

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING
JUNE 27, 2023

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, June 27, 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
	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

ABSENT: Councilman John Grech

PLEDGE OF ALLEGIANCE

MINUTES

Motion by Mr. Ali to approve the minutes of the regular meeting of June 13, 2023 and the minutes of the executive session of June 13, 2023. Seconded by Mr. Ference.

MINUTES
APPROVED

ROLL CALL: YEAS 6, NAYS 0, MINUTES APPROVED

COMMUNICATIONS

None.

AUDIENCE PARTICIPATION

Mr. Ronald Makovich, 16585 Glenridge Ave, said he has been a resident in the community for 49 years, a registered architect in the state of Ohio and founding partner of Makovich and Pusti Architects. He gave a brief background regarding his past city involvement which goes back to the 1970's. Mr. Makovich came forward tonight to make everyone aware of property maintenance issues in our city. Mr. Makovich said there are commercial things that he has observed, and his personal concern has been the residential housing stock in our community. He said he lives across the street from a residence that has been rented for 25 years, specifically outlining many property maintenance issues. Mr. Makovich said the property he is referring to is located at 16590 Glenridge Avenue. He said everyone here has seen properties in distress in this city. Mr. Makovich said for the record, he would like to exhibit images of the items that he just spoke of from the above referenced property. He said these images have been witnessed and verified by Councilman McGregor. Mr. Makovich asked for Mr. McGregor and the mayor to tour this property regarding. He asked what the fines were for noncompliance and when those fines go into place. He said the housing inspector and building department have observed these issues for years. Mr. Makovich said the general consensus of the neighbors is that they don't have the time and don't want to get involved. He gave examples of other situations where citations and fines would be issued and would need to be addressed. Mr. Makovich said these

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violations go on and on without consequences. He said as a concerned citizen, he is taking the time to raise questions and to look for answers.

Mayor Castelli said we are all on the same page, and want our housing stock to continue to improve. He said he was at this residence, and did follow-up with the building department. Mayor Castelli said there is a meeting tomorrow identifying all of the issues with the owner. He said if the violations are not done, then the next step in the process is that they would need to go to court and could be fined. Mayor Castelli said we are in the process of hiring a new building inspector, and will be looking at other structural things. He said he feels very strongly that it is important for our housing stock to continue to stay strong. Mayor Castelli said he appreciates council's support, and over the last several years we have had multiple nuisance abatements, demolished buildings and have seen new homes built in their place. He said we want to make sure these issues are addressed with a sense of urgency. Mayor Castelli said he followed up with Mr. McGregor and with Mr. Herwerden, and was told that they have been in communication with Mr. Makovich.

Ms. Martha Ratkowski, 6719 Stroud Road, asked if tiny houses are allowed in Middleburg Heights.

Mayor Castelli said there is a requirement of a certain square footage.

Ms. Ratkowski said she feels tiny houses, or in-law suites should be allowed to be built onto existing residences, adding that many people in Middleburg Heights have large plots of land. She said the housing market is unaffordable for many people, seniors would benefit by being able to be close to their children if they couldn't afford health care facilities, and the family unit also benefits children as well, with built-in babysitters. Ms. Ratkowski said there is an increase in the percentage of autistic children, and over 185,000 cases of adults in Ohio between the ages of 18-84 that may be able to live on their own, but are in need of supervision.

Mr. Robert White, 13540 Indian Creek Drive, asked if the property that was purchased by the city at Southland was the Sears property.

Mayor Castelli said yes, we are currently looking at purchasing the Sears property.

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 made a motion to authorize city council to recess for the months of July and August 2023 as permitted by City Charter Section 4.06 Seconded by Mr. Meany.

MOTION 2023-24
SUMMER RECESS

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

Mr. Bortolotto introduced RESOLUTION NO. 2023-53, A Resolution authorizing the finance director to place for auction a 1990 Pierce Fire Engine no longer needed for any municipal purpose and MOVED TO ADOPT. Seconded by Mr. McGregor.

