

# CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING  
DECEMBER 13, 2022

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, December 13, 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
	Jason Stewart	Finance Director
	Jim Herron	Service Director
	Chuck Bichara	Economic Development Director
	Mark Elliott	Recreation Director
	Bob Downey	Executive Assistant

## PLEDGE OF ALLEGIANCE

## MINUTES

Motion by Mr. Grech to approve the minutes of the regular meeting of November 22, 2022 and the executive session of November 22, 2022. Seconded by Mr. Ali.

MINUTES  
APPROVED

ROLL CALL: YEAS 7, NAYS 0, MINUTES APPROVED

## COMMUNICATIONS

Notice to Legislative Authority from Ohio Division of Liquor Control requesting TREX permit to El Torito Tacos, 7523 Pearl Road from Stephanie Elverd, Toronto, Ohio. No objections from Chief Tomba.

MOTION 2022-40  
RETURN TREX -  
NO OBJECTION  
(EL TORITO TACOS)

Motion by Mr. Bortolotto to return the TREX permit without objections.  
Seconded by Mr. Sage.

ROLL CALL: YEAS 7, NAYS 0, MOTION APPROVED

## AUDIENCE PARTICIPATION

Dr. Conrad Lindes, 13375 Old Pleasant Valley Road, thanked the administration and council for including language in the union contracts that doesn't require taxpayers to fund termination of pregnancy.

## 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

No legislation.

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LEGISLATION & RULES COMMITTEE – MR. FERENCE, CHAIRMAN

No legislation.

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

No legislation.

Mayor Castelli introduced ORDINANCE NO. 2022-93, 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. 2022-93  
ADOPTED  
SUPPLEMENTAL  
APPROPRIATIONS

Mayor Castelli said at the end of the year, we typically do a clean-up supplemental appropriation ordinance. He said this ordinance has been discussed at the finance committee and turned it over to Finance Director Stewart to add his comments.

Mr. Stewart said as the mayor stated, this supplemental is done every year. He said they talked about the overtime issues we are experiencing in the service department, police department and fire department at the budget hearings. Mr. Stewart said we are \$350,000-\$400,000 under our wage appropriation for the year. He said we do have to advance money as we wait for reimbursement from the sewer district, from the purchase of a vacuum truck earlier this year. Mr. Stewart said in section three, there are two departments within the recreation center, as they talked about last Monday that stems from 20 years ago. He said some money had to be moved between those two departments, but will no longer have to do that moving forward. Mr. Stewart said there is a longer list of items on the back of the legislation, and said in the state of Ohio, we are required to have a balanced budget in each fund. He said the appropriation of a fund cannot exceed the estimated resources of that fund. Mr. Stewart said as revenue estimates come in under expectations, we need to reduce those revenue estimates, and at times we need to reduce those appropriations so we do not cause that budgetary violation of the appropriations exceeding the resources. He said if revenues come in higher than expected, then an additional appropriation is done to facilitate payments.

Mr. Bortolotto commended Mr. Stewart and his team for the great job they do on the budget and for all of their efforts.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2022-93 ADOPTED

Mayor Castelli introduced ORDINANCE NO. 2022-94, An Ordinance to make appropriations for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2023 and declaring an emergency and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. McGregor.

ORD. 2022-94  
ADOPTED  
SUPPLEMENTAL  
APPROPRIATIONS  
(2023 BUDGET)

Mayor Castelli said this is the budget for 2023. He said this was reviewed at the budget meeting, and ultimately this is the final that came out of that meeting.

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1 Mr. Stewart said the past three or four years have been very successful, with a  
2 number of projects that have been undertaken.

3 Mr. Ference thanked Mr. Stewart for always making this complicated process  
4 seem easy.

5 ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2022-94 ADOPTED  
6

7 Mayor Castelli introduced ORDINANCE NO. 2022-95, An Ordinance  
8 authorizing the mayor of the City of Middleburg Heights to enter into a contract  
9 with the Fraternal Order of Police/Ohio Labor Council, Inc. for police sergeants  
10 and declaring an emergency and moved to adopt. On behalf of the mayor, Mr.  
11 Bortolotto MOVED TO ADOPT. Seconded by Mr. Ali.  
12

ORD. 2022-95  
ADOPTED  
PAY CONTRACT:  
POLICE SERGEANTS

13 Mayor Castelli said he was going to discuss the next several ordinances, as all of  
14 these contracts that are coming forward from our unions are very similar, at least  
15 in the main points. He said he was going to hit the highlights that are consistent  
16 throughout all of these contracts, which will also be applied to our non-union  
17 employees. He said these are three year contracts. Mayor Castelli said the  
18 contracts for wages will be three percent, three percent, and three percent. He  
19 said an additional holiday is being added, as well as two personal days.  
20

