

CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

November 24, 2020

7:00 P.M. REGULAR MEETING

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of November 10, 2020

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. Ference, 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. Grech, Chairman

MAYOR'S REPORT

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

ADJOURNMENT

CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

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2020 PENDING LEGISLATION

- 32 Grech An Ordinance amending Section 1133.14 of the Middleburg Heights Zoning Code. 1st. Rdg. 3-24-20
Refer to Planning
3-24-20
2nd. Rdg. 6-9-20
Pub. Hrg. 9-8-20

UN-NUMBERED LEGISLATION

- Bortolotto An Ordinance amending section 107.03 "Public Meetings Required; Minutes" of the Middleburg Heights Codified Ordinances.
- Meany An Ordinance to make supplemental appropriations for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020 and declaring an emergency.
- Grech An Ordinance extending a moratorium on the issuance and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of Middleburg Heights, Ohio and declaring an emergency.
- Mayor Castelli An Ordinance establishing a temporary moratorium on the acceptance, processing, and approval of applications for zoning, occupancy and/or building permits for dealers in secondhand articles use in all zoning districts of the city and declaring an emergency.
- Mayor Castelli An Ordinance to make supplemental appropriations for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020 and declaring an emergency.

CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

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ZONING & BUILDING CODE COMMITTEE – Mr. Grech, Chairman

- 11-27-18 Request from Fabo Architecture, Inc. to rezone land on Pearl Road from general business to retail service for construction of a vet clinic
- 9-10-19 Request from Middleburg Heights Healthcare and Rehabilitation Real Estate LLC to rezone land north of American Veterans Parkway to senior residence/life care district
- 9-24-19 Discussion regarding ordinance regulating fences

FINANCE, TAXATION & ASSESSMENTS COMMITTEE – Mr. Bortolotto, Chairman

CITY PARKS, RECREATION & SERVICES COMMITTEE – Mr. Ali, Chairman

- 2-13-18 Dog Park
- 11-13-18 Ordinance No. 2018-92, Dedicated space for seniors in community center
- 2-26-19 Proposed Charter Amendments – mayor term limits/firing of directors

LEGISLATION & RULES COMMITTEE – Mr. Ference, Chairman

- 2-26-13 Vote Abstention Rule
- 9-10-19 Term Limits

PUBLIC HEALTH, SAFETY & RELIEF COMMITTEE – Mr. McGregor, Chairman

- 9-22-90 Hotel/Motel Security Legislation

PUBLIC IMPROVEMENTS COMMITTEE – Mr. Dan Sage, Chairman

- 6-26-12 Police Department Expansion Project or new facility

STREETS, UTILITIES & RAILROAD COMMITTEE – Mr. Meany, Chairman

- 1-22-19 Letter from Diane Bickett, Executive Director, dated January 7, 2019 regarding ratification of the Cuyahoga County Solid Waste Management Plan update

AD-HOC COMMITTEE

- 12-22-09 Preservation of the Little Red School House

Regular Council Meeting November 24, 2020
Tue, Nov 24, 2020 7:00 PM - 9:00 PM (EST)

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CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2020-

Introduced By: Mr. Bortolotto

**AN ORDINANCE
AMENDING SECTION 107.03 "PUBLIC MEETINGS REQUIRED;
MINUTES" OF THE MIDDLEBURG HEIGHTS CODIFIED ORDINANCES**

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

Section 1: That Section 107.03 of the Middleburg Heights Codified Ordinances entitled "Public Meetings Required; Minutes" shall be amended to read as follows:

107.03 PUBLIC MEETINGS REQUIRED; MINUTES.

All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body must be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.

In times of emergency, declared by the President of the United States, the Governor of the State of Ohio, or the Cuyahoga County Executive, a public body may meet by teleconference, video conference, or other electronic means, provided the meeting is open to the public. A member or members of the public body may attend such meeting by teleconference, video conference, or other electronic means. Each member of the public body attending in such a manner shall be deemed present in person to vote at the meeting and present in person for purposes of determining whether a quorum is present at the meeting.