RES. 2023-53
ADOPTED
AUCTION -1990
PIERCE FIRE
ENGINE

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1 Mr. Bortolotto said this was discussed at the finance committee meeting. He said
2 this was an old fire truck that the fire department would like to put up for auction.
3
4 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-53 ADOPTED

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6 Mr. Bortolotto introduced ORDINANCE NO. 2023-54, An Ordinance amending
7 Chapter 1501 "Fire Prevention Code" of the Codified Ordinances of the City of
8 Middleburg Heights and MOVED TO ADOPT. Seconded by Mr. Ference.
9
10 Mr. Bortolotto said this was also talked about at the finance committee meeting.
11 He said this has to do with software that was discussed for the fire prevention
12 code.

ORD. 2023-54
ADOPTED
AMEND CHAPTER
1501 - FIRE
PREVENTION CODE

13 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-54 ADOPTED

14
15 Mr. Bortolotto introduced RESOLUTION NO. 2023-55, A Resolution
16 authorizing the mayor and finance director to enter into a contract with
17 Damschroder Roofing Inc. for the Middleburg Heights Fire Station Low
18 Slope/Steep Slope Roof Replacement and MOVED TO ADOPT. Seconded by
19 Mr. Sage.

RES. 2023-55
ADOPTED
CONTRACT:
DAMSCHRODER
ROOFING
(FIRE STATION)

20
21 Mr. Bortolotto said they talked about this in committee. He said the fire
22 department needs some roofing done, and the lowest and best bid is \$359,974.00.

23 Mr. Ali asked how old the fire station was.

24 Chief Galgas said it was built over the old station in 1991.

25 Mr. Ali asked if that was the roof from 1991.

26 Mayor Castelli said yes it is. He said it has been in need of replacement for some
27 time.

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29 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-55 ADOPTED

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31 LEGISLATION & RULES COMMITTEE – MR. FERENCE, CHAIRMAN

32 No legislation.

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

37 No legislation.

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40 PUBLIC IMPROVEMENTS COMMITTEE – MR. SAGE, CHAIRMAN

41 No legislation.

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

45
46 Mr. Meany introduced ORDINANCE NO. 2023-56, An Ordinance authorizing
47 the mayor to enter into an agreement with Cuyahoga County (the "County") for
48 the rehabilitation of Smith Road from Sheldon Road to Pearl Road and declaring
49 an emergency and MOVED TO ADOPT. Seconded by Mr. McGregor.

ORD. 2023-56
ADOPTED
AGREEMENT -
CUYAHOGA COUNTY
(REHABILITATION
OF SMITH ROAD)

50 Mr. Meany said this will start the bidding process for the Smith Road
51 reconstruction between Sheldon and Pearl Road. He said the ordinance defines
52 and outlines the process. Mr. Meany said the county will pick up 80 percent of
53 the costs not to exceed \$1,600,000.

54
55 Mayor Castelli thanked Mr. Meany and city council for their work and support in
56 ultimately getting Smith Road resurfaced. He said it has been in need of for
57 decades. Mayor Castelli said this was one of the first projects that he reached out
58 to the county when he became mayor. He said they met multiple times down at
59 the county speaking with our county representative, as well as meetings with the
60 county executive. Mayor Castelli said ultimately we have been able to
61 successfully get this project going. He said in addition to the resurfacing, there
62 will also be storm sewer work that is needed around the Stroud and Smith area
that floods during heavy water events. Mayor Castelli said we are also going to

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try to straighten out that curve, as it is our most dangerous curve in the city. He said part of this project will make this a much safer turn in that area, which will be safer for the drivers, the business in the area and the residents coming off of Stroud Road.

Mr. McGregor asked if the county sewer district also purchased that property right along the railroad tracks, so we could have retention there as well.

Mayor Castelli said we actually own that property with the agreement that there will be a detention basin that they will ultimately pay for to help with storm water management not only in Middleburg Heights but also in Brook Park.

