority and The Huntington National Bank, as Trustee (the "Trustee"), as supplemented by an Eighteenth Supplemental Trust Indenture, dated as of September 1, 2004.

The Summit County Port Authority, now known as the Development Finance Authority of Summit County (the "Summit Authority") assisted the Authority in financing the Project by issuing \$2,750,000 Development Revenue Bonds, Series 2004A (the "SCPA Bonds," and together with the CCCPA Bonds, the "Bonds") pursuant to the terms of a Trust Indenture between the Summit Authority and U.S. Bank National Association, as trustee for the SCPA Bonds.

The Bonds were issued to fund the costs of acquisition of certain real property and the construction of certain public improvements including roads, utilities and other public improvements relating thereto (the "Project") in connection with a retail development project (the "Development") located on approximately 97 acres of land adjacent to the Project (the "Development Site"). The Development consists of a retail center with multiple big-box tenants, containing approximately 690,000 square feet of space and consisting of two phases.

In May 2016, the CCCPA Bonds were refunded with the Authority's \$3,785,000 Development Revenue Bonds (Port of Cleveland Bond Fund), Series 2016D (City of Garfield Heights Refinancing Project) (the "CCCPA Refunding Bonds"), which were issued pursuant to the terms of the Trust Indenture, as supplemented by various supplemental trust indentures, the most recent being a Forty-Third Supplemental Trust Indenture, dated as of May 1, 2016. As of the date of this report, the aggregate outstanding principal amount of the CCCPA Refunding Bonds is \$2,115,000.

In July 2016, the SCPA Bonds were refunded with the Summit Authority's \$1,290,000 Jobs & Investment Fund Program Development Revenue Refunding Bonds, Series 2016A (City of Garfield Heights Project) (the "SCPA Refunding Bonds," and together with the CCCPA Refunding Bonds, the "Refunding Bonds"). As of the date of the report, the aggregate outstanding principal amount of the SCPA Bonds is \$715,000.

The developer of the Development and the City of Garfield Heights (the "City") established a tax increment financing district (the "TIF District") covering approximately 200 acres, including the Development Site, in order to finance the Project. Under Ohio law, improvements made to property in the TIF District are exempt from real property taxes for a period of eighteen years. Owners of properties in the TIF District make service payments in lieu of taxes (the "Service Payments") in amounts equal to the taxes that would have been paid had no such exemption been granted.

The Refunding Bonds are special, limited obligations of the Authority and the Summit Authority, which are payable solely from (a) the Service Payments to be collected by the City; (b) special assessments to be levied by the City to the extent that the Service Payments are insufficient to cover the debt service and administrative expenses on the Bonds (the "Special Assessments", and together with the Service Payments, the "Financing Payments"); and (c) monies in certain funds and accounts held by the Trustee.

Annual Special Assessments of \$1,200,000 have been levied on the properties in the TIF District for a period of eighteen years. This annual special assessment is reduced to the amount necessary to pay annual debt service charges on the Bonds and other expenses, after taking into consideration the Service Payments and other funds available for that purpose. Pursuant to the Trust Indenture, JWB Development Advisors, LLC, the Administrator for the Refunding Bonds, has prepared this report (the "Report") to calculate the amount of Special Assessments required to be levied by the City and collected by the Cuyahoga County Treasurer in 2022. Any questions regarding this Report should be directed to:

**JWB Development Advisors, LLC**

ATTN: Julie A. Burkart  
14616 Birchwood Avenue  
Cleveland, Ohio 44111  
(614) 314-6069

## ***I. DEFINITION OF ANNUAL REQUIRED INSTALLMENT***

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Annual special assessments of \$1,200,000 have been levied on the properties in the TIF District for a period of eighteen years. This annual special assessment is reduced to the amount necessary to pay annual debt service charges on the Refunding Bonds (or hereinafter the "Bonds") and other expenses, after taking into consideration the Service Payments and other funds available for that purpose (the "Annual Required Installment"). The Annual Required Installment is defined in the financing documents as "aggregate period debt service and administrative requirements, less total available assets and less service payments from the additional TIF property" adjusted upward as necessary to permit bond service charges to be paid when due.

Aggregate period debt service and the administrative requirements are defined as "(i) total bond service charges due and payable with respect to the Project Debt on November 15th following that date (without regard to any acceleration of the maturity of the Project Debt), plus (ii) total bond service charges due and payable on the Project Debt during the next calendar year, plus (iii) total administrative expenses estimated by the Administrator to be due and payable from the calculation date (i.e., August 15<sup>th</sup>) through November 15<sup>th</sup> of the next calendar year together with any other administrative expenses that may be due and have not been paid at the time such amounts are certified by the Administrator, plus (iv) any amounts required to replenish any deficiency in the Summit County Port Authority Bond Fund (SCPABF) Bond Reserve Deposit or in the Port of Cleveland Bond Fund (POCBF) Bond Reserve Deposit at the time such amounts are certified by the Administrator, plus (v) any amounts required to replenish any deficiency in any Special Fund, as defined by the Indentures at the time such amounts are certified by the Administrator."

