

CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

JUNE 22, 2021

7:00 P.M. REGULAR MEETING

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of June 8, 2021

COMMUNICATIONS

Memorandum from Planning Commission dated June 9, 2021 advising members approved the plat of lot consolidation and dedication prepared for Patel. Further action needed by Council.

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

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2021 PENDING LEGISLATION

None

UN-NUMBERED LEGISLATION

INTRODUCED BY COUNCILMAN ALI

A Resolution in support of Senate Bill 164.

INTRODUCED BY COUNCILMAN ALI

A Resolution authorizing the mayor to enter into a memorandum of understanding with the City of Brook Park for the establishment of an off-leash dog park and authorizing the mayor to negotiate and enter into a similar memorandum of understanding with neighboring municipalities.

INTRODUCED BY COUNCIL PRESIDENT BORTOLOTTI

An Ordinance establishing rates of compensation for members of council and the mayor and declaring an emergency.

INTRODUCED BY COUNCILMAN GRECH

An Ordinance accepting the plat of lot consolidation and dedication for a certain portion of Pearl Road as shown on the Daxaben & Biren Patel plat.

INTRODUCED BY MAYOR CASTELLI

An Ordinance authorizing the mayor and finance director to enter into a purchase agreement for the purchase of certain real estate.

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ZONING & BUILDING CODE COMMITTEE – Mr. Grech, Chairman

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

9-22-20 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

June 22, 2021

Tue, Jun 22, 2021 7:00 PM - 8:00 PM (EDT)

Please join my meeting from your computer, tablet or smartphone.

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Boards and Commissions

CITY OF MIDDLEBURG HEIGHTS

15700 Bagley Road • Middleburg Heights, Ohio 44130 • 440-239-6252 • Fax 440-234-9092
kearley@middleburgheights.com

Kim Earley
Secretary

Norman H. Herwerden
Building Commissioner



MEMORANDUM

TO: MARY ANN MEOLA, CLERK OF COUNCIL

FROM: KIM EARLEY, BOARDS AND COMMISSIONS SECRETARY

DATE: JUNE 9, 2021

SUBJECT: THE PLAZA ON PEARL/DAXABEN AND BIREN PATEL, 7184 AND 7168
PEARL ROAD

=====

At the regularly scheduled Planning Commission meeting on June 9, 2021, members approved the plat of lot consolidation and dedication prepared for Daxabena and Biren Patel. The plat is referred to City Council to accept the roadway dedication along Pearl Road. I have attached an electronic copy of the plat approved by the Planning Commission. The original Mylar has not yet been submitted. Please return a signed copy of the plat or a memorandum after City Council takes action. I will forward the original Mylar upon receipt for signatures.

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2021-

Introduced By: Mr. Ali

A RESOLUTION IN SUPPORT OF SENATE BILL 164

WHEREAS, Senate Bill 164 has been introduced in the 134th General Assembly of the State of Ohio; and

WHEREAS, under the current Goddard's Law (H.B.60), it is a Fifth Degree Felony to purposely abuse a companion animal; and

WHEREAS, with new sentencing reform laws, person (s) who are convicted of a Fifth Degree Felony are spending little or no time in prison even for the most egregious acts against companion animals; and

WHEREAS, Senate Bill 164 would increase penalties under Goddard's Law to a Fourth Degree Felony, with 6 to 18 months in prison and \$5,000 in fines; and

WHEREAS, the legislation would create a new offense for those who aid or abet in killing or causing serious injury to a companion animal, the penalty for such offense would be a Fifth Degree Felony; and

WHEREAS, Senate Bill 164 classifies the F4, F5 and M1 as Violent Offenses; and

WHEREAS, these felonies would be non-expungable; and

WHEREAS, Senate Bill 164 bans the use of the gas chamber to euthanize companion animals.

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

Section 1: That the Council of the City of Middleburg Heights hereby urges the Ohio General Assembly to pass Senate Bill 164 to increase the penalties for serious acts of cruelty towards or the killing of a companion animal, creating a new prohibition for those who aid or abet and preventing an offender from having their records sealed for causing serious physical injury to or killing a companion animal, and banning the use of the gas chamber to euthanize companion animals.

Section 2: The Clerk of Council is hereby directed to forward a certified copy of this Resolution to Senator Nickie J. Antonio and Representative Bride Rose Sweeney.

