CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

October 13, 2026

6:00 P.M. REGULAR MEETING

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of September 22, 2026

COMMUNICATIONS

AUDIENCE PARTICIPATION

APPOINTMENTS AND CONFIRMATIONS

ORDINANCES, RESOLUTIONS AND MOTIONS

1. City Parks, Recreation & Services Committee – Mr. Ali, Chairman
2. Finance, Taxation & Assessments Committee – Mr. Bortolotto, Chairman
3. Legislation & Rules Committee – Mr. Zakel, Chairman
4. Public Health, Safety & Relief Committee – Mr. McGregor, Chairman
5. Public Improvements Committee – Mr. Sage, Chairman
6. Streets, Utilities & Railroad Committee – Mr. Meany, Chairman
7. Zoning & Building Code Committee – Mr. Ference, Chairman

MAYOR'S REPORT

1. Law Director
2. Finance Director
3. Recreation Director
4. Economic Development Director
5. Service Director

ADJOURNMENT

2026 PENDING LEGISLATION

ORDINANCE NO. 2026-31 – INTRODUCED BY COUNCILMAN FERENCE
An Ordinance amending various sections of the Middleburg Heights Zoning Code.
First Reading & Referred to Planning Commission – April 28, 2026
Second Reading – May 12, 2026

ORDINANCE NO. 2026-46 - INTRODUCED BY MAYOR CASTELLI
An Ordinance declaring the improvement to certain parcels of real property within the city to be a public purpose and exempt from taxation pursuant to ORC Section 5709.41; providing for the collection and deposit of service payments; specifying the purposes for which those service payments may be expended; authorizing a Tax Increment Financing Agreement; and declaring an emergency. **(Southland South – TIF Agreement)**
First Reading – June 23, 2026

ORDINANCE NO. 2026-47 - INTRODUCED BY MAYOR CASTELLI
An Ordinance declaring the improvement to certain parcels of real property within the city to be a public purpose and exempt from taxation pursuant to ORC Section 5709.41; providing for the collection and deposit of service payments; specifying the purposes for which those service payments may be expended; authorizing a Tax Increment Financing Agreement; and declaring an emergency. **(Southland Shopping Plaza – TIF Agreement)**
First Reading – June 23, 2026

UN-NUMBERED LEGISLATION

INTRODUCED BY COUNCIL PRESIDENT BORTOLOTTO
An Ordinance to make supplemental appropriations for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2026.

INTRODUCED BY COUNCIL PRESIDENT BORTOLOTTO
An Ordinance providing for the issuance and sale of not to exceed $2,178,750 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of reconstructing, resurfacing, grading, draining, paving and curbing Smith Road including constructing related sidewalks, water lines and related water supply facilities, sanitary sewers and related sanitary facilities, storm sewers and related drainage facilities, installing signage and traffic signalization, and relocating existing utilities as necessary, together with the necessary related improvements and appurtenances thereto, as designated in the plans approved or to be approved by council, and declaring an emergency.

INTRODUCED BY COUNCIL PRESIDENT BORTOLOTTO
An Ordinance providing for the issuance and sale of not to exceed $10,280,000 notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the city's sanitary sewerage system by constructing and improving sanitary and storm sewers and related sanitary and drainage facilities and declaring an emergency.

INTRODUCED BY MAYOR CASTELLI

A Resolution to accept a Veterans & First Responders Foundation K-9 through their K-9 Assistance & Placement Program.

INTRODUCED BY MAYOR CASTELLI

An Ordinance creating the Saint Amelia Tax Increment Financing Incentive District; declaring improvements to the parcels within the incentive district to be a public purpose and exempt from real property taxation; requiring the owners of those parcels to make service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of those service payments; requiring the distribution of a portion of those service payments to the Berea City School District, the Polaris Career Center and Cuyahoga County; specifying the public infrastructure improvements that benefit or serve parcels in the incentive district; and declaring an emergency.