The minutes of a regular or special meeting of any such public body shall be promptly prepared, filed and maintained, and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under Section 107.05.

Section 2: 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 Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: _____

President of Council

Attest: _____

Clerk of Council

Approved On: _____

Presented to Mayor: _____

Mayor

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

City of Middleburg Heights, Ohio

Ordinance No. 2020-_____

Introduced by: Mr. Meany, Mr. Ali, and Mr. McGregor

AN ORDINANCE
TO MAKE SUPPLEMENTAL APPROPRIATIONS
FOR CURRENT EXPENDITURES AND EXPENSES
FOR THE CITY OF MIDDLEBURG
HEIGHTS FOR THE CALENDAR YEAR 2020
AND DECLARING AN EMERGENCY

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 2020, the following sums be appropriated from the General Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
General Gov't - Other - Misc. Cont. Svcs. (Flooding Investigation)	\$ 46,000.00
General Gov't - Other - Misc. Cont. Svcs. (City Hall Park Det. Basins)	21,000.00
General Gov't - Other - Misc. Cont. Svcs. (First Avenue Storm Sewer)	4,000.00
Total Increase to the General Fund	<u>\$ 71,000.00</u>

Section 2. 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.

Section 3. That this ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public peace, health and safety of the citizens of the City of Middleburg Heights, Ohio. Such emergency being the necessity of supplementing appropriations from the above listed funds and accounts in order to allow the City to pay outstanding obligations of the City for the year 2020. Therefore, this ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED _____

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

PRESENTED TO MAYOR _____

APPROVED ON: _____

	YEAS	NAYS
BORTOLOTTTO	_____	_____
ALI	_____	_____
SAGE	_____	_____
MEANY	_____	_____
MCGREGOR	_____	_____
FERENCE	_____	_____
GRECH	_____	_____

MAYOR

MACKAY
Engineering & Surveying Company

7017 Pearl Road
Cleveland, Ohio 44130
www.mackayeng-surv.com

(440) 886-4500
Fax (440) 886-4590
Email: info@mackayeng-surv.com

M E M O

TO: Jim Herron
FROM: Michael Mackay
DATE: October 26, 2020
RE: Engineering / Cost Estimate
Continued Flooding Investigation

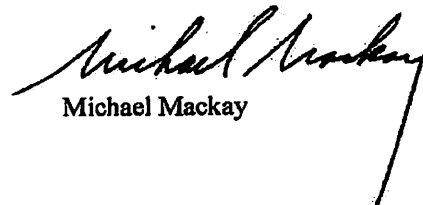
cc: Jason Stewart
Mayor Castelli

As we discussed, I have prepared an estimate of the fee and a description of the services of Mackay Engineering and Surveying Company to continue to provide assistance to the City in connection with the investigation of the flooding that occurred during 2020. The previous fee for the Flooding Investigation assignment, which was authorized on February 4, 2020, has been totally expended.

Under this extension, the flooding specialist from Mackay will continue to work directly with the City and the residents to determine solutions to alleviate the flooding and also work with the City and/or the residents in reviewing the execution of the solutions as needed.

This flooding investigation program assignment will be approximately six (6) months and further assignments will be determined at the end of this period based on the progress achieved in the program. The estimated fee for the additional six month period is \$46,000.00 based upon our experience with past assignments. The work described above will be performed in accordance with the terms of Mackay's consulting agreement with the City and the hourly rates set forth therein will be applied to our actual time to complete the services described above.

Please call me with any questions. We look forward to continuing to work with you on this project.


Michael Mackay

/pmb

**Mackay
Engineering & Surveying Company**

7017 Pearl Road
Cleveland, OH 44130
www.mackayeng-surv.com

(440) 886-4500
Fax (440) 886-4590
E-mail: info@mackayeng-surv.com

October 26, 2020

James Herron
City of Middleburg Heights
15700 Bagley Road
Middleburg Heights, Ohio 44130

Re: City Hall Park Detention Basin

Dear Mr. Herron:

We have prepared the following proposal for engineering, surveying and construction administration services for the referenced project ("Project"). The proposed project consists of the design and construction of one storm water detention basin in the City Hall Park as shown on the attached sketch plan.

