

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING
OCTOBER 25, 2022

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, October 25, 2022 for the purpose of conducting a REGULAR MEETING. President of Council David Bortolotto called the meeting to order at 7:00 p.m.

PRESENT:	Matthew Castelli	Mayor
	David Bortolotto	President of Council
	Tim Ali	Councilman At Large
	Dan Sage	Councilman At Large
	Bill Meany	Councilman Ward 1
	Matthew McGregor	Councilman Ward 2
	Michael Ference	Councilman Ward 3
	John Grech	Councilman Ward 4
	Mary Ann Meola	Clerk of Council

STAFF		
ATTENDING:	Santo Incorvaia	Law Director
	Nick Vitalone	Asst. Finance Director
	Jim Herron	Service Director
	Chuck Bichara	Economic Development Director
	Mark Elliott	Recreation Director
	Briant Galgas	Fire Chief
	Bob Downey	Executive Assistant

PLEDGE OF ALLEGIANCE

MINUTES

Motion by Mr. Ali to approve the minutes of the regular meeting of October 11, 2022. Seconded by Mr. Meany.

MINUTES
APPROVED

ROLL CALL: YEAS 7, NAYS 0, MINUTES APPROVED

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.

FILE AS
RECORD

AUDIENCE PARTICIPATION

Mr. Philip Power, 16269 Barriemore Avenue, said he had a question in regards to individuals owning homes in his neighborhood that rent to others. He said approximately two years ago, a woman bought the home located at 16308 Barriemore, and then her mom and son moved in. Mr. Power said now only the son lives there. He said this person drives his car erratically up and down the street, and the police have been there many times. Mr. Power said this person also has tons of dogs that are barking. He said the last time the police were there they stated they didn't know of any nuisance ordinance they could enforce. Mr. Power said he feels the owner of the property should be responsible for these problems. He said the animal warden has also been there several times. Mr. Power asked what is in the books that could protect all of them on the street from this type of nuisance when it is a relative living in the home.

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Mayor Castelli said he appreciated the information, and will sit down with the police chief tomorrow to go over these concerns. He said they will put a game plan together, which will include Mr. Power. Mayor Castelli said he feels there are ways that the city can follow up with the owner of the property.

Mr. McGregor thanked Mr. Power for coming this evening. He said he has received calls from residents in that area also about this same address for barking dogs. Mr. McGregor said he reached out to the animal warden and she has asked residents to keep track of dates, times, etc. Mr. McGregor asked the mayor if he would include the animal warden tomorrow in the meeting with the police chief.

Mr. John Kilner, 13749 Bagley Road, said before Bagley Road was widened his tree lawn was 18 feet wide and now it is less than 4 feet. He said when the street was widened, a chain link fence was put up between the sidewalk and his front yard, which is blocking access to his tree lawn. He said this is making it difficult to blow leaves on the tree lawn, use the lawn mower, etc. Mr. Kilner said the fence goes right down to the ground, so you can't trim the weeds. He said with his yard, about 20 feet drops off into a gully and that is probably the reason the fence was put up. Mr. Kilner asked what the requirements were as to how far a gully needs to be from a fence before a fence is put up.

Mr. Herron said he didn't know, but would be glad to call the county to find out what their plans are.

APPOINTMENTS AND CONFIRMATIONS

None.

ORDINANCES, RESOLUTIONS AND MOTIONS

CITY PARKS, RECREATION & SERVICES COMMITTEE - MR. ALI, CHAIRMAN

No legislation.

FINANCE, TAXATION & ASSESSMENTS COMMITTEE - MR. BORTOLOTTI, CHAIRMAN

Mr. Bortolotto introduced RESOLUTION NO. 2022-84, 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 and MOVED TO ADOPT. Seconded by Mr. Meany.

Mr. Bortolotto said this was discussed at the finance committee meeting. He said the city of Middleburg Heights has been using the tennis courts at the middle school for several years. Mr. Bortolotto said as part of that cooperative spirit, the city will be doing some renovations on their tennis courts, which can also accommodate pickle ball.

Mr. Ference asked if the high school still used those courts for their varsity tennis. Mayor Castelli said yes. He said we are going to formalize an agreement. Mayor Castelli said the students will always have priority, but we will also be able to utilize the tennis courts for pickle ball, and for scheduling leagues as long as it doesn't interfere with the students activities.

Mr. Ference said that makes a lot of sense to maximize the use of that facility.

Mr. McGregor said he supports this but asked Mr. Incorvaia if it was ok to abstain as he is an employee of the district.

Mr. Incorvaia said yes.

ROLL CALL: YEAS 6, NAYS 0, ABSTAIN 1, MCGREGOR, RESOLUTION NO. 2022-84 ADOPTED

LEGISLATION & RULES COMMITTEE - MR. FERENCE, CHAIRMAN

No legislation.

RES. 2022-84
ADOPTED
MOU: BEREA
CITY SCHOOL
DISTRICT
(TENNIS COURTS)

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PUBLIC HEALTH, SAFETY & RELIEF COMMITTEE – MR. MCGREGOR, CHAIRMAN

No legislation.

PUBLIC IMPROVEMENTS COMMITTEE – MR. SAGE, CHAIRMAN

No legislation.

STREETS, UTILITIES & RAILROAD COMMITTEE – MR. MEANY, CHAIRMAN

No legislation.