DELIVERED OCT 0 8 2026

City of Middleburg Heights, Ohio

Ordinance No. 2026-____

Introduced by: Mr. Bortolotto, Mr. Meany, and Mr. Ference

**AN ORDINANCE
TO MAKE SUPPLEMENTAL APPROPRIATIONS
FOR CURRENT EXPENDITURES AND EXPENSES
FOR THE CITY OF MIDDLEBURG
HEIGHTS FOR THE CALENDAR YEAR 2026**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO:

Section 1. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2026, the following sums be appropriated from the General Fund:

Description	Increase (Decrease)
Police - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	$ 270,430.00
Fire - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	186,870.00
Planning/Zoning - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	3,330.00
Building - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	20,460.00
Mayor's Court - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	(39,120.00)
Mayor's Office - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	(15,260.00)
Economic Dev. - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	5,980.00
Finance - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	32,120.00
Law - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	11,300.00
Service - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	154,640.00
Fac. Maintenance - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	26,430.00
Council - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	9,790.00
Gen. Govt. - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	50,000.00
Transfers - Transfer to SCM&R Fund	136,500.00
Total Increase to the General Fund	853,470.00

Section 2. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2026, the following sums be appropriated from the SCM&R Fund:

Description	Increase (Decrease)
Streets - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	$ 136,500.00
Total Increase to the SCM&R Fund	$ 136,500.00

Section 3. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2026, the following sums be appropriated from the Recreation Fund:

Description	Increase (Decrease)
Comm. Center - Wages & Fringe Benefits (3.25% - Contract Changes, Cleanup)	$ 6,850.00
Total Increase to the Recreation Fund	$ 6,850.00

Section 5. That it is hereby 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 deliberations of this council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including chapter 107 of the Codified Ordinances and section 121.22 of Ohio Revised Code.

PASSED_____

_____
PRESIDENT OF COUNCIL

ATTEST:

_____
CLERK OF COUNCIL

PRESENTED TO MAYOR_____

APPROVED ON:_____

	YEAS	NAYS
BORTOLOTTO	____	____
ALI	____	____
SAGE	____	____
MEANY	____	____
MCGREGOR	____	____
FERENCE	____	____
ZAKEL	____	____

_____
MAYOR

DELIVERED OCT 0 8 2026

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2026-____

Introduced by: Mr. Bortolotto, Mr. Meany, and Mr. Ference

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED $2,178,750 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RECONSTRUCTING, RESURFACING, GRADING, DRAINING, PAVING AND CURBING SMITH ROAD INCLUDING CONSTRUCTING RELATED SIDEWALKS, WATER LINES AND RELATED WATER SUPPLY FACILITIES, SANITARY SEWERS AND RELATED SANITARY FACILITIES, STORM SEWERS AND RELATED DRAINAGE FACILITIES, INSTALLING SIGNAGE AND TRAFFIC SIGNALIZATION, AND RELOCATING EXISTING UTILITIES AS NECESSARY, TOGETHER WITH THE NECESSARY RELATED IMPROVEMENTS AND APPURTENANCES THERETO, AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2024-82, passed on October 8, 2024, there were issued $4,780,000 Street Improvement Notes, Series 2024, in anticipation of bonds for the purpose stated in Section 1, which notes were retired at maturity, together with other funds available to the City, with the proceeds of $2,100,000 Street Improvement Notes, Series 2025 (Treasury Notes) (the Outstanding Notes), issued in anticipation of bonds pursuant to Ordinance No. 2025-62, passed on October 14, 2025, which Outstanding Notes mature on November 24, 2026; 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 provide an additional not to exceed $78,750 for the purpose stated in Section 1; and

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is at least 20 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the issuance of the Bonds, is November 26, 2044;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

Section 1. Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue bonds of the City in an aggregate principal amount not to exceed $2,178,750 (the Bonds) for the purpose of paying costs of reconstructing, resurfacing, grading, draining, paving and curbing Smith Road including constructing related sidewalks, water lines and related water supply facilities, sanitary sewers and related sanitary facilities, storm sewers and related drainage facilities, installing signage

and traffic signalization, and relocating existing utilities as necessary, together with the necessary related improvements and appurtenances thereto, as designated in the plans approved or to be approved by Council.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately November 1, 2027, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 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 interest payment on the Bonds is estimated to be June 1, 2028, and the first principal payment of the Bonds is estimated to be December 1, 2028.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in an aggregate principal amount not to exceed $2,178,750 (the Notes) shall be issued in anticipation of the issuance of the Bonds, to retire the Outstanding Notes and to provide additional money for the purpose stated in Section 1. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes and signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 6% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The aggregate principal amount of and rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in lawful money at the office of the Director of Finance (the Paying Agent).