Our services for this project shall consist of the civil engineering and land surveying services necessary to prepare plans and specifications and bid documents and provide construction administration for the City Hall Park Detention Basin project ("Project") and as specifically set forth below.

Our engineering and surveying services for this Project shall consist of the following items:

1. Topographic, utility and existing conditions survey.
2. Improvement plans for the one detention basin.
3. Detailed specifications.
4. Bid documents.
5. Construction Administration.

Mackay's not to exceed fee for the above described services is as follows:

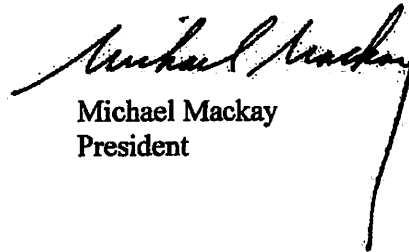
Mackay services	\$19,408.00
Estimated copy costs.	<u>\$ 1,500.00</u>
Total	\$20,908.00

These services will be performed in accordance with the current terms of our employment with the City and the hourly rates set forth therein would be applied to our actual time to complete the services described below.

Our services do not include the acquisition of any temporary or permanent right-of-way that may be required for this Project. Additionally, our services do not include any subsurface, soil investigation, materials testing or construction staking. Any fees associated with approvals by any approval agencies will be paid by the City of Middleburg Heights and are not included in our fee. Additionally, all copying costs will be provided by a third party copying service and will be paid directly by the City. We have included in the total amount above our estimated allowance for copy costs.

We look forward to working with the City on this important Project and we are available to discuss any questions you have.

Very truly yours,



Michael Mackay
President

Attachments

/pmb

cc: Mayor Castelli
Jason Stewart
Robert Downey

**Mackay
Engineering & Surveying Company**

7017 Pearl Road
Cleveland, OH 44130
www.mackayeng-surv.com

(440) 886-4500
Fax (440) 886-4590
E-mail: info@mackayeng-surv.com

November 11, 2020

James Herron
City of Middleburg Heights
15700 Bagley Road
Middleburg Heights, Ohio 44130

Re: First Avenue Storm Sewer

Dear Mr. Herron:

We have prepared the following proposal for engineering and surveying services for the referenced project ("Project"). The proposed Project consists of the design and construction of approximately 330' of 8" storm sewer on First Avenue. The attached plan shows the approximate location of the proposed storm sewer. The proposed storm sewer will outlet into a storm sewer manhole in Berea.

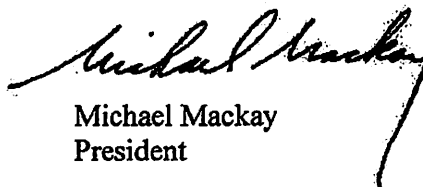
Our services for this Project shall consist of the civil engineering and land surveying services necessary to prepare plans and specifications and a bid quantities sheet for this Project. We will also submit the plans to the City of Berea in order to obtain a permit from them. Since the preliminary estimated cost for the Project is under \$50,000.00, the plans and bid sheet will be sent to three contractors for proposals. Additionally, the City Service Department will provide inspection and construction administration for the Project.

Mackay's estimated not to exceed fee for the above described services is \$4,000.00. These services will be performed in accordance with the current terms of our employment with the City and the hourly rates set forth therein would be applied to our actual time to complete the services described below.

Our services do not include the acquisition of any temporary or permanent right-of-way that may be required for this Project. Additionally, our services do not include any subsurface, soil investigation, materials testing or construction staking. Any fees associated with approvals by any approval agencies will be paid by the City of Middleburg Heights and are not included in our fee.