Section 3: 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: _____

Presented to Mayor: _____

Mayor

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

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2021-

Introduced By: Mr. Ali

**A RESOLUTION
AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF
UNDERSTANDING WITH THE CITY OF BROOK PARK FOR THE
ESTABLISHMENT OF AN OFF-LEASH DOG PARK AND AUTHORIZING
THE MAYOR TO NEGOTIATE AND ENTER INTO A SIMILAR
MEMORANDUM OF UNDERSTANDING WITH NEIGHBORING
MUNICIPALITIES**

WHEREAS, the Cities of Brook Park and Middleburg Heights desire to enter into a memorandum of understanding for the establishment of an off the leash dog park ("Dog Park") located in the City of Middleburg Heights on real estate owned by the City of Middleburg Heights at 18825 Sheldon Road; and

WHEREAS, other municipalities have expressed interest in participating in the Dog Park; and

WHEREAS, the Dog Park will be available for the benefit and exclusive use of residents of participating municipalities and their dogs.

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

Section 1: That the Mayor is hereby authorized to enter into a Memorandum of Understanding with the City of Brook Park for the establishment of a Dog Park, a copy of which is attached hereto and marked "Exhibit A".

Section 2: That the Mayor is hereby authorized to negotiate and enter into similar Dog Park agreements with neighboring municipalities.

Section 3: 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: _____

Presented to Mayor: _____

Mayor

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

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, made and entered into on the date shown on the signature page herein below, by and between the **CITY OF BROOK PARK** (hereinafter referred to as “Brook Park”) and the **CITY OF MIDDLEBURG HEIGHTS** (hereinafter referred to as “Middleburg Heights”);

WHEREAS, Brook Park and Middleburg Heights are entering into a non-exclusive joint venture for the establishment of an off the leash dog park (hereinafter “Dog Park”), located in the City of Middleburg Heights, Ohio at 18825 Sheldon Road; and

WHEREAS, the Brook Park and Middleburg Heights are desirous of memorializing in writing their negotiated agreement concerning this proposed activity, pursuant to various, several and certain terms and conditions negotiated to agreement by and between themselves, and herein-after set forth in this instrument.

NOW, THEREFORE, in consideration of the terms and conditions hereinafter set out in this Agreement, and for other good, valuable, and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, Brook Park and Middleburg Heights do hereby mutually covenant and agree that:

1. Brook Park shall match Middleburg Heights’ contribution of \$35,000.00 in 2021 for the capital budget for, and the insurance costs associated with, the establishment of the Dog Park. The amount contributed for initial improvements by the City of Brook Park shall be \$35,000.00. All other capital expenditures shall be shared equally by the participating municipalities.
2. Phase One of the Dog Park shall include fencing, site excavation, material replacement, plumbing facilities, trash cans and signage.

3. By-laws and day to day operations are the responsibility of the City of Middleburg Heights.
4. Middleburg Heights shall be responsible for the pick-up of refuse cans, customary inspections (to maintain good order), and grass and weed cutting.
5. Any repairs needed to the fencing and/or grounds of the dog park as the result of ordinary and normal use shall be the responsibility of Middleburg Heights.
6. For the duration of this Agreement, Middleburg Hts. shall maintain adequate insurance on the Dog Park and said insurance will name a participating municipality as an additional insured on its policy. The insurance will include liability coverage of \$1,000,000.00 combined single limit with an umbrella policy in an amount of not less than \$5,000,000.00 over the primary coverage. The parties agree that each year a participating municipality shall reimburse Middleburg Heights its proportionate share, of the amount paid by Middleburg Heights, to maintain said insurance. In the event that a deductible payment is required to be paid then the parties shall divide the amount equally among the participating municipalities.
7. Upon approval by the parties, this Memorandum of Understanding shall become effective and remain in force for one (1) year thereafter. Either party may terminate this Memorandum of Understanding by giving the other party written notice at least thirty (30) days prior to its expiration date. In the event that neither party exercises the right to terminate this Memorandum of Understanding then it shall automatically renew each year if no notice to terminate is given by either party.

8. The Dog Park will be available for the benefit and exclusive use of residents of participating municipalities and their dogs, and others as permitted by the City of Middleburg Heights.

9. A Dog Park Advisory Board (“Board”) shall be created, each member appointed for a two (2) year term, and appointed as follows:
 - A. One (1) member appointed by the City Council of a participating municipality;
 - B. One (1) member appointed by the Mayor of a participating municipality;
 - C. Two (2) members appointed by the Middleburg Heights City Council; and
 - D. One (1) member appointed by the Middleburg Heights Mayor.

The Board shall elect at its first meeting, and thereafter at its first meeting of each year, a Chair, Vice Chair, and Secretary.