ZONING & BUILDING CODE COMMITTEE – MR. GRECH, CHAIRMAN

Mr. Grech made a motion to approve a variance of 21 feet and an additional story, to allow Vitalia Active Adult Community's proposed assisted living/memory care building at 19150 Bagley Road to be 56 feet in height and four stories, where the maximum height permitted is 35 feet and the maximum number of stories is three pursuant to Zoning Code Sections 1133.05 and 1133.06. Seconded by Mr. Meany.

MOTION 2022-37
APPROVE VARIANCE
AND ADDITIONAL
STORY
(VITALIA ACTIVE
ADULT COM-
MUNITY)

Mayor Castelli said with this particular location, there are multiple buildings that are four stories that are located in this same area. He said literally right across from where this building will be going is a four story hotel, which is the Residence Inn. Mayor Castelli said there are also multiple four stories office buildings and as we all know the hospital is seven stories. He said this location works for this size building.

Mr. McGregor asked if Chief Galgas had any comment on that with the ladder truck.

Chief Galgas said he was not at that meeting, but did talk to the Assistant Chief today who was at that meeting and was ok with the way it was presented.

ROLL CALL: YEAS 7, NAYS 0, MOTION APPROVED

Mayor Castelli introduced ORDINANCE NO. 2022-85, An Ordinance to make supplemental appropriations for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2022 and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Ference.

ORD. 2022-85
ADOPTED
SUPPLEMENTAL
APPROPRIATIONS

Mayor Castelli said the supplemental items are the additional remediation costs for the demo of the Big Creek homes that were purchased for the detention basins. He said there was additional remediation that needed to be done related to asbestos and some other items. Mayor Castelli said in addition to that, there is an increase for our Senior Life Programming. He said the Senior Life Programming has been extremely successful, a lot of programs, social events and trips. Mayor Castelli said a few additional bus trips are being added at the end of the year. He said lastly in regards to the AED replacements, as things have been assessed with the AED's at the recreation center, they are good through 2024. Mayor Castelli said they would like to move that money to replace the indoor scoreboards. He said the hope is that they can get the indoor scoreboards replaced before the beginning of the season.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2022-85 ADOPTED

COUNCIL COMMITTEE REPORTS

City Parks, Recreation & Services Committee – Mr. Ali, Chairman

Mr. Ali said fliers were handed out this evening for the charity bowl-a-thon. He said 100 percent of the money raised will be given to the Middleburg Heights Food Pantry, so they can purchase Christmas presents for the kids. Mr. Ali said there will be another fundraiser after the new year to raise money for paw pavers. He said they want paw pavers at the Bark Park to go from the parking lot to the dog park.

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Finance, Taxation & Assessments Committee – Mr. Bortolotto, Chairman

Mr. Bortolotto thanked Mr. Elliott, Sandy, Karol and the recreation department for doing such a great job with the Sinatra and Friends concert. He said it was a very classy evening, and asked for that to be passed back to the employees.

Legislation & Rules Committee – Mr. Ference, Chairman

Mr. Ference agreed with Mr. Bortolotto, and said it was a wonderful event and a fun evening for everybody.

Public Health, Safety & Relief Committee – Mr. McGregor, Chairman

No report.

Public Improvements Committee – Mr. Sage, Chairman

No report.

Streets, Utilities & Railroad Committee – Mr. Meany, Chairman

Mr. Meany thanked the council staff for providing a QR code sign at the entranceway to the chambers. He said the QR code allows an individual to scan the code to access council agendas.

Zoning & Building Code Committee – Mr. Grech, Chairman

Mr. Grech thanked the council members from Middleburg Heights and Berea that attended the Woodvale meeting a couple of weeks ago. He said 100 percent of both city councils were there, and he thinks that was the first time ever. Mr. Grech thanked everybody for their support.

MAYOR'S REPORT

No report.

LAW DIRECTOR

No report.

Mr. Ali said when they were at the joint meeting, and the minutes were read, people that were not at the meeting were able to vote on the minutes. He said he abstained, but then he was asked if he read the minutes and he said yes, and they said then you can vote on them then. Mr. Ali said when they aren't present, they always abstain because they weren't at that meeting. He asked if the rules changed.

Mr. Incorvaia said traditionally those that don't attend a meeting, abstain. He said there is no requirement that you abstain, you can read the minutes, vote yes, vote no or abstain. Mr. Incorvaia said that came up with a meeting earlier today. He said there were only two members present, on a three member commission and one was absent the last time. Mr. Incorvaia said the question was can they pass the minutes, and the answer is yes. He said minutes can be passed with one affirmative vote and one abstention.

FINANCE DIRECTOR

No report.

RECREATION DIRECTOR

Mr. Elliott said the winter programming will go on for about another week.

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ECONOMIC DEVELOPMENT DIRECTOR

Mr. Bichara reminded council that the ribbon cutting for The Joint Chiropractic, located on Bagley Road in front of the Residence Inn, will be tomorrow at 4:00 p.m. He said the retail building in front of the Residence Inn, is now 100 percent leased. Mr. Bichara said also tomorrow at 6:30 p.m. in Council Chambers, is the public meeting for the County Grant Programs, that he had previously provided information to the members of council as well.

FIRE CHIEF

No report.

SERVICE DIRECTOR

No report.

EXECUTIVE ASSISTANT

No report.

There being no further business, Mr. Bortolotto made a motion to adjourn. Seconded by Mr. Ali. Mr. Bortolotto adjourned the meeting at 7:32 p.m.



David Bortolotto
President of Council



Mary Ann Meola
Clerk of Council