We look forward to working with the City on this Project and we are available to discuss any questions you have.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Mackay", with a long, sweeping tail stroke extending downwards and to the right.

Michael Mackay
President

Attachments

cc: Mayor Castelli
Jason Stewart

/pmb

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2020-

Introduced By: Mr. Grech Co-Sponsors: Mr. Bortolotto, Mr. McGregor

**AN ORDINANCE
EXTENDING A MORATORIUM ON THE ISSUANCE AND PROCESSING
OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS,
OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE
CITY OF MIDDLEBURG HEIGHTS, OHIO
AND DECLARING AN EMERGENCY**

WHEREAS, Ordinance 2017-90, passed November 16, 2017 established a temporary moratorium on the issuing and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of Middleburg Heights and Ordinances 2018-84, passed November 13, 2018 and 2019-122, passed December 10, 2019 extended the moratorium for an additional period of 12 months from the effective date of the Ordinances; and

WHEREAS, Substitute House Bill 523, authorized the use of marijuana for medical purposes and established the medical marijuana control program; and

WHEREAS, for the purposes of this Ordinance, the definitions of "cultivators", "processors" and "retail dispensaries" are given the same definitions as those found in Substitute House Bill 523 and Chapter 3796 of the Ohio Revised Code, which Chapter was effective September 8, 2016; and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes a municipality to limit the number of, or entirely prohibit, cultivators, processors, or retail dispensaries licensed under Ohio Revised Code Section 3796.29 in the City of Middleburg Heights; and

WHEREAS, the City of Middleburg Heights is working together with the Cuyahoga County Planning Commission to develop a comprehensive, useable, and actionable Master Plan for the City of Middleburg Heights; and

WHEREAS, the Master Plan will document all recommendations regarding issues related to Land Use and Zoning, Building and Land Vacancy, Economic Development, Environment and Transportation; and

WHEREAS, the City is simultaneously undergoing a Zoning Code update project with the assistance of a land use planning and zoning professional; and

WHEREAS, this ordinance will temporarily preserve the status quo pending further study of a new Comprehensive Master Plan and Zoning Code update; and

WHEREAS, the Mayor and Council have determined the extension of this moratorium will protect the planning process and will be in the best interest of the community, health, safety and welfare to undertake a review of the Middleburg Heights Zoning Code and to consider updates so that any necessary regulations conform to the goals of the City of Middleburg Heights.

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

Section 1: The Mayor and Council hereby extend a moratorium for an additional period of 12 months from the effective date of this Ordinance, on the issuance and processing of permits for cultivators, processors, and retail dispensaries of medical marijuana.

Section 2: The purpose of this extended moratorium is so that the City Administration, Council, and Planning Commission can continue review of the Middleburg Heights Zoning Code and consider amendments thereof relative to the law and the related issues and then determine whether to limit or entirely prohibit cultivators, processors, and retail dispensaries in the City of Middleburg Heights and to prepare any necessary related regulations.

Section 3: Council and the Mayor hereby direct and order that no permits for cultivators, processors or retail dispensaries of medical marijuana shall be issued or processed by the City of Middleburg Heights during the extended 12-month moratorium.

Section 4: The extended moratorium shall be in effect for a period of 12 months from the effective date of this Ordinance, or until changes are enacted to amend the Codified Ordinance of the City of Middleburg Heights to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5: 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 Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Section 6: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that it is immediately necessary to impose an extended moratorium of 12 months on the granting of permits for medical marijuana-related businesses in the City of Middleburg Heights in order to allow Council time to accomplish the city's goals as stated above. Wherefore, provided this Ordinance receives 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 its 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	_____	_____
Grech	_____	_____

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2020-

Introduced By: Mayor Matthew Castelli

**AN ORDINANCE
EXTENDING A MORATORIUM ON THE ACCEPTANCE, PROCESSING,
AND APPROVAL OF APPLICATIONS FOR ZONING, OCCUPANCY
AND/OR BUILDING PERMITS FOR DEALERS IN SECONDHAND
ARTICLES USE IN ALL ZONING DISTRICTS OF THE CITY
AND DECLARING AN EMERGENCY**