Section 5. Execution of Notes; Book Entry System. 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 entire principal shall be represented by a single note, which shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon its face the purpose, in summary terms, for which it is being issued and that it is issued pursuant to this Ordinance.

Section 6. Sale of the Notes. The Notes are offered at a purchase price, not less than par, as shall be determined by the Director of Finance, plus any accrued interest, to the Treasury Investment Board of the City for investment under Section 731.56 of the Revised Code and the City's Codified Ordinances. Any Notes not purchased by the Treasury Investment Board shall be sold at not less than 100% of par plus accrued interest at private sale by the Director of Finance in accordance with law and the provisions of this Ordinance. The Director of Finance shall 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 issue of 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.

The expenditure of the amounts necessary to pay financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of such costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, 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 and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. 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 debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. Provisions for Tax Levy. 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 debt charges on the Notes or the Bonds when and as the same fall due.

In each year, to the extent money from the municipal income tax is available for the payment of the debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated in compliance with the covenant hereinafter set forth. To the extent necessary, the debt charges on the Notes and Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio; and the City hereby covenants, subject and pursuant to such authority, including particularly Sections 133.05(B)(7) and 5705.51(A)(5) and (D) of the Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in this Section in any way diminishes the pledge of the full faith and credit and property taxing power of the City to the prompt payment of the debt charges on the Notes and Bonds.

Section 10. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a copy of the signed Certificate Award to the Cuyahoga County Fiscal Officer.

Section 11. Satisfaction of Conditions for Note Issuance. 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 debt charges 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 12. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 13. Retention of Municipal Advisor. The services of MAS Financial Advisory Services LLC, as municipal advisor, be and are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Director of Finance is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 14. Compliance with Open Meeting Requirements. 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 its 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 in compliance with the law, including Chapter 107 of the City's Codified Ordinances and Section 121.22 of the Revised Code.

Section 15. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 16. Declaration of Emergency; Effective Date. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to sell the Notes at the earliest possible date, which is necessary to make their proceeds available to enable the City to (i) timely retire the Outstanding Notes and thereby preserve its credit and (ii) enter into contracts for the improvement and/or to reimburse the City for certain costs of the improvement, which was and is needed to eliminate existing and potential hazards to vehicular and pedestrian traffic in the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____

_____
President of Council

Attest: _____
Clerk of Council

Approved On: _____

Presented to Mayor: _____

_____
Mayor

	Yeas	Nays
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____
McGregor	_____	_____
Ference	_____	_____
Zakel	_____	_____

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, OHIO:

As fiscal officer of the City of Middleburg Heights, Ohio, I certify in connection with your proposed issue of not to exceed $2,178,750 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of reconstructing, resurfacing, grading, draining, paving and curbing Smith Road including constructing related sidewalks, water lines and related water supply facilities, sanitary sewers and related sanitary facilities, storm sewers and related drainage facilities, installing signage and traffic signalization, and relocating existing utilities as necessary, together with the necessary related improvements and appurtenances thereto, as designated in the plans approved or to be approved by Council (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 Section 133.20 of the Revised Code, is 20 years, being my estimate of the life or period of usefulness of those improvements. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than 20 years but in excess of five years, then the maximum maturity of the Bonds would still be at least 20 years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of 20 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of 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 November 26, 2044, which is 20 years from November 26, 2024, the date of issuance of the original notes issued for this purpose.