Total available assets for any given year are defined as the sum of: "(i) the value of amounts attributable to Financing Payments made hereunder held by (a) the Series 2004A Trustee in the Revenue Fund established under the SCPABF Indenture, in the Series 2004A Interest Subaccount of the Interest Payment Account of the Bond Fund established under the SCPABF Indenture, and in the 2004A Principal Subaccount of the Principal Payment Account of the Bond Fund established under the SCPABF Indenture and not yet used to make the payments of Bond Service Charges, (b) the POCBF Trustee in the Revenue Fund established under the POCBF Indenture, in the Series 2004D Interest Subaccount of the Interest Account of the Bond Fund, and in the 2004D Principal Subaccount of the Principal Account of the Bond Fund established under the POCBF Indenture and not yet used to make the payments of Bond Service Charges, (c) the Disbursing Agent in the Service Payment Account and the Assessment Account of the Revenue Holding Fund established under the Disbursing Agreement, plus (ii) the amount of Service Payments estimated by the Administrator (assuming that existing levies will expire as scheduled, unless the renewal or replacement levies have been approved by the electorate prior to the Calculation Date, and assuming further that the properties from which Service Payments will be derived will be valued at the most current value of those properties as estimated by the Cuyahoga County Fiscal Officer as of the Calculation Date) to be received by the City and paid to the Disbursing Agent from the Calculation Date through November 1 of the following calendar year, plus (iii) the amount of any Special Assessment Payments to be made from the Calculation Date through November 1 of the calendar year in which the calculation is made, plus (iv) if either or both of the Series 2004D PRF Account of the Primary Reserve Fund established under the SCPABF Supplemental Indenture or the Series 2004D PRF Account of the Primary Reserve Fund established under the POCBF Supplemental Indenture is invested in any fixed rate investment instrument, amounts estimated by the Administrator to be received by the respective Trustee as

investment earnings on such amounts through May 1<sup>st</sup> of the succeeding calendar year, plus (v) the amount of any other revenues or amounts other than those mentioned in (i) through (iv) above to the extent that such revenues are expected to be available to pay Bond Service Charges or Administrative Amounts, including, without limitation, (a) amounts in the POCBF Capitalized Interest Subaccount and the SCPABF Capitalized Interest Subaccount as provided in Section 3.2 of the Disbursing Agreement, (b) amounts in the Bond Reserve Deposit (or deemed to be in the Bond Reserve Deposit pursuant to the Indentures) to pay the last payment of principal and interest on the Bonds as provided in the Indentures, and (c) amounts in the Additional Bond Reserve Fund. The Total Available Assets for any calendar year will be determined by the Administrator on or about the Calculation Date of the preceding calendar year." For purposes of this Report, the Refunding Bonds replace the Series 2004A Bonds and the Series 2004D Bonds, respectively, as needed.

In the event that the Annual Required Installment is calculated to be zero or less, the Special Assessment is fully abated.

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## ***II. AGGREGATE PERIOD DEBT SERVICE & ADMINISTRATIVE REQUIREMENTS***

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### **Debt Service on the Bonds**

Debt service on the Bonds through November 15, 2022 includes the following payments:

Date	Principal	Interest	Total
November 15, 2021	\$ 0.00	\$ 18,000.00	\$ 18,000.00
May 15, 2022	865,000.00	18,000.00	883,000.00
November 15, 2022	0.00	5,025.00	5,025.00
<b>Total</b>	<b>\$865,000.00</b>	<b>\$41,025.00</b>	<b>\$906,025.00</b>

Debt service schedules for the CCCPA Bonds and the SCPA Bonds are included in Exhibit A to this Report.

### **Port Authority Fee**

The annual fee of the Authority and the Summit Authority is equal to 0.50% of the outstanding principal amount of their respective Bonds. The total fees due to the Authority and the Summit Authority through November 15, 2022 are shown in the following table.

Date	Authority	Summit Authority	Total
November 15, 2021	\$ 2,250.00	\$ 750.00	\$3,000.00
May 15, 2022	625.00	750.00	1,375.00
November 15, 2022	625.00	212.50	837.50
<b>Total</b>	<b>\$3,500.00</b>	<b>\$1,712.50</b>	<b>\$5,212.50</b>

### **Administrative Expenses**

Administrative expenses (other than the Port Authority fee) include the respective Trustee fees and Administrator fees. Such fees were set forth in the final numbers for the CCCPA Bonds and the SCPA Bonds. The total fees due to The Huntington National Bank, U.S. Bank National Association and the Administrator through November 15, 2022 are shown in the following table.

Date	Authority Trustee	Summit Authority Trustee	Administrator	Total
November 15, 2021	\$225.00	\$625.00	\$ 5,000.00	\$5,850.00
May 15, 2022	62.50	625.00	5,000.00	5,687.50
November 15, 2022	62.50	625.00	5,000.00	5,687.50
<b>Total</b>	<b>\$ 350.00</b>	<b>\$1,875.00</b>	<b>\$15,000.00</b>	<b>\$17,225.00</b>

### ***III. TOTAL AVAILABLE ASSETS***

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#### **Service Payment Account**

As of August 31, 2021, the balance in the Service Payment Account was \$279,129.51. These funds are available to pay debt service on the Bonds and Administrative Expenses.