21 Mr. Ali asked how the FOP was working out.

22 Mayor Castelli said he thinks that would be a question for that particular union.  
23 He said as far as the negotiations went, all of our unions, the representation and  
24 the members that are on the boards were extremely professional. Mayor Castelli  
25 said they appreciate what city council does, as well as, what the city is doing and  
26 the administration and the success of the community. He said certainly we don't  
27 always agree on everything, but ultimately we come to an agreement that is good  
28 both for the community, as well as, our employees.  
29

30 Mr. Bortolotto thanked the employees for their fairness during the negotiations.

31 ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2022-95 ADOPTED  
32

33 Mayor Castelli introduced ORDINANCE NO. 2022-96, An Ordinance  
34 authorizing the mayor of the City of Middleburg Heights to enter into a contract  
35 with the Fraternal Order of Police/Ohio Labor Council, Inc. for police patrolmen  
36 and declaring an emergency and moved to adopt. On behalf of the mayor, Mr.  
37 Bortolotto MOVED TO ADOPT. Seconded by Mr. Ference.  
38

ORD. 2022-96  
ADOPTED  
PAY CONTRACT:  
POLICE  
PATROLMEN

39 ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2022-96 ADOPTED  
40

41 Mayor Castelli introduced ORDINANCE NO 2022-97, An Ordinance authorizing  
42 the mayor of the City of Middleburg Heights to enter into a contract with the  
43 International Association of Fire Fighters, Local 2018, AFL-CIO, and declaring  
44 an emergency and moved to adopt. On behalf of the mayor, Mr. Bortolotto  
45 MOVED TO ADOPT. Seconded by Mr. Meany.  
46

ORD. 2022-97  
ADOPTED  
PAY CONTRACT:  
FIRE FIGHTERS

47 ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2022-97 ADOPTED  
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49 Mayor Castelli introduced ORDINANCE NO. 2022-98, An Ordinance  
50 authorizing the mayor of the City of Middleburg Heights to enter into a contract  
51 with the Local Association of Public Service Workers and declaring an  
52 emergency and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED  
53 TO ADOPT. Seconded by Mr. Grech.  
54

ORD. 2022-98  
ADOPTED  
PAY CONTRACT:  
SERVICE WORKERS

55 ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2022-98  
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Mayor Castelli introduced ORDINANCE NO. 2022-99, An Ordinance establishing rates of compensation for certain municipal employees and officers and declaring an emergency and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Ference.

ORD. 2022-99  
ADOPTED  
PAY CONTRACT:  
NON-CLASSIFIED  
EMPLOYEES

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2022-99 ADOPTED

Mr. Ference told the mayor that was a lot of big stuff in one night, and said a nice job was done by everybody involved.

Mr. Bortolotto thanked the administration, saying that they plowed through a lot this evening. He said the mayor and the administration have done a fantastic job.

Mayor Castelli introduced ORDINANCE NO. 2022-100, An Ordinance amending Section 139.02 "Holidays" of the Middleburg Heights Codified Ordinances and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Meany.

ORD. 2022-100  
ADOPTED  
AMEND CODIFIED:  
SECTION 139.02  
"HOLIDAYS"

Mayor Castelli said the City of Middleburg Heights will be recognizing the federally recognized Juneteenth holiday. He said this has come out of our negotiations with our unions. Mayor Castelli said they will be applying this to our entire city hall community.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2022-100 ADOPTED

## COUNCIL COMMITTEE REPORTS

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

Mr. Ali reminded everyone that this Saturday, December 17<sup>th</sup>, there will be pictures with Santa at the community center that will be benefitting the Middleburg Heights animal kennel. He said if you're not doing anything between 11:00 a.m. – 3:00 p.m. to come on up. Mr. Ali wished everyone a very Merry Christmas.

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

Mr. Bortolotto wished everyone a Merry Christmas and a Happy Holiday.

### Legislation & Rules Committee – Mr. Ference, Chairman

Mr. Ference wished everyone Happy Holidays and a Merry Christmas.

### 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

No report.

### Zoning & Building Code Committee – Mr. Grech, Chairman

Mr. Grech wished everyone a Merry Christmas and Happy New Year. He said he had a strange day yesterday. Mr. Grech said he received a phone call from a resident in Indian Creek, that was very gracious for Christmas and wanted to give the city a donation of \$25,000. He said his reasoning was that his wife as very bad dementia, and they call 9-1-1 and the fire department came out and he felt that fire department saved his wife's life. Mr. Grech said he called the mayor and asked how to do this, and could it be legally done. He said the mayor said yes we can. Mr. Grech called the resident back to tell him we were all set, that the city could accept the donation. He said the resident said he wasn't giving the city a check for \$25,000 he wanted to give the city a check for \$50,000. He said on behalf of the ward four resident, he gave the check to the mayor for \$50,000. Mr. Grech said this individual came to the plate once before when the city had the major blackout, and he donated \$15,000 to the city for blankets, cots, generators, etc. for the community center when there wasn't any electricity. He said he has been friends with this man for 45 years, and he is honored to have him as his

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friend. Mr. Grech said this individual does not want publicity, but did say if the city wanted to use the family name to go ahead. He said he was leaving that up to the mayor.