Dated: October 13, 2026

Director of Finance
City of Middleburg Heights, Ohio

DELIVERED OCT 0 8 2026

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2026-____

Introduced by: Mr. Bortolotto, Mr. Meany, and Mr. Ference

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED $10,280,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S SANITARY SEWERAGE SYSTEM BY CONSTRUCTING AND IMPROVING SANITARY AND STORM SEWERS AND RELATED SANITARY AND DRAINAGE FACILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the issuance of the Bonds, is 240 months from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

Section 1. Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue bonds of the City in an aggregate principal amount not to exceed $10,280,000 (the Bonds) for the purpose of paying costs of improving the City's sanitary sewerage system by constructing and improving sanitary and storm sewers and related sanitary and drainage facilities, together with all necessary appurtenances thereto, and otherwise improving that system.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately November 1, 2027, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 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 interest payment on the Bonds is estimated to be June 1, 2028, and the first principal payment of the Bonds is estimated to be December 1, 2028.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in an aggregate principal amount not to exceed $10,280,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes and signed in accordance with Section 6

(the Certificate of Award). The Notes shall bear interest at a rate not to exceed 7% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity or at any date of earlier prepayment as provided for in Section 4 and until the principal amount is paid or payment is provided for, subject to the paragraph immediately below. The aggregate principal amount of and rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

If requested by the Original Purchaser (as defined in Section 6) and if the Director of Finance has determined it to be in the best interests of and financially advantageous to the City to participate in the Treasurer of State's Ohio Market Access Program (as described in Section 6(c)), the Notes may provide that, in the event that the City does not pay or make provision for payment at maturity of the debt charges on the Notes, the principal amount of the Notes shall bear interest at a different rate not to exceed the After Maturity Rate (as defined in the Standby Note Purchase Agreement defined and provided for in Section 6(c)) from the maturity date until the City pays or makes provision to pay that principal amount.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America, as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of Zions Bancorporation, National Association, or at the designated corporate trust office or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award, after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

Section 5. Execution of Notes; Book Entry System. 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 the Original Purchaser and approved by the Director of Finance, provided that no Note shall be issued in a denomination less than $100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that 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. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) 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 (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes deposited and maintained in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company).

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and deposited and maintained in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) 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 (iv) 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 to order 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, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. Sale of the Notes.

(a) To the Original Purchaser. The Notes shall be sold at not less than par to Stifel, Nicolaus & Company, Incorporated (the Original Purchaser), in accordance with law and the provisions of this Ordinance and the Note Purchase Agreement (as defined below). The Director of Finance shall sign the Certificate of Award evidencing that sale to the Original Purchaser, 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 issue of 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.

(b) Note Purchase Agreement. The Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Note Purchase Agreement between the City and the Original Purchaser (the Note Purchase Agreement), in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Notes. The Note Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Note Purchase Agreement or amendments thereto.

(c) Ohio Market Access Program. If the Director of Finance determines in the Certificate of Award for it to be in the best interest of and financially advantageous to the City, the City shall participate in the Treasurer of State's Ohio Market Access Program.

The Standby Note Purchase Agreement (Standby Note Purchase Agreement) and Paying Agent Agreement (Paying Agent Agreement) are hereby authorized in the forms presented to this Council with such changes not materially adverse to the City as may be approved by the officers of the City executing the Standby Note Purchase Agreement and Paying Agent Agreement. The City acknowledges the agreement of the Treasurer of State in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer of State agrees (A) to purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer of State for such purchase at a price of par plus accrued interest to maturity or (B) to purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer of State's purchase of such renewal notes the City shall deliver to the Treasurer of State an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing

instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer of State at stated maturity.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, 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 and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. 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 debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. Provisions for Tax Levy. 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 debt charges on the Notes or the Bonds when and as the same fall due. In each year, to the extent that revenues and surplus funds from the City's sanitary sewerage system or other moneys are available for the payment of debt charges on the Notes and the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of revenues and funds and/or moneys so available and appropriated.

Section 10. Federal Tax Considerations. 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 or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be 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 Director of Finance, as the fiscal officer, 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 (including specifically designation of the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants), 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 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, the 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. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a copy of the signed Certificate Award to the Cuyahoga County Fiscal Officer.

Section 12. Satisfaction of Conditions for Note Issuance. 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 debt charges 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 13. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as

to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 14. Retention of Municipal Advisor. The services of MAS Financial Advisory Services LLC, as municipal advisor, be and are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Director of Finance is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 15. Compliance with Open Meeting Requirements. 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 its 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 in compliance with the law, including Chapter 107 of the City's Codified Ordinances and Section 121.22 of the Revised Code.