WHEREAS, Ordinance 2019-82, passed June 25, 2019 established a temporary moratorium on the acceptance, processing, and approval of applications for zoning, occupancy and/or building permits for dealers in secondhand articles use in all zoning districts of the City and Ordinances 2019-126, passed December 10, 2019 and 2020-44, passed May 21, 2020 extended the moratorium for an additional period of six months from the effective date of the Ordinances; and

WHEREAS, The City of Middleburg Heights may regulate the location and approval of Dealers in Secondhand Articles; and

WHEREAS, The City of Middleburg Heights seeks to avoid an over-concentration of Dealers in Secondhand Articles and desires to encourage a greater diversity of retail activity and purchasing options within the City; and

WHEREAS, the City of Middleburg Heights is working together with the Cuyahoga County Planning Commission to develop a comprehensive, useable, and actionable Master Plan for the City of Middleburg Heights; and

WHEREAS, the Master Plan will document all recommendations regarding issues related to Land Use and Zoning, Building and Land Vacancy, Economic Development, Environment and Transportation; and

WHEREAS, the City is simultaneously undergoing a Zoning Code update project with the assistance of a land use planning and zoning professional; and

WHEREAS, this ordinance will temporarily preserve the status quo pending further study of a new Comprehensive Master Plan and Zoning Code update; and

WHEREAS, the Mayor and Council have determined the extension of this moratorium will protect the planning process and will be in the best interest of the community, health, safety and welfare to undertake a review of the Middleburg Heights Zoning Code and to consider updates so that any necessary regulations conform to the goals of the City of Middleburg Heights.

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

Section 1: That the Mayor and Council hereby extend a moratorium for an additional period of six months from the effective date of this Ordinance, the City shall not accept, process, or approve any applications from or for Dealers in Secondhand Articles uses in all Zoning Districts of the City during said period.

Section 2: The purpose of this extended moratorium is so that the City Administration, Council, and Planning Commission can continue review of the Middleburg Heights Zoning Code and consider amendments thereof relative to the location and approval process for Dealers in Secondhand Articles.

Section 3: Whenever the provisions of this Ordinance conflict with any other Ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall prevail.

Section 4: The extended moratorium shall be in effect for a period of six months from the effective date of this Ordinance, or until changes are enacted to amend the Codified Ordinance of the City of Middleburg Heights to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5: 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 Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Section 6: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City. Wherefore, provided this Ordinance receives 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 its 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	_____	_____
Grech	_____	_____

City of Middleburg Heights, Ohio

Ordinance No. 2020-_____

Introduced by: Mayor Castelli

**AN ORDINANCE
TO MAKE SUPPLEMENTAL APPROPRIATIONS
FOR CURRENT EXPENDITURES AND EXPENSES
FOR THE CITY OF MIDDLEBURG
HEIGHTS FOR THE CALENDAR YEAR 2020
AND DECLARING AN EMERGENCY**

**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 2020, the following sums be appropriated from the General Fund:

<u>Description</u>	Increase (Decrease)
Police - Wages & Fringe Ben. (2.5% Wage Inc., \$22K Hosp. Adj & Net of CRF Funds)	\$ (256,511.31)
Fire - Wages & Fringe Ben. (2.5% Wage Inc., \$50,000 OT Adj. & Net of CRF Funds)	(385,870.87)
Planning/Zoning - Wages & Fringe Benefits (2.5% Wage Increases)	1,641.08
Building - Wages & Fringe Benefits (2.5% Wage Increases)	14,762.09
Mayor's Court - Wages & Fringe Benefits (2.5% Wage Increases)	6,255.25
Mayor's Office - Wages & Fringe Benefits (2.5% Wage Increases)	6,936.94
Economic Development - Wages & Fringe Benefits (2.5% Wage Increases)	3,376.62
Finance - Wages & Fringe Benefits (2.5% Wage Increases)	11,425.69
Law - Wages & Fringe Benefits (2.5% Wage Increases)	8,005.09
Service - Wages & Fringe Benefits (2.5% Wage Inc., Net of COVID rel. reductions)	(100,981.61)
Facility Maintenance - Wages & Fringe Benefits (2.5% Wage Increases)	8,192.41
Council - Wages & Fringe Benefits (2.5% Wage Increases)	4,193.73
Boards & Commissions - Wages & Fringe Benefits (2.5% Wage Increases)	16.20
Total Decrease to the General Fund	<u>(678,558.69)</u>