#### **Assessment Account**

As of June 30, 2021, the balance in the Assessment Account was **zero**.

#### **Interest Account of the Bond Fund**

As of June 30, 2021, the balance in the Interest Account of the Bond Fund was **zero**.

#### **Principal Account of the Bond Fund**

As of June 30, 2021, the balance in the Principal Account of the Bond Fund was **zero**.

#### **Estimated Service Payments**

Pursuant to Ordinance 92-2003, dated as of December 15, 2003, the improvements to the property within the TIF District are exempt from real property taxation for a period of eighteen years. However, according to the terms of the Cooperative Agreement, dated September 1, 2004, the developer and property owners agreed to make Service Payments, together with all interest and penalties thereon for nonpayment of such Service Payments, for a period of eighteen years in lieu of said exempt taxes. The Service Payments are in amounts equal to the taxes that would have been levied had the improvements not been exempt from taxation.

The definition of Total Available Assets provides for Service Payments to be estimated based on "the most current value of properties as estimated by the Cuyahoga County Fiscal Officer as of the Calculation Date." By the first day of October of the year prior to taxes being collected, the Cuyahoga County Fiscal Officer must prepare the final tax list, which assigns the true value of the parcels within the TIF District. The estimated true value of the taxable property in the TIF District as of January 1, 2021 has not yet been set by the Cuyahoga County Fiscal Officer. Therefore, for purposes of estimating the Service Payments to be collected in 2022, we have assumed that the true value for properties in the TIF District in 2021 remain at the values set in 2020 (see table on the following page).

### Summary of True, Assessed and Incremental Values

Parcel Number	Owner	Base Year True Value	2020 True Value	Incremental True Value	Incremental Assessed Value
542-16-001	CVC Acquisitions LLC	106,100	454,600	348,500	121,975
542-16-002	Vista Way Partners LLC	52,600	1,842,300	1,789,700	626,395
542-16-003	Highland Park Transportation LLC	7,700	837,600	829,900	290,465
542-16-004	Vista Way Partners LLC	12,200	833,400	821,200	287,420
542-16-005	Vista Way Partners LLC	3,100	1,227,100	1,224,000	428,400
542-25-039	Vista Way Partners LLC	192,200	1,101,500	909,300	318,255
542-25-043	Vista Way Partners LLC	24,800	751,000	726,200	254,170
543-01-001	Highland Park Transportation LLC	11,200	58,700	47,500	16,625
543-01-002	Highland Park Transportation LLC	94,800	2,547,400	2,452,600	858,410
543-03-001	Highland Park Transportation LLC	9,100	1,329,400	1,320,300	462,105
543-03-002	Highland Park Transportation LLC	37,200	412,000	374,800	131,180
543-06-001	Highland Park Transportation LLC	116,900	7,781,200	7,664,300	2,682,505
543-06-002	State of Ohio	2,000	48,500	46,500	16,275
543-09-002	Garfield Heights Land Utilization Program	17,500	143,800	126,300	44,205
543-09-003	Garfield Heights Land Utilization Program	45,400	372,600	327,200	114,520
542-27-001	Peter J. Ltd.	47,800	178,400	130,600	45,710
542-27-003	State of Ohio	184,300	445,000	260,700	91,245
542-39-036	Boyas Dispositions LLC	152,100	966,900	814,800	285,180
543-07-001	Peter J. Ltd.	185,500	1,277,100	1,091,600	382,060
<b>TOTALS</b>		<b>1,302,500</b>	<b>22,608,500</b>	<b>21,306,000</b>	<b>7,457,100</b>

According to the Cuyahoga County Fiscal Officer, parcels 543-06-002 and 542-27-003 have been foreclosed upon and are owned by the State of Ohio. Parcels 543-09-002 and 543-09-003 are owned by the Garfield Heights Land Reutilization Program, which is exempt from paying real property taxes. To account for these three parcels, the estimated Services Payments to be collected in 2021 have been adjusted downward as shown in the table on the following page.

According to the Cuyahoga County Board of Revision (BOR), Vista Way Partners LLC filed a complaint in January 2020, which complaint requested a decrease in the valuation of parcel 542-25-043 from \$751,000 to \$100,000 for tax year 2019. On February 22, 2021, the BOR rendered its' decision maintaining the value at \$751,500. On March 19, 2021, the owner of the parcel appealed the decision to the State of Ohio Board of Tax Appeals. As the date of this Report, no hearing has been set and therefore no decision has been made.

The table below shows the estimated refund to the property owner if the appeal discussed above is granted.