Section 16. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 17. Declaration of Emergency; Effective Date. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to sell the Notes at the earliest possible date, which is necessary to make their proceeds available to enable the City to enter into contracts for the improvement and/or to reimburse the City for certain costs of the improvement, which was and is needed to provide sanitary sewers and sanitary facilities for the City's residents and thereby protect their health and welfare; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

[Balance of Page Intentionally Left Blank]

Passed: _____

_____
President of Council

Attest: _____
Clerk of Council

Approved On: _____

Presented to Mayor: _____

_____
Mayor

	Yeas	Nays
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____
McGregor	_____	_____
Ference	_____	_____
Zakel	_____	_____

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, OHIO:

As fiscal officer of the City of Middleburg Heights, Ohio, I certify in connection with your proposed issue of not to exceed $10,280,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving the City's sanitary sewerage system by constructing and improving sanitary and storm sewers and related sanitary and drainage facilities, together with all necessary appurtenances thereto, and otherwise improving that system (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 Section 133.20 of the Revised Code, is 40 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of 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 240 months from their date of issuance.

Dated: October 13, 2026

Director of Finance
City of Middleburg Heights, Ohio

DELIVERED OCT 0 8 2026

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2026-

Introduced By: Mayor Matthew Castelli

A RESOLUTION
TO ACCEPT A VETERANS & FIRST RESPONDERS FOUNDATION K-9 THROUGH THEIR K-9 ASSISTANCE & PLACEMENT PROGRAM

WHEREAS, the Middleburg Heights Police Department's commitment to public safety and to the effective utilization of a K-9 partnership has been recognized by the Veterans & First Responders Foundation; and

WHEREAS, the Veterans & First Responders Foundation has graciously offered to provide a properly selected and trained K-9 from Excel K-9 Services Inc. to the Middleburg Heights Police Department; and

WHEREAS, the Middleburg Heights Police Department does not currently have a K-9 on staff as K-9 Zeke recently passed away following a prolonged illness; and

WHEREAS, the attached Letter of Intent communicates the VFR Foundation's intent to work with the Middleburg Heights Police Department toward the placement of a K-9 through Excel K-9 Services, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That the Mayor and Police Chief are hereby authorized to sign a Letter of Intent, the same or substantially similar to the copy attached hereto and marked "Exhibit A", and to proceed with the next steps toward the successful placement of a VFR Foundation K-9 through Excel K-9 Service, Inc.

Section 2: It is hereby 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 deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed:_____

_____
President of Council

Attest: _____
Clerk of Council

Approved On: _____

_____
Mayor

Presented to Mayor:_____

	Yea	Nay
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____
McGregor	_____	_____
Ference	_____	_____
Zakel	_____	_____

VFR

Veterans & First Responders

Dear Chief Swanson,

On behalf of the VFR Foundation, it is our privilege to congratulate the Middleburg Police Department on being selected to receive consideration for a VFR Foundation K9 through our K9 Assistance & Placement Program.

The VFR Foundation is honored to support the men and women who serve our communities. Providing a properly selected and trained K9 is one of the ways we seek to strengthen the resources available to law enforcement officers and enhance their ability to protect and serve their communities.

Your department's commitment to public safety and to the effective utilization of a K9 partnership has been recognized by the VFR Foundation, and we look forward to working with your department throughout the placement process.

PURPOSE OF THIS LETTER

This Letter of Intent formally communicates the VFR Foundation's intent to work with the Middleburg Heights Police Department toward the placement of a K9, subject to completion of the required evaluation, documentation, funding, training, and administrative steps.

This letter is intended to establish the framework for moving forward and does not, by itself, constitute a final transfer or ownership agreement.

NEXT STEPS

Following receipt of this Letter of Intent, the VFR Foundation and the Police Department will work together through the following process:

1. Department Confirmation

The Police Department will confirm its continued interest in receiving a VFR-supported K9 and identify the designated department representative responsible for coordinating the program.