Mr. Ference said this is a much needed and very welcomed improvement to a major thoroughfare in our city. He said the timing is quite good as we move forward with the revitalization of the other end of Smith Road.

ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-56 ADOPTED

ZONING & BUILDING CODE COMMITTEE – MR. GRECH, CHAIRMAN

On behalf of Mr. Grech, Mr. Bortolotto made a motion to amend ORDINANCE NO. 2023-6, An Ordinance approving the proposed zoning code edits submitted by Stewart Land Use, per Planning Commission's recommendations. Seconded by Mr. McGregor.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

Mr. Bortolotto placed ORDINANCE NO. 2023-6 on third reading and MOVED TO ADOPT. Seconded by Mr. Ference.

Mr. Bortolotto said this legislation has been around a long time and has had several readings, two 30-day extensions and a public hearing. He said the planning commission did a very nice job discussing this.

Mayor Castelli said a lot of work has gone into the new zoning code. He said we knew we would have some updates as that was implemented. Mayor Castelli said the planning commission and city council have done a great job going through every detail associated with the new zoning code. He again reiterated that he appreciated city council's efforts, as well as all of the administration members that were involved and the planning commission too.

Mr. Ference also thanked the planning commission for their diligence in this project, and looking this legislation over carefully while considering everything that goes into it.

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

Mayor Castelli introduced ORDINANCE NO. 2023-57, 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. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Meany.

Mayor Castelli said this supplemental is for Sheldon Road. He said we are going to be doing a partnership with Brook Park to replace an outdated and problematic waterline. Mayor Castelli said this waterline impacts many residents on the Middleburg Heights side as well as Brook Park. He said there is a project for resurfacing for Sheldon Road, and in communicating with Brook Park it makes sense to take care of the problematic waterline. Mayor Castelli said the \$450,000 is part of our share, and this money will come out of our city water fund that we collect.

Mr. Stewart said the initial expenditure will come from the streets infrastructure fund and we will be reimbursed by the water fund.

Mr. McGregor asked if this was going from Engle Road all the way to I-71.

Mayor Castelli said it is that area.

Mr. Ali asked how much we had in that fund.

Mr. Stewart said approximately \$1.4 million dollars.

ORD. 2023-6
ADOPTED
APPROVE
PROPOSED ZONING
CODE EDITS

ORD. 2023-57
ADOPTED
SUPPLEMENTAL
APPROPRIATIONS

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2
3 Mayor Castelli said half of Sheldon was done a few years back, and this will
4 complete the rest of Sheldon Road. He said Fry Road will be completed in the
5 next week or two. Mayor Castelli said Smith Road will be done next year and not
6 just that portion that we talked about this evening, we are also going to be looking
7 at doing some significant improvements in the Southland area. He said a lot of
8 infrastructure improvements are being done to our main corridors. Mayor Castelli
9 said those were the last main arteries that needed to be done in the community.
10 He said as council knows, there are certainly a lot more streets that we will have
11 to do, but our main arteries will be completed soon.

12
13 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-57 ADOPTED
14

15 Mayor Castelli said he would like to make a motion authorizing an expenditure
16 exceeding \$10,000 for professional services of TRC Companies for
17 environmental site assessment services. He said before we vote on the motion, he
18 would like to talk about a few of the items that relate to the motion. Mayor
19 Castelli said this money has already been appropriated and we are not requesting
20 any additional funds. He said this is a policy that his administration enacted.
21 Mayor Castelli said this used to be a number that was much higher, he brought
22 that number down on consulting services, in order to make sure council was
23 aware of any expenditures that were over \$10,000. He said TRC Companies will
24 be helping the city with some environmental site review of the potential property
25 that we are looking to purchase.

26
27
28 On behalf of the mayor, Mr. Bortolotto made a motion authorizing an expenditure
29 exceeding \$10,000 for professional services of TRC Companies for
30 environmental site assessment services. Seconded by Mr. McGregor.

