

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING
JUNE 13, 2023

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, June 13, 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:	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. Ali to approve the minutes of the regular meeting of May 23, 2023 and the minutes of the executive session of May 23, 2023. Seconded by Mr. Ference.

MINUTES
APPROVED

ROLL CALL: YEAS 7, NAYS 0, MINUTES APPROVED

COMMUNICATIONS

Memorandum from Planning Commission to Council dated May 25, 2023 advising members voted to approve the remaining Zoning Code edits in Ordinance No. 2023-6.

FILE AS
RECORD

AUDIENCE PARTICIPATION

Dr. Conrad Lindes, 13375 Old Pleasant Valley Road, encouraged council to pass the resolution regarding the moratorium on vape and smoke shops. He said the idea behind this is that this is a way for people to get nicotine without getting the cancer producing effects, which is true, but nicotine itself has many health risks. Dr. Lindes said the main concern is that this is an opportunity for kids to get hooked on nicotine, and then eventually go on to smoking cigarettes and get all the risks from the nicotine and the carcinogens.

APPOINTMENTS AND CONFIRMATIONS

None.

ORDINANCES, RESOLUTIONS AND MOTIONS

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

Mr. Ali introduced ORDINANCE NO. 2023-40, An Ordinance authorizing the mayor and finance director to enter into a contract with Weaver Barns and MOVED TO ADOPT. Seconded by Mr. Sage.

ORD. 2023-40
ADOPTED
CONTRACT:
WEAVER BARNs
(BARK PARK
PAVILION)

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Mr. Ali said Councilman Sage asked to have his name added to the legislation, and asked if all the members would like to add their names as well.

Clerk to add council as co-sponsors.

Mr. Ali extended a special thank you to Mr. Bichara and the administration for getting this grant. Mr. Ali said he never thought the city would be able to get a pavilion up within a year of the park opening. He said because of this grant, there is zero cost to our cities. Mr. Ali said we received a \$50,000 grant and we are going to award Weaver Barns to construct a 16' x 32' pavilion, which will be used for many things at the Bark Park. He said the cost is \$46,086.80, and the remainder of that money will be used for a concrete pad. Mr. Ali thanked council and the administration for their support.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2023-40 ADOPTED

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

Mr. Bortolotto introduced ORDINANCE NO. 2023-41, An Ordinance to make supplemental appropriations for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2023 and MOVED TO ADOPT. Seconded by Mr. Meany.

ORD. 2023-41
ADOPTED
SUPPLEMENTAL
APPROPRIATIONS

Mr. Bortolotto said these supplemental expenses were discussed at the finance committee meeting.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2023-41 ADOPTED

Mr. Bortolotto introduced RESOLUTION NO. 2023-42, A Resolution adopting the Alternative Tax Budget Information of the City of Middleburg Heights, Ohio, for the fiscal year beginning January 1, 2024, and submitting the same to the Budget Commission of Cuyahoga County and MOVED TO ADOPT. Seconded by Mr. Sage.

RES. 2023-42
ADOPTED
ALTERNATIVE TAX
BUDGET INFORMATION

Mr. Bortolotto said this was also talked about at the finance committee meeting. He said this is an annual resolution that is sent to the Cuyahoga County Budget Commission. Mr. Bortolotto said this legislation tells the Budget Commission our need to levy property taxes.

ROLL CALL: YEAS 7, NAYS 0, RESOLUTION NO. 2023-42 ADOPTED

Mr. Bortolotto introduced RESOLUTION NO. 2023-43, A Resolution authorizing the fire chief to donate an old trailer and obsolete equipment to the Southwest Council of Governments for use by the Southwest Emergency Response Team and MOVED TO ADOPT. Seconded by Mr. Grech.

RES. 2023-43
ADOPTED
DONATE TRAILER
AND OBSOLETE
EQUIPMENT FOR USE
BY SERT

Mr. Bortolotto said the city is going to donate an old trailer to the SERT team.