Tax Year	Parcel #	Complaint Value		Total ESTIMATED Refunds
		Actual Value	Value	
2019	542-25-043	\$ 751,100	\$ 100,000	\$ 27,828.08
2020	542-25-043	\$ 751,100	\$ 100,000	28,058.25
<b>TOTAL</b>		<b>\$ 55,886.33</b>		

To account for the historical non-payment of taxes, and the possible decrease in valuations due to the BOR complaint, the estimated Services Payments to be collected in 2022 have been adjusted downward as follows:

**Estimated Service Payments  
Collected in 2022**

Estimated True Value @ 01/01/21	\$21,957,500 <sup>1</sup>
Base Year True Value	\$1,302,500
Incremental Value	\$20,655,000
Assessed Value @ 35% of True Value	\$7,229,250
Real Property Tax Rate per \$1000 of Assessed Value	123.143528 mills
<b>Calculated Service Payments</b>	<b>\$890,235</b>
<b>Less:</b> Assumed Service Payment not to be Paid on 543-06-002, 542-27-003, 543-09-002 & 543-09-003	(\$32,786)
<b>Less:</b> Payment to School District	(\$305,973)
<b>Less:</b> Amount Retained by City	(\$63,694)
<b>Less:</b> Potential Refunds	(\$55,886)
<b>Estimated Service Payments</b>	<b>\$431,896</b>

In 2021 the City received \$699,359.11 in Service Payments from the Cuyahoga County Fiscal Officer as follows:

	<b>Collections</b>
First Half of Tax Year 2020	\$ 532,485.64
Second Half of Tax Year 2020 (Est.)	166,873.47
<b>Total</b>	<b>\$699,359.11</b>

According to the Cuyahoga County Fiscal Officer, several property owners paid their second half taxes property taxes late and therefore the City did receive the applicable Service Payments in the second half settlement. According to the Cuyahoga County Fiscal Officer, the City will be receiving these additional funds, in the amount of \$257,141.38, in the first half of 2022.

<sup>1</sup> Decreased from \$22,608,500 due to the BOR complaints discussed on the previous page.

### Special Assessments

Special Assessments were placed on the tax duplicate for collection in 2021 as follows:

Parcel	Acreage	Percentage of Total	Special Assessment
543-06-001	38.5122	89.086%	\$311,801
543-06-002	0.6476	1.498%	5,243
543-09-001	4.0708	9.416%	32,956
<b>Total</b>	<b>43.2306</b>	<b>100.000%</b>	<b>\$350,000</b>

In 2021 the City received \$155,900.50 in Special Assessments, representing the first half collection of the Special Assessment attributable to parcel # 543-06-001. According to the Cuyahoga County Fiscal Officer, the owner of parcel # 543-06-001 paid their second half Special Assessment late and therefore the City did receive those funds in the second half settlement. According to the Cuyahoga County Fiscal Officer, the City will be receiving these additional funds, in the amount of \$155,900.50, in the first half of 2022.

### Reserve Fund Investment Earnings

As of June 30, 2021, the balance in the Authority's Reserve Fund was \$408,081.22, which is above the reserve requirement of \$378,500. The Authority's Reserve Fund is invested in a \$365,000 fixed rate medium-term note issued by Freddie Mac, earning 2.00% and maturing on June 19, 2023. Investment earnings on the Authority's Reserve Fund are transferred to the Interest Account of the Bond Fund and used to pay interest on the Bonds. Interest is paid semi-annually on June 19 and December 19 of each year. As a result, \$7,300.00 is estimated to be earned on the Authority's Reserve Fund through November 15, 2022 and available to pay debt service on the Bonds and Administrative Expenses through November 15, 2022.

As of June 30, 2021, the balance in the Summit Authority's Reserve Fund was \$128,557.80, which is above the reserve requirement of \$129,000<sup>1</sup>. The Summit Authority's Reserve Fund is invested in a \$120,000 fixed rate medium-term note issued by the Federal Home Loan Bank, earning 2.125% and maturing on June 9, 2023. Interest on the note is paid semi-annually on June 9 and December 9 of each year. Investment earnings on the Summit Authority's Reserve Fund are transferred to the Interest Account of the Bond Fund and used to pay interest on the Bonds. As a result, \$2,550.00 is estimated to be earned on the Summit Authority's Reserve Fund through November 15, 2022 and available to pay debt service on the Bonds and Administrative Expenses through November 15, 2022.

<sup>1</sup> Below reserve requirement due to market decline of the Eligible Investment held within the Reserve Fund. Per the Trust Indenture, replenishment of the Reserve Fund is required only upon draws to pay debt service on the Refunding Bonds.

**Additional Reserve Fund Investment Earnings**

As of June 30, 2021, the balance in the Authority's Additional Reserve Fund was \$0.00. Therefore, there are no investment earnings.

As of June 30, 2021, the balance in the Summit Authority's Additional Reserve Fund was \$100,834.69. The fund is invested in a US Bank Certificate of Deposit and the First American Government Obligation Fund. As investment earnings on the Summit Authority's Additional Reserve Fund are negligible, the Administrator has not included any such investment earnings in the calculation of the Annual Required Installment.