31 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED
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33

MOTION 2023-25
AUTHORIZE
PROFESSIONAL
SERVICES OF
TRC COMPANIES

34 Mayor Castelli said he would like another motion authorizing an expenditure
35 exceeding \$10,000 for professional services of Squire, Patton, Boggs, LLP for
36 legal services including real estate and economic development matters. He said
37 this is the firm that Russ Balthis, as you have met in the past on other projects,
38 works for. Mayor Castelli said no additional funds are being asked for and this
39 money has also already been appropriated.

40
41 On behalf of the mayor, Mr. Bortolotto made a motion authorizing an expenditure
42 exceeding \$10,000 for professional services of Squire, Patton, Boggs, LLP for
43 legal services including real estate and economic development matters. Seconded
44 by Mr. Ali.

45 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED
46
47

MOTION 2023-26
AUTHORIZE
PROFESSIONAL
SERVICES OF
SQUIRE, PATTON,
BOGGS, LLP

48 COUNCIL COMMITTEE REPORTS

49 City Parks, Recreation & Services Committee – Mr. Ali, Chairman
50 No report.

51
52 Finance, Taxation & Assessments Committee – Mr. Bortolotto, Chairman
53 No report.

54
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56 Legislation & Rules Committee – Mr. Ference, Chairman
57 No report.

58
59 Public Health, Safety & Relief Committee – Mr. McGregor, Chairman
60 No report.

61
62 Public Improvements Committee – Mr. Sage, Chairman
No report.

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

No report.

Zoning & Building Code Committee – Mr. Grech, Chairman

No report.

MAYOR'S REPORT

Mayor Castelli thanked the city employees, city council, and the City Club of Middleburg Heights for putting on a fantastic Summer in the City. He said in speaking with our police and fire departments, it was a really nice atmosphere and safe area. Mayor Castelli said there is a lot of work that goes into this, and also thanked Mr. Bichara for all of his work in organizing the Summer in the City festival.

Mr. Bortolotto echoed the same sentiments. He said it was a phenomenal gathering of people.

LAW DIRECTOR

Mr. Incorvaia asked that council consider a motion to convene into executive session prior to adjournment to 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 the purchase of real estate/property for public purposes pursuant to ORC 121.22(G)(2). Seconded by Mr. Meany.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

FINANCE DIRECTOR

No report.

RECREATION DIRECTOR

Mr. Elliott said they have a Dualing Piano's event on July 8th and a Jammin in Park at the end of July. He said in between those two events, there will be a movie for the kids. Mr. Elliott said there are a number of senior programs including a trip to a ballgame in Pittsburg with the Guardians.

Mr. McGregor said the Safety Town graduation was phenomenal, and commended Mr. Elliott, the recreation department and the police department.

ECONOMIC DEVELOPMENT DIRECTOR

No report.

SERVICE DIRECTOR

Mr. Herron thanked Mr. Bichara for his work, and said Bardbury Avenue will be started on July 10th. He said signs will be up on the parkway because it is a partially federally funded project. Mr. Herron said the sidewalk program that we approved with a contractor last meeting will begin on July 5th.

Mr. McGregor said on Cherokee, he knew that residents were parking in other areas because they didn't have access to their driveways. He asked if residents on Bardbury have to do the same thing, does the construction company let the police know that the residents are parking someplace else.

Mr. Herron said residents are encouraged to call the police department to let them know their license plates, etc.

EXECUTIVE ASSISTANT

No report.

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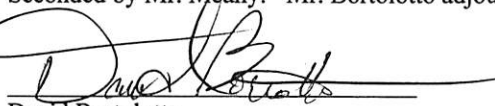
Start Executive Session: 7:45 p.m.


Following the Executive Session, Mr. Bortolotto reconvened the Regular Meeting
of Council at 8:45 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
	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

There being no further business, Mr. Bortolotto made a motion to adjourn.
Seconded by Mr. Meany. Mr. Bortolotto adjourned the meeting at 8:45 p.m.


David Bortolotto
President of Council


Mary Ann Meola
Clerk of Council