Section 2. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the SCM&R Fund:

<u>Description</u>	Increase (Decrease)
Streets - Wages & Fringe Benefits (2.5% Wage Increases)	\$ 17,321.46
Total Increase to the SCM&R Fund	<u>\$ 17,321.46</u>

Section 3. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the Recreation Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Rec. Programs - Wages & Fringe Ben. (2.5% Wage Inc., net of COVID related red.)	\$ (23,282.49)
Comm. Center - Wages & Fringe Ben. (2.5% Wage Inc., net of COVID related red.)	(550,587.97)
Total Decrease to the Recreation Fund	\$ (573,870.46)

Section 4. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the Medical Transport Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Fire - Wages & Fringe Benefits (2.5% Wage Increases)	\$ 900.51
Total Increase to the Medical Transport Fund	\$ 900.51

Section 5. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the General Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Fire - Other - Equipment Maintenance	10,000.00
Fire - Other – Training	(4,000.00)
Fire - Other – Small Tools & Minor Equipment	(6,000.00)
General Gov't - Other - Utilities	20,000.00
General Gov't - Other - Misc. Contractual Services	(20,000.00)
Total Increase to the General Fund	-

Section 6. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the Recreation Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Community Center - Other - Refunds & Reimb.	\$ 20,000.00
Community Center - Other - Cost of Goods Sold	(45,000.00)
Community Center - Other - Utilities	(150,000.00)
Community Center - Other - Professional Services	(20,000.00)
Total Decrease to the Recreation Fund	\$ (195,000.00)

Section 7. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the Fat Head's Brewing TIF Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Econ. Dev. - Other - TIF Service Payments	\$ 4,486.13
Total Increase to the Fat Head's Brewing TIF Fund	\$ 4,486.13

Section 8. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the Builders Bond Trust Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Building - Other - Refunds and Reimbursements	\$ (6,000.00)
Total Decrease to the Builders Bond Trust Fund	\$ (6,000.00)

Section 9. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the Examination of Plans Trust Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Building - Other - Professional Services	\$ (10,000.00)
Total Decrease to the Examination of Plans Trust Fund	\$ (10,000.00)

Section 10. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the Sidewalk Grade Trust Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Engineer - Other - Professional Services	\$ (100.00)
Total Decrease to the Sidewalk Grade Trust Fund	\$ (100.00)

Section 11. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the Tree Planting Trust Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Engineer - Other - Professional Services	\$ (500.00)
Total Decrease to the Tree Planting Trust Fund	\$ (500.00)

Section 12. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the Flexible Spending Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Flexible Spending - Other - Medical Reimbursement (Adjust to actual)	\$ 11,500.00
Flexible Spending - Other - Dependent Care Reimbursement (Adjust to actual)	(2,500.00)
Total Increase to the Flexible Spending Fund	\$ 9,000.00

Section 13. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the Board of Building Standards Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Building - Other - State Fee	\$ 1,035.80
Total Increase to the Board of Bldg. Standards Trust Fund	\$ 1,035.80

Section 14. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2020, the following sums be appropriated from the Southwest General Hospital Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Gen. Gov't - Other - Refunds & Reimb. (Adjust to actual)	\$ 8,376.62
Total Increase to the SW General Hospital Fund	\$ 8,376.62

Section 15. 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.

