

# CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING  
MAY 23, 2023

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, May 23, 2023 for the purpose of conducting a REGULAR MEETING. President of Council David Bortolotto called the meeting to order at 7:00 p.m.

PRESENT:	David Bortolotto	President of Council
	Tim Ali	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. Ali to approve the minutes of the regular meeting of May 9, 2023 and the minutes of the executive session of May 9, 2023. Seconded by Mr. Grech.

MINUTES  
APPROVED

ROLL CALL: YEAS 6, NAYS 0. MINUTES APPROVED

## COMMUNICATIONS

Memorandum from Planning Commission to Council dated May 11, 2023 recommending approval of Ordinance No. 2023-6, zoning code edits, with the exception of edits 57 and 43. Members are requesting a 30 day extension to further consider edits 57 and 43.

FILE AS  
RECORD

## AUDIENCE PARTICIPATION

Mr. Chase Conklin, said he resides in Beachwood, but is here on behalf of Congressman Max Miller. He said they were going around to all of the city council meetings, and wanted to introduce himself. Mr. Conklin said he is the Field Representative for Congressman Max Miller, working out of the Parma office on Ridge Road. He said if anything was needed from them to feel free to reach out to them. Mr. Conklin distributed business cards with his contact information. He said they will also have satellite office hours coming up, and they are going to start doing these to reach people in the communities in some other areas that can't get to Medina or Parma. Mr. Conklin said this is being done at the Solon Library on May 31<sup>st</sup> from 11:00 a.m. – 3:00 p.m.

## APPOINTMENTS AND CONFIRMATIONS

None.

## ORDINANCES, RESOLUTIONS AND MOTIONS

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

No legislation.

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

No legislation.

LEGISLATION & RULES COMMITTEE – MR. FERENGE, 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

Mr. Meany made a motion to add the intersection of Bagley Road and Big Creek Parkway to the Bagley Road Traffic Signal Support Replacement Project and authorizing TMS Engineers to prepare plans and specifications as outlined in the TMS Engineers proposal dated May 15, 2023. Seconded by Mr. McGregor.

Mr. Herron said with looking at the Central Park project and the police station, they feel it is appropriate to include Big Creek Parkway. He said since they are doing this now, let's do the project right. Mr. Herron said the rest of the project remains the same, we are just adding the Bagley Road/Big Creek Parkway intersection to the project.

Mr. Bortolotto asked if it was known as to when that would be done.

Mr. Herron said he didn't know, they will have to bid the project. He said depending on supply chain issues, if we were really fortunate it could be this fall, but he anticipated it would be started early next year.

Mr. Ali said he could not believe how many poles didn't make it.

Mr. Herron said they were steel poles. He said the new poles will be galvanized and won't rust. Mr. Herron said if you look at the poles that were closer to the roads that got salt on them, those were the ones that we had the issues with.

Mr. Ali said if you go back to the records, that was discussed when those poles were purchased. He said supposedly the manufacturer said because of the coating, that wouldn't happen.

Mr. Herron said it was nearly 30 years ago.

Mr. McGregor asked when the original poles were purchased.

Mr. Herron said the original poles were purchased around 1995 or 1996. He said he could verify, but knew it was the mid 90's.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

ZONING & BUILDING CODE COMMITTEE – MR. GRECH, CHAIRMAN

Mr. Grech made a motion to grant a 30 day extension on Ordinance No. 2023-6, zoning code edits, for the Planning Commission to further consider edits 57 and 43. Seconded by Mr. Meany.