Mayor Castelli said he spoke with the resident today, and we want to be mindful and he said it is important to the resident that there isn't a lot said about this. He said he felt it was important to at least mention the Pat Morsillo Family for their donation. Mayor Castelli thanked the fire department for their service. He said we have great employees and departments here, and we are very fortunate to have a community like this. Mayor Castelli said it is great when residents really appreciate that and go out of their way to recognize that. He said he spoke with Mr. Stewart and Mr. Grech, and also wanted council's input, but we are looking at investing in our fire department and since this was something that came out of recognition for our fire department, he felt this donation should be used in the fire department some way.

Mr. Bortolotto asked that council's appreciation be passed on to Mr. Morsillo.

## MAYOR'S REPORT

Mayor Castelli extended a Merry Christmas and a safe and Healthy New Year to everyone.

## LAW DIRECTOR

Mr. Incorvaia said there are a few items that he would like to ask council to consider an executive session. He asked that council consider a motion to go into executive session to discuss the following items:

- The potential sale of city owned property pursuant to ORC 121.22(G)(2)
- Negotiations with public employees regarding compensation or terms and conditions of employment pursuant to ORC 121.22 (G)(4)

Mr. Bortolotto made a motion to go into executive session before the meeting is ended this evening in regards to the sale of city property and negotiations with public employees. Seconded by Mr. Ali.

ROLL CALL: YEAS 7, NAYS 0, MOTION APPROVED

## FINANCE DIRECTOR

No report.

## RECREATION DIRECTOR

Mr. Elliott said Councilman Ali mentioned the animal pictures with Santa, and said there will also be a pancake breakfast from 9:00 a.m. – 11:00 a.m. on Saturday morning, with Santa and his helpers. He extended a Merry Christmas and Happy New Year to all.

Mayor Castelli said this is the one year anniversary of Mr. Elliott being with our community being our recreation director, and thanked him for everything that he has done at the community center.

## ECONOMIC DEVELOPMENT DIRECTOR

No report.

## SERVICE DIRECTOR

Mr. Herron extended a Merry Christmas and Happy New Year to everyone.

## EXECUTIVE ASSISTANT

Mr. Downey wished everyone a happy holiday.

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1 Mr. McGregor asked if there was a timeline for the windows and the move in at  
2 the police station.

3 Mayor Castelli said the timeline for the windows is still January. He said Higley  
4 will continue to follow-up to make sure that timeline will actually happen.

5 Mr. Downey said he is working on a final report for council.

6 Mr. McGregor asked if they can use the new facility at all.

7 Mayor Castelli said they used Memorial Hall this weekend, when they did the  
8 Shop with a Cop.

9 Mr. McGregor asked if the weather gets bad if the cars could at least be put in the  
10 garage.

11 Mayor Castelli said they definitely can. He said he was leaving that up to the  
12 chief as to how he wants to operate until he officially moves in. Mayor Castelli  
13 said they don't want to have the department move in until all of the windows are  
14 replaced.  
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19 Start Executive Session: 7:28 p.m.

20 Following the Executive Session, Mr. Bortolotto reconvened the Regular Meeting  
21 of Council at 8:30 p.m.  
22

23 PRESENT:

24 Matthew Castelli  
25 David Bortolotto  
26 Tim Ali  
27 Dan Sage  
28 Bill Meany  
29 Matthew McGregor  
30 Michael Ference  
31 John Grech  
32 Mary Ann Meola

Mayor  
President of Council  
Councilman-At-Large  
Councilman-At-Large  
Councilman Ward 1  
Councilman Ward 2  
Councilman Ward 3  
Councilman Ward 4  
Clerk of Council

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36 STAFF:

37 Santo Incorvaia  
38 Jason Stewart  
39 Jim Herron  
40 Chuck Bichara  
41 Bob Downey

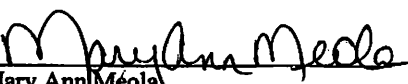
Law Director  
Finance Director  
Service Director  
Economic Dev. Director  
Executive Assistant

42  
43 GUEST: Max Rieker, Walter Haverfield  
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46 There being no further business, Mr. Bortolotto made a motion to adjourn.  
47 Seconded by Mr. Ali. Mr. Bortolotto adjourned the meeting at 8:30 p.m.  
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51 David Bortolotto  
52 President of Council  
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57 Mary Ann Meola  
58 Clerk of Council  
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