#### ***IV. CALCULATION OF ANNUAL REQUIRED INSTALLMENT***

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<i>Aggregate Period Debt Service and Administrative Requirements</i>	
Interest on the Bonds, November 15, 2021	\$ 18,000.00
Interest on the Bonds, May 15, 2022	18,000.00
Principal on Bonds, May 15, 2022	865,000.00
Interest on Bonds, November 15, 2022	5,025.00
<i>Sub-total debt service</i>	<i>\$906,025.00</i>
Port Authority Fees	5,212.50
Administrative Expenses	17,225.00
<i>Total aggregate period debt service and administrative requirements</i>	<i>\$928,462.50</i>
<i>Total Available Assets</i>	
Service Payment Account	\$279,129.51
Assessment Account	0.00
Interest Account of the Bond Fund	0.00
Principal Account of the Bond Fund	0.00
Balance of 2021 Service Payments to be Collected in 2022 (See discussion on Page 6)	257,141.38
Balance of 2021 Special Assessments to be Collected in 2022 (See discussion on Page 7)	155,900.50
Service Payments to be Collected in 2022 (Estimate)	431,896.00
Reserve fund investment income through November 15, 2022	9,850.00
<i>Total available assets</i>	<i>\$1,133,917.39</i>
<i>Surplus/(Deficit)</i>	<i>\$205,454.89</i>
<u>Estimated Annual Required Installment</u>	<u>\$0.00</u>
Adjustment to Annual Required Installment	(\$190,827.00)
<b>ANNUAL REQUIRED INSTALLMENT</b>	<b>\$190,827.00</b>

The Annual Required Installment is defined in the financing documents as "aggregate period debt service and administrative requirements, less total available assets and less service payments from the additional TIF property." Based on this definition, the Annual Required Installment would be \$0. However, pursuant to Section 8.2 of the Disbursing and Payment Agreement for the Bonds, the calculated Annual Required Installment is subject to adjustment as necessary in the judgment of the Administrator. Administrator hereby certifies that the upward adjustment in the Annual Required Installment, as shown in the table above, is necessary in order to provide sufficient funds to pay principal and interest on the Bonds in 2022.

In accordance with the calculation of the Annual Required Installment on the previous page, the annual Special Assessments to be collected in 2022 will be \$190,827, allocated as follows:

Parcel	Acreage	Percentage of Total	Special Assessment
543-06-001	38.5122	89.086%	\$170,000
543-06-002	0.6476	1.498%	2,859
543-09-001	4.0708	9.416%	17,968
<b>Total</b>	<b>43.2306</b>	<b>100.000%</b>	<b>\$190,827</b>

## EXHIBIT A

**\$3,785,000**

Cleveland-Cuyahoga County Port Authority  
Development Revenue Refinancing Bonds, Port of Cleveland Bond Fund  
Series 2016D

### Debt Service Schedule

Date	Principal	Coupon	Interest	Total
05/15/2016	-	-	58,036.67	58,036.67
11/15/2016	-	-	58,036.67	58,036.67
05/15/2017	545,000.00	3.000%	56,775.00	601,775.00
11/15/2017	-	-	48,600.00	48,600.00
05/15/2018	550,000.00	3.000%	48,600.00	598,600.00
11/15/2018	-	-	40,350.00	40,350.00
05/15/2019	575,000.00	3.000%	40,350.00	615,350.00
11/15/2019	-	-	31,725.00	31,725.00
05/15/2020	595,000.00	3.000%	31,725.00	626,725.00
11/15/2020	-	-	22,800.00	22,800.00
05/15/2021	620,000.00	3.000%	22,800.00	642,800.00
11/15/2021	-	-	13,500.00	13,500.00
05/15/2022	650,000.00	3.000%	13,500.00	663,500.00
11/15/2022	-	-	3,750.00	3,750.00
05/15/2023	250,000.00	3.000%	3,750.00	253,750.00
<b>Total</b>	<b>\$3,785,000.00</b>	-	<b>\$436,261.67</b>	<b>\$4,221,261.67</b>

**Development Finance Authority of Summit County**  
*to provide financing for the*  
**DFA Series 2016A City of Garfield Heights Project**