Department Contact: _____
Title: _____
Phone: _____
Email: _____

2. K9 & Handler Requirements

The Department will provide information to Excel K-9 Services Inc. regarding:

- Excel K-9 Services Inc. will be providing the K9 dog
- Excel K-9 Services Inc. will be training the dog
- Excel K-9 Services Inc. will provide State of Ohio certification.
- Intended K9 assignment and operational purpose
- Proposed K9 handler
- Handler qualifications and experience
- Department policies and procedures governing K9 operations
- Anticipated training requirements
- Facility, transportation, housing, and care arrangements
- Veterinary care and ongoing K9 maintenance plan

3. K9 Selection

The VFR Foundation will work with its designated K9 professionals and/or training partners to identify an appropriate K9 based upon the Department's operational needs.

The final K9 selection will be subject to appropriate evaluation for suitability, health, temperament, training potential, and compatibility with the intended assignment and handler.

4. Training & Preparation

Once a K9 has been identified, the VFR Foundation will coordinate with the appropriate training organization and the Department regarding the required training and preparation.

The Department and VFR Foundation will establish a mutually agreed-upon training schedule and anticipated completion date.

5. Veterinary & Documentation Review

Prior to final placement, appropriate documentation regarding the K9's health, veterinary history, vaccinations, and other applicable records will be reviewed.

Additional documentation may be required by the VFR Foundation, K9 provider, training organization, municipality, or other participating parties.

6. Final Placement & Transfer

Upon successful completion of the applicable requirements, the VFR Foundation and the Police Department will execute the appropriate K9 Transfer/Placement Agreement.

That agreement will establish the terms of the K9 placement, including ownership, care, use, responsibilities, and any applicable restrictions or requirements.

7. Public Announcement

Following completion of the placement and with the Department's approval, the VFR Foundation may coordinate a public announcement recognizing the partnership and the community impact made possible through the VFR K9 Program.

The Department will have the opportunity to participate in photographs, presentations, social media recognition, press releases, and other appropriate public recognition.

ONGOING RESPONSIBILITY

The VFR Foundation's goal is not simply to place a K9, but to establish a successful partnership between the K9, handler, department, and community.

Following placement, the Department will be responsible for providing appropriate ongoing care, housing, veterinary services, food, equipment, training, and operational support for the K9 in accordance with applicable law, department policy, and accepted professional standards.

The VFR Foundation may remain in communication with the Department following placement to document the K9's impact and to understand future needs of the department.

CONGRATULATIONS

Once again, congratulations to the Middleburg Police Department.

It is our privilege to partner with your department and to support the officers who put themselves in harm's way each day to protect their community.

We believe a K9 partnership represents more than the placement of an animal. It represents an investment in officer safety, public safety, community service, and the men and women who answer the call to serve.

We look forward to working with you and your team as we move through the next steps toward the successful placement of your VFR Foundation K9.

Respectfully,

David Knott

David Knott

President & Founder
VFR Foundation
Veterans & First Responders

ACKNOWLEDGEMENT OF INTENT

The undersigned acknowledges receipt of this Letter of Intent and confirms the Police Department's intent to proceed with the VFR Foundation K9 placement process, subject to completion of the applicable requirements and execution of a final K9 Transfer/Placement Agreement.

POLICE DEPARTMENT

Department: _____

Chief/Authorized Representative: _____

Title: _____

Signature: _____

Date: _____

VFR FOUNDATION

David Knott
President & Founder

Signature: _____

Date: _____

DELIVERED OCT 0 8 2026

City Of Middleburg Heights, Ohio

Ordinance No. 2026-___

Introduced by: Mayor Matthew Castelli

AN ORDINANCE CREATING THE SAINT AMELIA TAX INCREMENT FINANCING INCENTIVE DISTRICT; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; REQUIRING THE DISTRIBUTION OF A PORTION OF THOSE SERVICE PAYMENTS TO THE BEREA CITY SCHOOL DISTRICT, THE POLARIS CAREER CENTER AND CUYAHOGA COUNTY; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICT; AND DECLARING AN EMERGENCY.