Mr. Grech said the Planning Commission would like to look into these edits a little more and are asking for a 30 day extension.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

MOTION 2023-22  
AUTHORIZE TMS  
ENGINEERS TO  
PREPARE PLANS/  
SPECS AND ADD  
BAGLEY/BIG CREEK  
PARKWAY INTER-  
SECTION TO BAGLEY  
ROAD TRAFFIC  
SIGNAL REPLACE-  
MENT PROJECT

MOTION 2023-23  
GRANT 30 DAY  
EXTENSION -  
ORD. 2023-6 -  
ZONING CODE EDITS-  
FURTHER CONSIDER  
EDITS 57 AND 43

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On behalf of the mayor, Mr. Bortolotto introduced ORDINANCE NO. 2023-39, An Ordinance amending Ordinance No. 2023-27 and authorizing the mayor to enter into an amended contract with the Ohio Patrolmen's Benevolent Association for police lieutenants and MOVED TO ADOPT. Seconded by Mr. Meany. Mr. Bortolotto said this legislation has to do with some additions to the police lieutenants contract. He asked Mr. Stewart to explain.

Mr. Stewart said back in late March, we approved the collective bargaining agreement for the police lieutenants. He said upon final review, there were three provisions that were included within the patrolmen and sergeants contracts that were excluded/omitted from the lieutenants contract. Mr. Stewart said we are simply adding these into their contract as well.

ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-39 ADOPTED

ORD. 2023-39  
ADOPTED  
AMEND ORDINANCE  
2023-27 (CONTRACT:  
POLICE  
LIEUTENANTS)

## COUNCIL COMMITTEE REPORTS

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

No report.

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

No report.

Legislation & Rules Committee – Mr. Ference, Chairman

No report.

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 said Mr. Dave Conley, with First Energy, will be in attendance at their next committee meeting to answer any questions that council may have.

Zoning & Building Code Committee – Mr. Grech, Chairman

Mr. Grech said Woodvale Cemetery had their annual audit, which passed with flying colors. He said the auditor's said they wished everyone did as good of a job as Joe does at Woodvale. Mr. Grech said they are treading on uncharted water because there are a few people who want to put private mausoleums there, and it was never thought in a million years that would happen there. He said they are working with our law director on this.

## MAYOR'S REPORT

No report.

## LAW DIRECTOR

Mr. Incorvaia asked that Council consider a motion to convene into Executive Session prior to adjournment to consider/discuss the purchase of real estate/property for public purposes pursuant to ORC 121.22(G)(2).

Mr. Bortolotto made a motion to convene into Executive Session prior to adjournment to consider/discuss the purchase of real estate/property for public purposes pursuant to ORC 121.22(G)(2). Seconded by Mr. Ference.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

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1 Mr. McGregor asked Mr. Incorvaia if he could provide him with legislation about  
2 the ORC and jake brakes. He said he has several residents concerned about this.  
3 Mr. McGregor said they thought there was signage on the 71 exit coming down  
4 onto Bagley that said you weren't allowed to use them, and now the signage is  
5 gone. He said the trucks have been using jake brakes again. Mr. McGregor said  
6 he reached out to the chief who said he would get back to him, but he hasn't heard  
7 anything. He asked Mr. Incorvaia if he could help him and follow up on this.

8 Mr. Herron said he thought the chief had sent an email. He said that sign was a  
9 state sign, and they said they would not put a jake brake sign back up on the  
10 entrance ramp. Mr. Herron said any of the entrance ramps, or the surrounding  
11 property is all owned by the state and they control the signage.

12 Mr. McGregor said he would go back and search that again.

13 Mr. Ali asked Mr. Herron, if we cannot use "jake brake" specifically, he said he  
14 sees no engine braking signs all over the place. He asked if we could do that  
15 instead to help the residents out.

16 Mr. Herron said there was a response from ODOT. He said he will make sure he  
17 gets that email and forward it on to you. Mr. Herron said they didn't seem to  
18 engaged to put signs up. He said they gave a nice answer, but didn't seem like  
19 they were going to install signs like that. Mr. Herron said he would find that  
20 email from the chief and forward it to the clerk of council.

## 21 FINANCE DIRECTOR

22 No report.

## 23 RECREATION DIRECTOR

24 Mr. Elliott referred to the partnership between the Berea City School and the City  
25 of Middleburg Heights to make improvements to the tennis courts at the middle  
26 school. He said that wasn't done in the fall, they were waiting for nicer weather.