**Principal and Interest on DFA Bond Fund Bonds**  
 as of the 05/15/2020 Special Redemption of \$5,000.00

*Total Special Redemptions to date: \$15,000.00*

Bondholder Payment Date	Total Principal (to be) Paid	Interest 3.00%	DFA Admin Fee 0.5000%	Trustee Fee 0.080%	Semiannual Debt Service	Outstanding Balance
<i>\$1,250 Annual Minimum</i>						
07/20/16						
11/15/16	\$ -	\$ 12,362.50	\$ 2,060.42	\$ 1,250.00	\$ 15,672.92	\$ 1,290,000.00
05/15/17	190,000.00	19,350.00	3,225.00	625.00	213,200.00	1,100,000.00
11/15/17	-	16,500.00	2,750.00	625.00	19,875.00	1,100,000.00
05/15/18	190,000.00	16,500.00	2,750.00	625.00	209,875.00	910,000.00
11/15/18	-	13,650.00	2,275.00	625.00	16,550.00	910,000.00
05/15/19	195,000.00	13,650.00	2,275.00	625.00	211,550.00	715,000.00
11/15/19	-	10,725.00	1,787.50	625.00	13,137.50	715,000.00
05/15/20	205,000.00	10,725.00	1,787.50	625.00	218,137.50	510,000.00
11/15/20	-	7,650.00	1,275.00	625.00	9,550.00	510,000.00
05/15/21	210,000.00	7,650.00	1,275.00	625.00	219,550.00	300,000.00
11/15/21	-	4,500.00	750.00	625.00	5,875.00	300,000.00
05/15/22	215,000.00	4,500.00	750.00	625.00	220,875.00	85,000.00
11/15/22	-	1,275.00	212.50	625.00	2,112.50	85,000.00
05/15/23	85,000.00	1,275.00	212.50	625.00	87,112.50	0.00
<b>Totals</b>	<b>\$ 1,290,000.00</b>	<b>\$ 140,312.50</b>	<b>\$ 23,385.42</b>	<b>\$ 9,375.00</b>	<b>\$ 1,463,072.92</b>	

ORDINANCE NO.: 67-2021

SPONSORED BY: MAYOR MATTHEW BURKE  
CO-SPONSORED BY: COUNCILMAN MICHAEL NENADOVICH

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO LEVY SPECIAL ASSESSMENTS TO THE COUNTY AUDITOR, AS IDENTIFIED IN ATTACHMENT A AND INCORPORATED HEREIN (LESS ANY PAYMENTS RECEIVED OR CORRECTIONS MADE BY THE FINANCE DIRECTOR OR THE BUILDING COMMISSIONER), TO BE ASSESSED AND COLLECTED ON THE NEXT TAX COLLECTION, PURSUANT TO THE REQUIREMENTS OF CODIFIED ORDINANCES CHAPTER 551: LOT MAINTENANCE.

Whereas, On July 9, 2001 this Council adopted Ordinance 36-2001 which placed into effect Codified Ordinances Chapter 551: Weeds; and on July 11, 2005 this Council amended Section 551.05 Charges for Cutting of Weeds; and on July 11, 2016 this Council amended Chapter 551: Lot Maintenance, and

Whereas, the various City Departments involved have performed their respective duties as identified in the provisions of this Chapter, and

Whereas, pursuant to Chapter 551: Weeds – Section 551.03 the Finance department has developed a listing of unpaid invoices, as identified in Attachment A, incorporated herein, and

Whereas, pursuant to Chapter 551: Weeds – Section 551.04, the total cost for all residents shall be presented to City Council by ordinance, and

Whereas, once approved by the City Council, the total cost of the assessments remaining unpaid may then be certified to the County Auditor to be placed on the tax duplicate to be assessed and collected on the next tax collection, and

Whereas, the last day to certify assessments to the County Auditor for collection on the next tax duplicate is September 13, 2021 and

Whereas, any payments received or corrections to individual parcels authorized by the Finance Director or the Building Commissioner, may be amended from the amounts listed in Attachment A.

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

**SECTION 1.** The Finance Director is hereby authorized and directed to levy special assessments to the County Auditor, as identified in Attachment A and incorporated herein (less any payments received or any corrections made by the Finance Director or the Building Commissioner), to be assessed and collected on the next tax collection, pursuant to the requirements of Codified Ordinances Chapter 551: Lot Maintenance.

**SECTION 2.** Council declares this Ordinance to be an emergency measure necessary for the immediate preservation and protection of the public peace, health, safety, and general welfare of the inhabitants of the City of Garfield Heights and shall take effect and be in full force immediately upon its adoption by this Council and approval by the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

MAYOR

PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

EFFECTIVE DATE: \_\_\_\_\_

ORDINANCE NO.: 68-2021

SPONSORED BY: MAYOR MATTHEW BURKE  
COUNCILMAN MICHAEL NENADOVICH

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AND SALE AGREEMENT BY AND BETWEEN THE CITY OF GARFIELD HEIGHTS, OHIO, A MUNICIPAL CORPORATION ORGANIZED UNDER THE CONSTITUTION AND LAWS OF THE STATE OF OHIO AND THE BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF OHIO, FOR THE PURCHASE AND SALE OF PROPERTY LOCATED IN THE CITY OF GARFIELD HEIGHTS AND KNOWN AS CUYAHOGA COUNTY PERMANENT PARCELS 543-34-048, 543-35-001, 543-35-002, 543-33-003, 543-36-002, 546-36-003, 543-36-004, and 543-37-001, AND OTHERWISE KNOWN AS THE "WARGO FARM" PROPERTY

WHEREAS, the City of Garfield Heights is the owner of 47.7 acres of land comprised of and otherwise known as Cuyahoga County Permanent Parcels 543-34-048, 543-35-001, 543-35-002, 543-33-003, 543-36-002, 546-36-003, 543-36-004, and 543-37-001, and otherwise known as the "Wargo Farm Property" or the "Property"; and