WHEREAS, this Council desires to facilitate the development of a residential subdivision consisting of approximately 31 single-family homes within the City in order to increase available housing options within the City (the "Project"); and

WHEREAS, in order to develop the Project, it is necessary to construct certain public infrastructure improvements; and

WHEREAS, this Council, pursuant to Ohio Revised Code ("ORC") 5709.40, 5709.42 and 5709.43 (collectively, the "TIF Act"), is authorized to declare improvement to the Parcels (as defined herein) to be a public purpose, exempt those improvements from real property taxation and require owners of the Parcels to make service payments in lieu of taxes in an amount equal to such exempted taxes and require the distribution of a portion of the service payments to the Berea City School District and Polaris Career Center and establish a tax increment equivalent fund for the deposit of the those service payments, and specify the purposes for which money in that fund will be expended; and

WHEREAS, to facilitate the development of the Project and pay the associated costs of the necessary public infrastructure improvements from service payments in lieu of taxes, this Council has determined to create the Saint Amelia Incentive District (the "Incentive District") pursuant to the TIF Act, the boundaries of which shall be coextensive with the boundaries of, and will include, the parcels of real property within the Incentive District specifically identified and depicted in Exhibit A attached hereto (as currently or subsequently configured, the "Parcels", with each of those parcels referred to herein individually as a "Parcel");

WHEREAS, an emergency exists in the usual daily operations of the City, that emergency being related to the need to pass this Ordinance as quickly as possible, which will result in the development of the Project, funding for public infrastructure improvements and the creation of jobs, all of which will improve the health, safety and welfare of the residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

Section 1: Incentive District Findings and Determinations; Creation of Incentive District. This Council hereby: (i) adopts the Economic Development Plan for the Incentive District now on file with the Clerk of the City Council, (ii) accepts and adopts the City Engineer's certification to this Council and the City Engineer's findings set forth therein (a) that the public infrastructure serving the Incentive District is inadequate to meet the development needs of the Incentive District as evidenced by the Economic Development Plan and (b) that the Incentive District is less than 300 acres in size and enclosed by a contiguous boundary, (iii) finds and determines that the Project will place additional demand on the Public Infrastructure Improvements within the Incentive District, (iv) finds and determines that the City sent written notice of the public hearing regarding this ordinance by first class mail to each owner of real property within the proposed Incentive District at least 30 days prior to such hearing, which notice included a map of the proposed Incentive District as well as the overlay area required by ORC Section 5709.40(C)(2), (v) finds and determines that this Council has not received a request from the owner of any real property within the proposed Incentive District to exclude that owner's property from the Incentive District, and (vi) finds and determines that notice of this ordinance has been delivered to the Board of Education of the Berea City School District, the Polaris Career Center, and the County Council for Cuyahoga County in accordance with and within the time periods prescribed in ORC Sections 5709.40 and 5709.83. This Council hereby ratifies the giving of all such notices. Pursuant to the TIF Act, this Council creates the Incentive District, the boundaries of which are coextensive with the boundaries of, and include, the Parcels specifically identified and depicted in Exhibit A attached hereto.

Section 2: Public Infrastructure Improvements. This Council designates the following public infrastructure improvements, together with any public infrastructure improvements hereafter designated by ordinance, as public infrastructure improvements made, to be made or in the process of being made by the City that benefit or serve, or that once made will benefit or serve, the Parcels within the Incentive District (the "Public Infrastructure Improvements"): roadway improvements including, without limitation, construction of roadway improvements, acquisition of related rights of way and easements, water system improvements, sanitary sewer improvements, storm drainage improvements, pedestrian sidewalks and bike paths, street lights, gas facilities, electrical facilities, acquisition and improvement of public parkland, open space and recreational facilities that serve the development area and surrounding community, including, without limitation, trails, landscaping and related public amenities, and all appurtenances thereto, and the maintenance of roadway improvements and other public improvements within and adjacent to the Incentive District. The costs of the improvements include but are not limited to, those costs listed in ORC Section 133.15(B).

Section 3: Life of the Incentive District; Authorization of Tax Exemption. The life of the Incentive District commences with the first tax year in which Improvements attributable to new construction would first appear on the tax list and duplicate of real and public utility property for Parcels within the Incentive District were it not for the exemption granted in this ordinance and ends on the earlier of (a) 30 years after such commencement or (b) the date on which the City can

no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act (the "Incentive District Life").