ROLL CALL: YEAS 7, NAYS 0, RESOLUTION NO. 2023-43 ADOPTED

Mr. Bortolotto introduced RESOLUTION NO. 2023-44, A Resolution authorizing the service director to dispose of a 1999 GMC 2500 Pickup Truck no longer needed for any municipal purpose and MOVED TO ADOPT. Seconded by Mr. Ference.

RES. 2023-44
ADOPTED
DONATE PICKUP
TRUCK TO
FAIRGROUNDS

Mr. Bortolotto said this was discussed at the finance committee meeting. He said our old truck will be donated to the Cuyahoga County Agricultural Society (Fairgrounds).

Mr. Ference asked if the fairgrounds repaint our trucks.

Mr. Herron said no, they are only used on the grounds.

Mr. Ali asked if the city emblem is removed.

Mr. Herron said yes.

ROLL CALL: YEAS 7, NAYS 0, RESOLUTION NO. 2023-44 ADOPTED

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Mr. Bortolotto introduced ORDINANCE NO. 2023-45, An Ordinance authorizing the mayor and finance director to enter into a contract with Software Solutions, Inc. and MOVED TO ADOPT. Seconded by Mr. Ali.

ORD. 2023-45
ADOPTED
CONTRACT:
SOFTWARE
SOLUTIONS, INC.

Mr. Bortolotto said this was discussed at our finance committee meeting. He said this is a software upgrade for our finance department.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2023-45 ADOPTED

Mr. Bortolotto introduced ORDINANCE NO. 2023-46, An Ordinance authorizing the mayor and finance director to enter into a contract with Mr. Level Concrete Leveling and MOVED TO ADOPT. Seconded by Mr. Grech.

ORD. 2023-46
ADOPTED
CONTRACT:
MR. LEVEL
CONCRETE LEVELING

Mr. Bortolotto said this contract was discussed in committee. He said Mr. Level Concrete Leveling will repair sidewalks in the city. Mr. Bortolotto said the city has done a great job staying on top of our sidewalks.

Mr. Ali asked if this was the first time the city has used Mr. Level.

Mr. Herron said yes it is, and they did receive a quote from another firm. He explained the different options, adding that some of the sidewalks are sunken, that are in need of grading or can be shaved like they did last year. Mr. Herron said this company can raise the sidewalks up, and can also shave them if they are under an inch.

Mr. Ali said there are a lot of sidewalks, driveways and patios that get leveled this way. He said it will be very interesting to see, and he hopes this works out well.

Mr. Ference said for clarification, this is in addition to sidewalk replacements.

Mr. Herron said yes, there are certain cases where sidewalks will need to be torn out.

Mr. Ference said if they do a nice job, maybe this is something we consider for the future as well.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2023-46 ADOPTED

Mr. Bortolotto introduced ORDINANCE NO. 2023-47, An Ordinance authorizing the mayor and finance director to enter into a contract with MS Consultants, Inc. and MOVED TO ADOPT. Seconded by Mr. Meany.

ORD. 2023-47
ADOPTED
CONTRACT: MS
CONSULTANTS, INC.

Mr. Bortolotto said this legislation provides the right-of-way acquisition services for the Sheldon Road project.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2023-47

Mr. Bortolotto introduced ORDINANCE NO. 2023-48, An Ordinance establishing rates of compensation for members of council and MOVED TO ADOPT. Seconded by Mr. Meany.

ORD. 2023-48
ADOPTED
ESTABLISH RATES
OF COMPENSATION
FOR COUNCIL

Mr. Bortolotto said this legislation establishes the rates for the members of council coming in 2024 and 2025. Mr. Bortolotto said this increase is equivalent to city hall and the union contracts in the amount of three percent.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2023-48 ADOPTED

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

Mr. Meany introduced RESOLUTION NO. 2023-49, A Resolution authorizing the mayor and finance director to enter into a contract with Specialized

RES. 2023-49
ADOPTED
CONTRACT:
2023 STREET
REPAIR PROGRAM
PHASE 1
(BARDBURY)

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Construction Inc. for the 2023 Street Repair Program Phase 1 Bardbury Avenue and MOVED TO ADOPT. Seconded by Mr. McGregor.

