

# CITY OF MIDDLEBURG HEIGHTS, OHIO

## Council Agenda

---

May 10, 2022

6:55 P.M. PUBLIC HEARING

ORDINANCE NO. 2022-16  
WXZ Development, Southland

---

### 7:00 P.M. REGULAR MEETING

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of April 26, 2022

Minutes of the Public Hearing of April 26, 2022

### COMMUNICATIONS

Notice to Legislative Authority from Ohio Division of Liquor Control requesting new liquor permit for Heinen's Inc. Email from Chief Tomba stating no objections.

### 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

---

MAY 10, 2022

PAGE 2

### **2022 PENDING LEGISLATION**

#### **ORDINANCE NO. 2022-16 – INTRODUCED BY COUNCILMAN GRECH**

An Ordinance rezoning permanent parcel number 372-20-031 from its present zoning classification RS (Retail Service District) to PMU (Planned Mixed Use District) – WXZ Development, Southland

**(First reading and referred to Planning Commission 2/22/22, Second reading 3/8/22, Public Hearing 5/10/22)**

#### **ORDINANCE NO. 2022-24 – INTRODUCED BY COUNCILMAN GRECH**

An Ordinance adopting a revised zoning code and a revised zone map of the City of Middleburg Heights, Ohio and repealing Ordinance No. 1982-170 and all amendments thereto

**(First reading and referred to Planning Commission 3/8/22, Second reading 3/22/22), Public Hearing 5/24/22)**

### **UN-NUMBERED LEGISLATION**

#### **INTRODUCED BY COUNCILMAN ALI**

An Ordinance authorizing the creation of a Tri-City Bark Park Fund for the City of Middleburg Heights.

#### **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 2022 and declaring an emergency.

# CITY OF MIDDLEBURG HEIGHTS, OHIO

## Council Agenda

---

MAY 10, 2022  
PAGE 3

### ZONING & BUILDING CODE COMMITTEE – Mr. Grech, Chairman

- 9-24-19 Discussion regarding ordinance regulating fences
- 11-23-21 Rezoning application received from MVAH Holding LLC to rezone property on Pearl Road for a senior independent living development

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

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

- 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

### 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

**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
8808 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)844-2360 FAX(614)844-3166

TO

37269591000 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	HEINENS INC 15300 E BAGLEY RD MIDDLEBURG HGTS OH 44130	
03   16   2022 <small>ISSUE DATE</small>				
D1 <small>PERMIT CLASSES</small>				
18 <small>TAX DISTRICT</small>	352 <small>RECEIPT NO.</small>	C	D34451	

FROM 04/20/2022

<small>PERMIT NUMBER</small>		<small>TYPE</small>		
<small>ISSUE DATE</small>				
<small>FILING DATE</small>				
<small>PERMIT CLASSES</small>				
<small>TAX DISTRICT</small>	<small>RECEIPT NO.</small>			



MAILED 04/20/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN. 05/23/2022

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES C NEW 3726959-1000

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF MIDDLEBURG HGTS CITY COUNCIL  
ATTN: CLERK OF COUNCIL  
15700 BAGLEY RD  
MIDDLEBURG HEIGHTS OHIO 44130**

## Mary Ann Meola

---

**From:** Edward Tomba <etomba@middleburgheights-oh.gov>  
**Sent:** Monday, April 25, 2022 4:27 PM  
**To:** Mary Ann Meola  
**Subject:** Re: New Liquor Permit - Heinen's  
**Attachments:** 20220523\_D34451.pdf

No objection to the C permit application request.

Ed Tomba

On Apr 25, 2022, at 1:07 PM, Mary Ann Meola <mmeola@mbhts.com> wrote:

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Chief,

Attached please find a notice from the Ohio Division of Liquor Control regarding a new liquor permit for Heinen's, located at 15300 E. Bagley Road.

Please let me know by Monday, May 2<sup>nd</sup> if you have any objections.

Thanks,  
Mary Ann

# City of Middleburg Heights, Ohio

## Ordinance No. 2022-\_\_\_\_\_

Introduced by: Mr. Ali, Mr. Ference, and Mr. Sage

### AN ORDINANCE AUTHORIZING THE CREATION OF A TRI-CITY BARK PARK FUND FOR THE CITY OF MIDDLEBURG HEIGHTS

WHEREAS, the Cities of Middleburg Heights, Berea and Brook Park entered into a Memorandum of Understanding for the establishment of an off-leash dog park located in the City of Middleburg Heights; and

WHEREAS, it is the intent of the Dog Park Advisory Board to establish a fund into which funds could be deposited by any and all contributors; and

WHEREAS, Ohio Revised Code Section 5705.09 authorizes the creation of special funds.

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

Section 1. That there is hereby established a special Tri-City Bark Park Fund to account for donations and contributions to be used for improvements to the City's dog park.

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.

PASSED \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

PRESENTED TO MAYOR \_\_\_\_\_

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

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

\_\_\_\_\_  
MAYOR

City of Middleburg Heights, Ohio

Ordinance No. 2022-\_\_\_\_\_

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 2022
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 2022, the following sums be appropriated from the General Fund:

Table with 2 columns: Description, Increase (Decrease). Rows include Law/HR - Wages & Fringe Benefits, Law/HR - Other - HR Consulting, and Total Change to the General Fund.

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 2022. 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
BORTOLOTTO
ALI
SAGE
MEANY
MCGREGOR
FERENCE
GRECH

\_\_\_\_\_
MAYOR