WHEREAS, the Board of Park Commissioners of the Cleveland Metropolitan Park District have requested that the City sell the Property to the Board of Park Commissioners of the Cleveland Metropolitan Park District for development as a further park in the Park District's Park Lands; and

WHEREAS, Section 16(e) of the Garfield Heights Charter authorizes the Garfield Heights City Council to make provisions for the sale or disposal of municipal property; and

WHEREAS, the Mayor and City Council have studied the proposal as delineated in Exhibit "A," a copy of which is attached hereto and made a part hereof, as if fully rewritten herein; and

WHEREAS, the Mayor and members of Council deem in the best interest of the City that said Property be sold to the Board of Park Commissioners of the Cleveland Metropolitan Park District.

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

SECTION 1. That the Mayor be and is hereby authorized to sign an Agreement of Purchase and Sale of 47.7 acres of land known as Cuyahoga County Permanent Parcels 543-34-048, 543-35-001, 543-35-002, 543-33-003, 543-36-002, 546-36-003, 543-36-004, and 543-37-001, and otherwise known as the "Wargo Farm Property" to the Board of Park Commissioners of the Cleveland Metropolitan Park District, pursuant to and subject to the provisions contained in the Agreement of Purchase and Sale attached hereto as Exhibit "A," and made a part hereof as if fully rewritten herein.

SECTION 2. Council declares this Ordinance to be an emergency measure necessary for the preservation of the health, safety, and welfare of the citizens of the City of Garfield Heights; this Ordinance shall take effect immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
MAYOR \_\_\_\_\_ PRESIDENT OF COUNCIL \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL \_\_\_\_\_ EFFECTIVE DATE: \_\_\_\_\_

ORDINANCE NO.: 69-2021

SPONSORED BY: MAYOR MATTHEW BURKE  
COUNCILMAN MICHAEL NENADOVICH

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF GARFIELD HEIGHTS, A MUNICIPAL CORPORATION ORGANIZED UNDER THE CONSTITUTION AND LAWS OF THE STATE OF OHIO AND THE BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF OHIO, FOR THE USE OF CERTAIN REAL PROPERTY IDENTIFIED AS CUYAHOGA COUNTY PERMANENT PARCEL NOS. 543-34-048, 543-35-001, 543-35-002, 543-33-003, 543-36-002, 546-36-003, 543-36-004, and 543-37-001, AND OTHERWISE KNOWN AS THE "WARGO FARM" PROPERTY

WHEREAS, the Board of Park Commissioners of the Cleveland Metropolitan Park District has expressed interest in purchasing from the City of Garfield Heights property known as Cuyahoga County Permanent Parcels 543-34-048, 543-35-001, 543-35-002, 543-33-003, 543-36-002, 546-36-003, 543-36-004, and 543-37-001, and otherwise known as the "Wargo Farm Property" or the "Property"; and

WHEREAS, in order to obtain certain grant funds that will be used to fund a trail improvement project in the license area, the Cleveland Metropolitan Park is requesting that the City of Garfield Heights license the Property for completing the trail project, upon terms and conditions contained in a certain license agreement, a copy of which is attached hereto as Exhibit "A," and made a part hereof as if fully rewritten herein.

WHEREAS, the Mayor and City Council have agreed that it is in the best interest of the City that the Property be licensed to the Cleveland Metropolitan Park District; and

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

SECTION 1. That the Mayor be and is hereby authorized to sign and enter into an agreement with the Board of Park Commissioners of the Cleveland Metropolitan Park District for the licensing of Property as described in the Park License Agreement, Exhibit "A," attached hereto and made a part hereof as if fully rewritten herein.

**SECTION 2.** Council declares this Ordinance to be an emergency measure necessary for the preservation of the health, safety, and welfare of the citizens of the City of Garfield Heights; this Ordinance shall take effect immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

EFFECTIVE DATE: \_\_\_\_\_

ORDINANCE NO.: 70-2021

SPONSORED BY: COUNCILPERSON MICHAEL NENADOVICH

AN ORDINANCE AMENDING SECTION 505.13, *ANIMALS PROHIBITED IN CITY*, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS

*WHEREAS*, Section 505.13 of the Garfield Heights Codified Ordinances states that chickens are not permitted within in the City, and

*WHEREAS*, at this time, Garfield Heights City Council wishes to amend Section 505.13 to permit residents to raise hens.

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

SECTION 1. Section 505.13 of the Codified Ordinances of the City of Garfield Heights, Ohio, which currently reads as follows (~~strike~~through indicating language to be removed):

505.13 ANIMALS PROHIBITED IN CITY.

(a) No person being the owner or harborer, or having charge of any horse, mule, cow, sheep, goats, swine, chickens, geese, ducks or any other fowl or animals shall keep, harbor or permit same within the City.