Section 16. That this ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public peace, health and safety of the citizens of the City of Middleburg Heights, Ohio. Such emergency being the necessity of supplementing appropriations from the above listed funds and accounts in order to allow the City to pay outstanding obligations of the City for the year 2020. Therefore, this ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED _____

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

PRESENTED TO MAYOR _____

APPROVED ON: _____

	YEAS	NAYS
BORTOLOTTI	_____	_____
ALI	_____	_____
SAGE	_____	_____
MEANY	_____	_____
MCGREGOR	_____	_____
FERENCE	_____	_____
GRECH	_____	_____

MAYOR

Finance Department
CITY OF MIDDLEBURG HEIGHTS

15700 Bagley Road • Middleburg Heights, Ohio 44130-4832
440/234-8989 • Fax 440/234-4934 • E-mail: finance@middleburgheights.com



Matthew Castelli
Mayor

Jason Stewart, CPA
Director of Finance

Memorandum

To: Members of Council
From: Jason Stewart, CPA, Finance Director
Date: November 16, 2020
Subject: Clean-up Appropriation

Attached you will find the 2020 clean-up appropriation ordinance for your consideration. There are a number of items for your consideration. I have broken them down by fund below:

Sections #1-4: General Fund, SCM&R Fund, Recreation Fund, and Med. Transport Fund

Sections 1-4 represent a total decrease of appropriation of \$1,234,207.18.

All Line Items.) As previously discussed, included is the 2.5% wage increase approved as part of the collective bargaining agreements that were adopted in late 2020 and early 2021 that were not included in the 2020 budget. Across all departments, that increase amounts to \$391,386.

Police Dept.) The Police Department budget was reduced by \$388,346 to account for the salaries/fringe benefits that were paid for by the Coronavirus Relief Fund. An additional \$22,000 appropriation was included for Hospitalization to account for changes in the department's census of single vs. family coverage elections.

Fire Dept.) The Fire Department budget was reduced by \$520,928 to account for the salaries/fringe benefits that were paid for by the Coronavirus Relief Fund. An additional \$50,000 appropriation was included as additional overtime costs were incurred to maintain staffing as the result of a retirements and injury leaves in the department.

Service Dept.) Appropriations were decreased in the Service Department by \$156,000 to account for positions that were not filled due to the COVID pandemic.

Recreation Dept.) Appropriations were decreased in the Recreation Department by \$652,293 to account for positions that were not filled due to the COVID pandemic. An additional \$20,000 appropriation was included as additional unemployment costs were incurred as a result of the COVID related furloughs.

(OVER)

Section #5: General Fund -

Item 1.) A transfer between the Training, Small Tools & Minor Equipment and Equipment Maintenance line items (\$10,000) in the Fire Department as additional costs were incurred due to an increased need for maintenance of the Fire Department's vehicles.

Item 2.) A transfer between the Misc. Contractual Services and Utilities line items (\$20,000) in the City Hall/General Government as additional costs were incurred due to increased utility costs largely related to phone and data services.

Section #6: Recreation Fund -

Item 1.) An increase of \$20,000 in the Refunds and Reimbursements line item as a result of increased refunds generated by the COVID related closure/restrictions at the Community Center.

Item 2.) A total decrease of \$215,000 in several line items of the Community Center's budget is required as revenue collections fell well below original estimates as a result of the COVID related closure/restrictions at the Community Center. Therefore appropriations must be reduced so that they do not exceed the resources of that fund.

Sections #7-14: Various Funds

These items are monies held in trust for others. Revenue collections for the Fat Head's Brewing TIF Fund, Flexible Spending Trust Fund, Board of Building Standards Fund, and Southwest General Hospital Fund have exceeded budgeted revenue for the year. The appropriation must be increased to facilitate payment to the respective parties. The revenue collections for the Builder's Bond Trust Fund, Examination of Plans Trust Fund, Sidewalk Grade Trust Fund and the Tree Planting Trust Fund came below original estimates, therefore appropriations must be reduced so that they do not exceed the resources of that fund.

Thank you for your consideration of these items, as always should you have any questions please feel free to give me a call.