

CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

October 25, 2022

7:00 P.M. REGULAR MEETING

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of October 11, 2022

COMMUNICATIONS

Memorandum dated October 20, 2022 advising the Board of Zoning and Building Appeals granted variances to Vitalia Active Adult Community. 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

Council Agenda

OCTOBER 25, 2022

PAGE 2

UN-NUMBERED LEGISLATION

INTRODUCED BY MR. BORTOLOTTI

A Resolution authorizing the mayor to enter into a memorandum of understanding and agreement with the Berea City School District for the construction, improvement and renovation of the tennis courts located at the Berea-Midpark Middle School.

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.

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 OF ZONING AND BUILDING APPEALS SECRETARY

DATE: OCTOBER 20, 2022

SUBJECT: VITALIA ACTIVE ADULT COMMUNITY HEIGHT OF BUILDING VARIANCES,
19150 BAGLEY ROAD

=====

On October 19, 2022 the Board of Zoning and Building Appeals granted Variance 2022-00913 to allow Vitalia's proposed independent living building to be four stories. Zoning Code Section 1133.06(f)(2) states apartment buildings in the RSL Zoning District shall not exceed three stories.

The Board also granted Variance 2022-00914, a variance of 21 feet, to allow Vitalia's proposed assisted living/memory care building to be 56 feet tall. Zoning Code Section 1133.06(f)(3) states that assisted living facilities shall have the same area, yard, and building height standards as senior care nursing facilities provided for in Section 1133.05, which is 35 feet in height.

In accordance with Zoning Code Section 1127.06(h) any action by the Board of Zoning and Building Appeals in granting an area variance concerning the height of a building or structure shall not become effective until such decision has been referred to City Council and has been approved by City Council after considering the standards of review set forth in Zoning Code Section 1127.06(e). The plans approved by the Board of Zoning and Building Appeals are attached. Please send confirmation after City Council takes action.

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2022-

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

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND AGREEMENT WITH THE BEREA CITY SCHOOL DISTRICT FOR THE CONSTRUCTION, IMPROVEMENT, AND RENOVATION OF THE TENNIS COURTS LOCATED AT THE BEREA-MIDPARK MIDDLE SCHOOL

WHEREAS, the governing bodies of the City of Middleburg Heights and the Berea City School District are mutually willing to cooperate in supporting programs for the community in the areas of athletics, recreation, and education; and

WHEREAS, the Berea City School District is undertaking construction, improvement, and renovation to the District's Berea-Midpark Middle School tennis courts; and

WHEREAS, the governing bodies of the City and the District mutually agree to a cost share split for the construction, improvement, and renovation of the District's Berea-Midpark Middle School Tennis Court Project.

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 and Agreement with the Berea City School District for the Berea-Midpark Middle School Tennis Court Project at the mutually agreed cost share split of twenty-five percent City share, not to exceed \$11,129.25, a copy of which is attached hereto and marked "Exhibit A".

Section 2: That there is hereby appropriated \$11,129.25 from the General Fund to implement this Resolution.

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 AND AGREEMENT BETWEEN THE BEREA CITY SCHOOL DISTRICT AND THE CITY OF MIDDLEBURG HEIGHTS

THIS MEMORANDUM OF UNDERSTANDING AND AGREEMENT, made and entered into this ____ day of _____, 2022 by and between the City of Middleburg Heights, Ohio, a municipal corporation (hereinafter referred to as "City") and the Berea City School District, of Cuyahoga County, Ohio (hereinafter referred to as "District"), and

WITNESSETH:

WHEREAS, the governing bodies of the City and District are mutually willing to cooperate in supporting programs for the community in the areas of athletics, recreation, and education, and

WHEREAS, the City has established the Department of Parks and Recreation to be responsible for carrying out the purpose of community parks development and recreation programs, and

WHEREAS, the District is responsible for the public education of the students in the community, including physical education and athletic activities related to the educational program, and

WHEREAS, the District is undertaking construction, improvement, and renovation to the District's Berea-Midpark Middle School tennis courts, and

WHEREAS, the governing bodies of the City and District mutually agree to a cost share split of twenty five percent City share (\$11,129.25) and seventy five percent District share (\$33,387.75) for the construction, improvement, and renovation of the District's Berea-Midpark Middle School Tennis Court Project (hereinafter "Project"). Total cost of the Project is \$44,517.

NOW, THEREFORE, in consideration of the terms and conditions hereinafter set forth in this Agreement, and for other good, valuable, and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, the City and District agree that:

1. The District's Berea-Midpark Middle School, located at 7000 Paula Drive, in the City of Middleburg Heights, Ohio consists of a building or buildings and other improvements including tennis courts.
2. The District is undertaking the Project for the construction, improvement, and renovation of these tennis courts at a cost of \$44,517.
3. The City's Parks and Recreation Department has previously used and the District has allowed scheduling of the City's recreational programs at the Project site.
4. The City agrees to share in the cost of the District's Project in the amount \$11,129.25 (25% of the Project cost).
5. The City and District mutually agree to the improvements and installation of equipment designating both tennis and pickleball courts per the attachment (see Attachment A).
6. Upon completion of the Project, the City and District mutually agree that the District will continue to use the Project area for School use and the City will continue to use the Project area for the City's recreational programming.
7. The City and District representatives shall mutually schedule school events and recreation activities to avoid any conflict in scheduling of the use of the Project area. The District's school events shall have priority.
8. The City and District agree to maintain such areas in good condition during the periods of their respective usage and responsibility.
9. The City and District shall jointly promulgate site operating rules consistent with adopted City ordinances, policies, and resolutions, and consistent with District policies, regulations, and procedures, to ensure the safety and welfare of all site users.

10. The City and District agree that in the event of unforeseen questions or circumstances arising out of the use of the facilities, the District's Superintendent and the City's Mayor, or their respective designees, shall mutually resolve such issues.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

BEREA CITY SCHOOL DISTRICT

CITY OF MIDDLEBURG HEIGHTS

By: _____

Title: _____

By: MATTHEW J. CASTELLI

Title: 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

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 Streets/Infrastructure Imp. Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Streets - Capital - Property demo Big Creek Detention Basins - Remediation costs	\$ 18,950.00
Total Increase to the Streets/Infrastructure Imp. Fund	\$ 18,950.00

Section 2. 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 Recreation Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Recreation - Other - Senior Life Programming - Two additional paid bus trips	\$ 7,500.00
Total Increase to the Recreation Fund	\$ 7,500.00

Section 3. 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 Capital Improvements Fund:

<u>Description</u>	<u>Increase (Decrease)</u>
Capital - Recreation - Indoor Scoreboard replacements	\$ 8,800.00
Capital - Recreation - AED replacements & trainers	\$ (8,000.00)
Total Increase to the Capital Improvements Fund	\$ 800.00

Section 4. 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
BORTOLOTTA	_____	_____
ALI	_____	_____
SAGE	_____	_____
MEANY	_____	_____
MCGREGOR	_____	_____
FERENCE	_____	_____
GRECH	_____	_____

MAYOR