(b) The provisions of this section shall not be applicable to domesticated dogs and cats, which are not permitted to run at large, nor shall such provisions be applicable to mercantile establishments engaged in the sale of fowl, cattle, sheep and swine for human consumption.

(e) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Shall be amended to read as follows (**bold** indicating new language):

505.13 ANIMALS PROHIBITED IN CITY.

(a) No person being the owner or harborer, or having charge of any horse, mule, cow, sheep, goats, swine, chickens, geese, ducks or any other fowl or animals shall keep, harbor or permit same within the City.

(b) The provisions of this section shall not be applicable to domesticated dogs and cats, which are not permitted to run at large, nor shall such provisions be applicable to mercantile establishments engaged in the sale of fowl, cattle, sheep and swine for human consumption.

(c) **Notwithstanding any of the foregoing, female chickens ("hens," for the purpose of this subsection (c)), may be kept in the City only in accordance with the following regulations:**

(1) **Zoning Districts.** Hens may be kept only in an U1 Residential Single - Family or U2 Residential Single - and Two - Family District.

(2) **Application, Permit and Renewal.** Before the keeping of hens may occur, an annual permit shall have first been obtained from the Building Department. The permit application must be accompanied by a \$25.00 fee paid to the City. New permit applications shall include the following information: the name, phone number, home

per hen, and shall otherwise be constructed to provide humane conditions and to ensure the health and well-being of the animals occupying it are not endangered by the manner of keeping or confinement.

(7) Sanitation; Slaughtering. The coop and outdoor enclosure must be kept clean, dry and sanitary; free from debris and offensive odors; and devoid of rodents and vermin. It shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. All feed must be stored in a weather and rodent - proof container. No hens shall be slaughtered except in accordance with, and only if permitted by, Chapter 918 of the Ohio Revised Code.

(8) Number and Transferability. Within the first year of the effective date of this section, no more than 24 non - transferable permits shall be issued pursuant to this subsection (c). At the first anniversary of the effective date of this section and at each anniversary thereafter, an additional 13 non - transferable permits may be issued pursuant to this subsection (c), except that at no time shall the total number of permits issued in the City exceed 50. Initial applications shall be kept on file by the Building Commissioner and considered in order of their receipt.

(9) Enforcement. All complaints arising from the keeping of hens shall be investigated by the Animal Warden. All complaints arising from the structure containing the hens shall be investigated by the Building Department. Each department shall issue orders and citations as necessary.

(10) Permit Revocation. The Building Commissioner and the Animal Warden shall have the authority to revoke a permit at any time if the permit holder materially fails to adhere to the provisions of this subsection (c). When a permit is revoked, all animals and housing for the animals shall be removed from the property within 7 days of the revocation.

(11) Appeal. Any denial of a permit application or revocation of a permit may be appealed to the Board of Zoning Appeals within 30 days of such notice, pursuant to Chapter 1123.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree. Each subsequent violation shall be charged as a misdemeanor of the first degree.

SECTION 2. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
MAYOR \_\_\_\_\_  
PRESIDENT OF COUNCIL \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_

RESOLUTION NO.: 29-2021

SPONSORED BY: MAYOR MATTHEW BURKE  
CO-SPONSORED BY: ALL OF COUNCIL

A RESOLUTION ON BEHALF OF THE MAYOR AND THE CITY OF GARFIELD HEIGHTS HONORING AND COMMENDING THE SUMMA CUM LAUDE-FOUR STAR AWARD WINNERS OF THE 2021 GARFIELD HEIGHTS HIGH SCHOOL GRADUATING CLASS

*WHEREAS*, This year the Board of Education recognized the graduating seniors from Garfield Heights High School who received a 4.0 or higher grade point average with the highest honor of Summa Cum Laude as well as being categorized as Four Star Award Winners; and

*WHEREAS*, The City of Garfield Heights takes great pleasure in honoring the following students for achieving a 4.0 grade point average or higher in the 2021 Garfield Heights High School graduating class in alphabetical order: Rached Magid Arda, Matthew Thomas Cermak, Ryan Alexander Larsen, Joseph John Lenart, Jr., James Robert Newton, Charity Maria Perry, Haley Ann Sobocinski, and Nathan Anthony Wichert; and

*WHEREAS*, each of these students deserve great recognition for accomplishing such an outstanding scholastic achievement that could only have been obtained through years of hard work and dedication; and

*WHEREAS*, the City would also like to acknowledge the parents, family members, and school faculty for the roles they have played in helping these students achieve this honor; and

*WHEREAS*, further, the City is proud that these students will be representing Garfield Heights as they venture out into the world and look forward to hearing about their future accomplishments.

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

SECTION 1. The Mayor and Council, on behalf of the residents of the City of Garfield Heights, hereby commend the Summa Cum Laude-Four Star Award Winners for their outstanding achievement.

SECTION 2. The Clerk be and is hereby authorized and directed to transmit a copy of this Resolution to each of the students listed herein, the Garfield Heights High School, and to the local news media.

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

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
MAYOR

PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

EFFECTIVE DATE: \_\_\_\_\_