Mr. Meany said this bid is going to Specialized Construction for Bardbury Avenue in the amount of \$244,977.50. He said Specialized was the lowest and best bid submitted. Mr. Meany said this will be offset by a Cuyahoga County grant of \$150,000 that was secured by our administration and Mr. Bichara.

ROLL CALL: YEAS 7, NAYS 0, RESOLUTION NO. 2023-49 ADOPTED

ZONING & BUILDING CODE COMMITTEE – MR. GRECH, CHAIRMAN

Mr. Grech announced that there will be a public hearing on Ordinance No. 2023-6 (Zoning Code Edits) on Tuesday, June 27th at 6:50 p.m.

ORD. 2023-6
PUBLIC HEARING

Mayor Castelli introduced RESOLUTION NO. 2023-50, A Resolution establishing a temporary moratorium on vape and smoke establishments or shops within the City of Middleburg Heights and declaring an emergency and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. McGregor.

RES. 2023-50
ADOPTED
ESTABLISH
MORATORIUM -
VAPE & SMOKE
ESTABLISHMENTS OR
SHOPS

Mayor Castelli said this was discussed when our first round of zoning code updates was done. He said he thinks this is a good time to bring this back again, and believed that the city is going to see more and more requests for these establishments. Mayor Castelli said he thinks it is important to spend a little more time figuring out the best and most appropriate zoning options.

Discussion on long term and unknown health risks of vaping.

Mr. McGregor asked if this has a yearly renewal.

Mayor Castelli confirmed with Mr. Incorvaia that the moratorium is for six months, and it can be renewed after that.

ROLL CALL: YEAS 7, NAYS 0, RESOLUTION NO. 2023-50 ADOPTED

COUNCIL COMMITTEE REPORTS

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

Mr. Ali said legislation was passed tonight regarding a grant that was received for a pavilion. He said they would also like to work on an obstacle course for the dogs, and would also like to get the gravel there so there aren't any more issues with mud during the heavy rains.

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

Mr. Bortolotto said he looks forward to seeing everyone at the Summer in the City festival.

Legislation & Rules Committee – Mr. Ference, Chairman

No report.

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

No report.

Public Improvements Committee – Mr. Sage, Chairman

Mr. Sage gave a shout out to Mr. Herron and his group. He said he did some yard cleaning and had a lot of branches that came down in the last week, which he put out on his tree lawn. Mr. Sage said he was going to call, and the next morning the service truck came and he never had to call. He said they are always on top of things and he certainly appreciates that. Mr. Sage congratulated and thanked Mr. Bichara for the work that he does, and said there should be a commendation for best grant writer in Cuyahoga County.

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

Mr. Meany said they met last night and the minutes were forwarded to members. He said he had an opportunity to attend an active shooter drill at the junior high recently. Mr. Meany said it was a very emotional event, but said the logistics that went into it with Middleburg Heights police and fire, and Brook Park and Berea counterparts was over the top. He said the amount of training these first responders receive is amazing. Mr. Meany thanked all of those involved with putting that drill on for the opportunity for him to observe.

Zoning & Building Code Committee – Mr. Grech, Chairman

No report.

MAYOR'S REPORT

Mayor Castelli said to hitchhike on what Mr. Meany said, the active shooter drill was very emotional. He said you don't realize, again they trying to make the scenario as real as you can, what our first responders would have to go through if we ever had a situation like that. Mayor Castelli said Patrolman Dave Holderbaum is one of the preeminent trainers for these type of situations, and is sought after by multiple communities to help with this type of training. He said they are very proud of our safety forces not only in our city, but also in the region.

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. Meany.

ROLL CALL: YEAS 7, NAYS 0, MOTION APPROVED

FINANCE DIRECTOR

No report.

RECREATION DIRECTOR

Mr. Elliott said this Thursday and Friday, an asphalt removal and replacement project will take place around the roundabout in front of our facility. He said they will remain open, but will be a slight inconvenience for a couple days. Mr. Elliott said this Thursday will kick off the Summer in the City festival with the parade over at Big Creek Elementary beginning at 6:30 p.m.