27 Mr. Elliott said in the last couple weeks that was completed and is drying. He  
28 said the courts should be completed tomorrow. Mr. Elliott said besides being  
29 striped for tennis, two of the courts will be striped for pickle ball. He said they  
30 are working on a schedule as to how that will work this summer. Mr. Elliott said  
31 they will have more information on that at a later time. He said the outdoor pool  
32 will open this Saturday, May 27th. Mr. Elliott said they will be closed on  
33 Monday for Memorial Day. He said the scoreboards on all three fields were  
34 installed in the last week, as was the new swing set. Mr. Elliott said the swings  
35 will be put on this week by Friday. He thanked Mr. Herron and the service  
36 department for their assistance for both of those projects.

37 Mr. Ali asked Mr. Elliott when the tennis court and pickle ball courts will be  
38 completed.

39 Mr. Elliott said it is completed, it is just drying. He said they crack sealed/filled it  
40 as well as the striping. Mr. Elliott said he received an email from the athletic  
41 director stating that they needed to get to mid-week, May 24<sup>th</sup> to finish drying.  
42 He said as of Thursday, May 25<sup>th</sup> you should be able to get back on the courts.  
43 Mr. Elliott said during the school year, the way that agreement worked, was that  
44 the schools had priority. He said as we enter into summer, the schedule will be  
45 dictated by us.

46 Mr. McGregor said Mr. Elliott said something to the affect that the nets might be  
47 locked to the fencing.

48 Mr. Elliott said they are still working that out. He said one thing he talked to the  
49 schools about, was when the work was being done the gate was locked. Mr.  
50 Elliott said they may try that and just lock the gate. He hoped that would secure  
51 them, and would be the most convenient.

52 Mr. McGregor asked if it was possible to put signage by the entrance gate that if  
53 the gate is locked to call the rec, especially this summer.

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Mr. Elliott said there will be signage with the general rules, hours, phone numbers, etc.

## ECONOMIC DEVELOPMENT DIRECTOR

No report.

Mr. McGregor asked if the gas station on the corner was closed now.

Mr. Bichara said yes, that is closed and the city is reviewing plans for redevelopment of that site, along with the neighboring site. He said demolition should begin in early June. Mr. Bichara said that will be another key development, that he thinks everyone will be very pleased with.

## SERVICE DIRECTOR

Mr. Herron said there will be a Memorial Day ceremony over at memorial hall at the police station on Monday at 10:30 a.m. He thanked the service crew for getting all the flowers and plants done.

Mr. Grech asked Mr. Herron if all the construction in ward 4 was AT&T. He said there are tubes, conduit and wires sticking all over the ground, as well as equipment on the tree lawns.

Mr. Herron said yes, it will probably be about two more months. He said they are installing high speed fiber optic.

Discussion continued.

Mr. Grech referred to James between Trenton Trail and Indian Creek Drive that was black topped, and asked if that would be finished with concrete.

Mr. Herron said it will be finished with an asphalt overlay.

Mr. Grech asked when that project will be completed.

Mr. Herron said approximately 60-90 days.

Mr. Bortolotto asked if there would be another layer added to Winona.

Mr. Herron said yes.

## EXECUTIVE ASSISTANT

No report.

Start Executive Session: 7:28 p.m.

Following the Executive Session, Mr. Bortolotto reconvened the Regular Meeting of Council at 8:41 p.m.

## PRESENT:

David Bortolotto	President of Council
Tim Ali	Councilman-At-Large
Bill Meany	Councilman Ward 1
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There being no further business, Mr. Bortolotto made a motion to adjourn.  
Seconded by Mr. McGregor. Mr. Bortolotto adjourned the meeting at 8:41 p.m.



David Bortolotto  
President of Council



Mary Ann Meola  
Clerk of Council

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