Pursuant to and in accordance with the provisions of ORC Section 5709.40(C), this Council hereby declares that the increase in assessed value of each Parcel subsequent to the effective date of this ordinance (which increase in assessed value is hereinafter referred to as the "*Improvement*," as defined in ORC Section 5709.40(A)) is a public purpose, with 100% of such Improvement to each Parcel exempt from taxation for the Incentive District Life for the Incentive District.

Section 4: Service Payments. As provided in ORC 5709.42, the owner of each Parcel is hereby required to make service payments in lieu of taxes with respect to the Improvement allocable to each Parcel to the Cuyahoga County Treasurer (the "County Treasurer") on or before the final dates for payment of real property taxes. The service payments in lieu of taxes will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 3, including any penalties and interest (collectively, the "Service Payments"). The Service Payments, and any other payments with respect to each Improvement that are received in connection with the reduction required by ORC 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), will be deposited and distributed in accordance with Section 6.

Section 5: TIF Fund. This Council establishes, pursuant to and in accordance with the provisions of ORC 5709.43, the Saint Amelia Incentive District Municipal Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"), into which the Service Payments and Property Tax Rollback Payments collected with respect to the Parcels will be deposited. The TIF Fund will be maintained in the custody of the City. The City may use amounts deposited into the TIF Fund only for the purposes authorized in the TIF Act, County Compensation Agreement, and this Ordinance (as it may be amended). The TIF Fund will remain in existence so long as the Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund will be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with ORC Section 5709.43.

Section 6: Distributions; Payment of Costs. Pursuant to the TIF Act, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments to each of the Berea City School District and the Polaris Career Center, an amount equal to the amount the school district would otherwise receive as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance and all remaining Service Payments to the City for deposit into the TIF Fund. Money deposited into the TIF Fund shall be used to pay or reimburse costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any notes or bonds of the City issued to pay or reimburse costs of those Public Infrastructure Improvements or finance costs for those improvements, including, without limitation, payment of reimbursements to the City's General Fund or other City funds, payments under the County Compensation Agreement authorized pursuant to Section 7, and to make payments pursuant to the Berea City School District and the Polaris Career Center to the

extent the payments are not made by the County Treasurer. All distributions required under this Section are requested to be made at the same time and in the same manner as real property tax distributions.

Section 7: County Compensation Agreement and Payments. This Council hereby (a) approves and authorizes the Mayor to execute the County Compensation Agreement presently on file with the Clerk of Council along with any changes or amendments thereto consistent with this Ordinance and not substantially adverse to the City and approved by the Mayor and the Law Director; provided that the approval of such changes and amendments thereto by the Mayor and Law Director, and the character of those changes and amendments as not being substantially adverse to the City, shall be evidenced conclusively by the Mayor and Law Director's execution and delivery thereof and (b) authorizes the making of payments pursuant to the terms of the County Compensation Agreement, as the same may be amended from time to time.

Section 8: Further Authorizations. This Council hereby authorizes each of the Mayor, the Director of Law, the Director of Finance, the Director of Economic Development, and other appropriate officers of the City, to deliver a copy of this ordinance to the Ohio Department of Development within fifteen days after its effective date, in accordance with ORC 5709.40(I), and to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further authorizes each of the Mayor, the Director of Law, the Director of Finance, the Director of Economic Development, and other appropriate officers of the City, to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 9: Open Meetings. 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 any of its 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, including ORC 121.22.

Section 10: Effective Date. This Ordinance is hereby declared to be an emergency measure for the reasons stated in the preamble hereto. Wherefore, provided this Ordinance received the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon it passage and approval by the Mayor.

Passed: _____

_____
President of Council

Attest: _____
Clerk of Council

Approved On: _____

Presented to Mayor: _____

_____
Mayor

	Yea	Nay
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____
McGregor	_____	_____
Ference	_____	_____
Zakel	_____	_____

EXHIBIT A

IDENTIFICATION AND MAP OF THE PARCELS

The area on the following map identified as tax parcels 371-23-005, 371-23-006, 371-23-007, and 371-23-008, specifically identify and depict the Parcels and constitute part of this Exhibit A. The tax parcels numbers are included for further identification purposes only and does not limit the extent of the Parcels shown on the map.