ECONOMIC DEVELOPMENT DIRECTOR

Mr. Bichara said the momentum for the redevelopment in the Southland area continues and is coming to fruition. He said the new Chipotle at 6860 Pearl Road opened today. Mr. Bichara said this will be the first Chipotle in the southwest area suburbs that will have a Chipotlane, which means you can order online and pick up without leaving your car. He said the other buildings are nearing completion and the businesses are getting ready to occupy them. Mr. Bichara said Aldi's will be going for their final Planning Commission approval shortly.

Mr. Bortolotto thanked Mr. Bichara. He said he knows there has been a lot of hard work put in by himself, the mayor and the rest of the team to make that redevelopment of Southland happen.

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SERVICE DIRECTOR

Mr. Herron said they had Shred-It day last Saturday, adding that it was packed. He said cars were there at 8:15 a.m. for the event, which didn't start until 9:00 a.m. Mr. Herron thanked the service crew that came in to assist.

Mr. Ference asked with that type of turnout, is another Shred-It day being considered.

Mr. Herron said there is another day this fall already scheduled.

Mr. Ference asked if it would be considered to do this three or four times a year.

Mr. Herron said it could be considered, adding that there are costs of approximately \$130 per hour. He said no one was turned away, and it worked out great.

EXECUTIVE ASSISTANT

No report.

Start Executive Session: 7:38 p.m.

Following the Executive Session, Mr. Bortolotto reconvened the Regular Meeting of Council at 8:25 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:

Santo Incorvaia	Law Director
Jason Stewart	Finance Director
Jim Herron	Service Director
Chuck Bichara	Economic Development Director
Bob Downey	Executive Assistant

Mayor Castelli introduced ORDINANCE NO. 2023-51, An Ordinance authorizing the mayor and finance director to enter into a purchase agreement for the purchase of certain real estate in the City of Middleburg Heights to be used for public purpose and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Ference.

Mayor Castelli said these two pieces of legislation are important and a major move towards realizing our master plan and strategic vision for the Southland redevelopment. He said these two ordinances will give the City of Middleburg Heights the control over approximately 19 acres in the Southland district, which is the largest area of land in Southland. Mayor Castelli said they believe strongly that this is vital to achieve our strategic vision. He said the amount for this piece of legislation, which is the 3.86-acre parcel is \$400,000 for the purchase and additional is being appropriated for incidentals as they come up.

Mr. Ali said he thinks this was the only way to escalate this so we would be able to see our vision on that property.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2023-51 ADOPTED

ORD. 2023-51
ADOPTED
ENTER INTO
PURCHASE
AGREEMENT -
SMITH ROAD
(372-31-009)

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Mayor Castelli introduced ORDINANCE NO. 2023-52, An Ordinance authorizing the mayor and finance director to enter into a purchase agreement for the purchase of certain real estate in the City of Middleburg Heights as part of the Middleburg Heights Community Master Plan and Revitalization of Southland Shopping Center and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Sage.

Mayor Castelli said the number to be placed on this legislation is \$2.1 million. He said this gives our community control of over 19 acres in our largest commercial district. Mayor Castelli said ultimately this will lead to the realization of our master plan that residents, city council and stakeholders have worked on for years. He said he appreciates city council's support and their vision in moving this forward.


Mr. Ference said as Mr. Ali said, he feels this is a historic opportunity for our city to move forward with the redevelopment of the Southland district. He commended the mayor and his team for putting this together.

Mr. Bortolotto commended the mayor, economic development director and service director. He said if anyone wants to see how this is going to end up, take a good look at the aging, old shopping strip that was on Pearl Road that has turned into a brand new, dynamic commercial area.

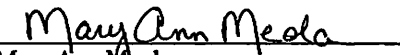
Mr. Ali said he agrees with purchasing both of these. He said you need that package deal so the entire plan can be put together.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2023-52 ADOPTED

There being no further business, Mr. Bortolotto made a motion to adjourn. Seconded by Mr. Ali. Mr. Bortolotto adjourned the meeting at 8:29 p.m.



David Bortolotto
President of Council



Mary Ann Meola
Clerk of Council

ORD. 2023-52
ADOPTED
PURCHASE
AGREEMENT -
6950 W. 130TH
STREET
(372-31-006)