10. Meetings of the Board shall be held on a regular basis, as determined by the Board, but not less than once per year. The initial meeting of the Board shall be held within sixty (60) days of the initial approval of this Memorandum of Understanding by the City of Middleburg Heights. All meetings shall be open to the public.

11. The Board shall hear suggestions and recommendations of the Brook Park Barkers and other volunteer organizations and be charged with assisting the Cities by providing recommendations regarding the following:

- A. By-laws/rules for the Dog Park;
 - B. Proposed capital improvements for the Dog Park;
 - C. Suggestions for the safe and orderly operation of the Dog Park.
12. This Memorandum of Understanding constitutes the entire agreement between the parties regarding the subject matter and all prior conversations and writing are merged herein and it shall not be modified unless in writing and duly executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, this ____ day of _____, 2021.

CITY OF BROOK PARK:

CITY OF MIDDLEBURG HEIGHTS:

By: MICHAEL GAMMELLA
Title: Mayor

By: MATTHEW CASTELLI
Title: Mayor

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2021-

Introduced By: Mr. Bortolotto, Mr. Meany, and Mr. Grech

AN ORDINANCE ESTABLISHING RATES OF COMPENSATION FOR MEMBERS OF COUNCIL AND THE MAYOR AND DECLARING AN EMERGENCY

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

Section 1: That effective and upon election and qualification, on the first Tuesday after the first Monday in December 2021, and throughout such term of office, the following compensation to be paid to the Council President and City Council Members of the City of Middleburg Heights, Ohio, payable bi-weekly, shall be as follows: Council President \$19,532 annually from December 7, 2021 to December 5, 2022 and \$19,923 annually from December 6, 2022 to December 4, 2023; City Council Members \$17,260 annually from December 7, 2021 to December 5, 2022 and \$17,606 annually from December 6, 2022 to December 4, 2023.

Section 2: That effective and upon election and qualification, on the first Tuesday after the first Monday in December 2021, and throughout such term of office, the following compensation to be paid the full time Mayor of the City of Middleburg Heights, Ohio, payable bi-weekly, shall be as follows: \$169,985 annually from December 7, 2021 to December 5, 2022; \$169,985 annually from December 6, 2022 to December 4, 2023; \$173,385 annually from December 5, 2023 to December 2, 2024; and \$173,385 annually from December 3, 2024 to December 1, 2025.

Section 3: It is hereby found and determined that all formal action 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 4: That 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 of Middleburg Heights, Ohio. Such necessity exists by reason of the fact that in order to facilitate payment of compensation to certain employees of the City, the foregoing Ordinance is required at the earliest possible time; wherefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

Passed: _____

President of Council

Attest: _____
Clerk of Council

Presented To Mayor: _____

Approved On: _____

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

Mayor

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2021-

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

**AN ORDINANCE
ACCEPTING THE PLAT OF LOT CONSOLIDATION AND DEDICATION
FOR A CERTAIN PORTION OF PEARL ROAD AS SHOWN ON THE
DAXABEN & BIREN PATEL PLAT**

WHEREAS, Daxaben & Biren Patel have submitted a plat of lot consolidation and right of way dedication on which a certain portion of Pearl Road is offered for dedication; and

WHEREAS, the City Engineer has reviewed the plat of consolidation and dedication and the Planning Commission has approved it; and

WHEREAS, the Council of the City of Middleburg Heights wishes to accept said dedication.

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

Section 1: That the Council of the City of Middleburg Heights hereby accepts the dedication of a portion of Pearl Road as shown on the Daxaben & Biren Patel consolidation plat, a copy of which is attached hereto and marked "Exhibit A".

Section 2: That the Clerk of Council is hereby authorized to sign the attached consolidation plat.

Section 3: 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

Presented to Mayor: _____

Mayor

Attest: _____

Clerk of Council

Approved On: _____

Yea Nay

Bortolotto _____

Ali _____

Sage _____

Meany _____

McGregor _____

Ference _____

Grech _____

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2021-

Introduced By: Mayor Matthew Castelli

AN ORDINANCE AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A PURCHASE AGREEMENT FOR THE PURCHASE OF CERTAIN REAL ESTATE

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 Finance Director are hereby authorized to execute a purchase agreement, a copy of which is attached hereto and marked "Exhibit A", for the purchase of certain real estate in the City of Middleburg Heights; and

Section 2: That there is hereby appropriated \$_____ from the Capital Improvements Fund to implement this Ordinance.

Section 3: 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

Presented to Mayor: _____

Mayor

Attest: _____

Clerk of Council

Approved On: _____

Yea Nay

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