

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING
SEPTEMBER 12, 2023

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, September 12, 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

PLEDGE OF ALLEGIANCE

MINUTES

Motion by Mr. Ali to approve the minutes of the special meeting of July 26, 2023.
Seconded by Mr. Meany.

MINUTES
APPROVED

ROLL CALL: YEAS 6, NAYS 0, MINUTES APPROVED

COMMUNICATIONS

None.

AUDIENCE PARTICIPATION

Mr. William Gearo, 7604 James Drive, said his street was recently paved but doesn't think it's up to par. He said half of the road looks fine and the other half is very coarse. Mr. Gearo said he hoped the city had some type of warranty from Chagrin Valley Paving.

Mr. Ali asked who signs off on the road.

Mr. Herron said the engineer.

Mr. Ali asked Mr. Herron to ask the engineer to look at the street.

Mr. Bortolotto said he appreciated Mr. Gearo's expertise.

Mr. Gearo referred to Pearl Road, and asked if anything can be done with the water that collects at the curbs.

Mr. Herron said when it rains heavy, it does hold a lot of water but it goes back.

He said extra catch basins were also added. Mr. Herron said it is better, it does still pond but it doesn't hold the water like it used to except for one location near CVS. He said the state inspectors supervised that project.

Mr. Gearo said the third item on his list is the traffic issues in Indian Creek. He said he has complained many times calling the police department. He said people are running stop signs, speeding, etc. He said in addition, Bagley Road, Sprague Road and Webster Road are now freeways.

Mayor Castelli said he will talk to the chief regarding attention being given to that area.

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1 Mr. John Tamburello, 6842 Paula Drive, said he is President of the Middleburg
2 GOP, sits on the Central Committee for Cuyahoga County and the Executive
3 Committee for Cuyahoga County Republican Party. He said the last time he
4 stood up here addressing members of council was when he was vying for the open
5 seat that was given to Mr. Sage. Mr. Tamburello said you had a very hard
6 decision to make and made a very good choice. He thanked Councilman Mike
7 Ference for doing a very good job in Ward 3. Mr. Tamburello said everyone is
8 doing a great job, adding that he moved to this city approximately 21 years ago
9 and loves this city. He said this city has never been represented better than it is
10 right now.

11 Mr. Ference thanked Mr. Tamburello for his kind words and for his involvement
12 in this community.

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15 Mr. Dennis Kobasuk, 7710 Ragall Parkway, said everyone is doing a great job
16 and our city services are great. He asked if there was anything they could do to
17 get his street at the top of the list for repaving. Mr. Kobasuk said some of Ragall
18 was paved, but most of Ragall is pretty bad.

21 APPOINTMENTS AND CONFIRMATIONS

22 None.

24 ORDINANCES, RESOLUTIONS AND MOTIONS

25 CITY PARKS, RECREATION & SERVICES COMMITTEE - MR. ALI 26 CHAIRMAN

27 No legislation.

30 FINANCE, TAXATION & ASSESSMENTS COMMITTEE - MR. 31 BORTOLOTTI, CHAIRMAN

32 Motion by Mr. Bortolotto to accept the recommendation of the Tax Incentive
33 Review Council to continue the Community Reinvestment Area (CRA)
34 Agreement between the City of Middleburg Heights and JKR Development.
35
36 Seconded by Mr. Meany.

37 Mr. Bichara said the Tax Incentive Review Council is handled by Cuyahoga
38 County. He said they, along with us, monitor any of the CRA or TIF agreements
39 that are entered into that encourage development in our city. Mr. Bichara said this
40 has to be done every year to ensure compliance with those agreements. He said
41 this particular motion accepts their recommendation to continue that particular
42 agreement because it was found to be in compliance, as was the second
43 subsequent motion that you will be making as well. Mr. Bichara said these two
44 particular projects have exceeded expectations that were laid out in the agreement.
45 Mr. Bortolotto confirmed that a CRA agreement is different than a TIF
46 agreement.

47 Mr. Bichara said that is correct, but both of them are covered under the Tax
48 Incentive Review Council.

49 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

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52 Motion by Mr. Bortolotto to accept the recommendation of the Tax Incentive
53 Review Council to continue the Tax Increment Financing (TIF) Agreement
54 between the City of Middleburg Heights and Fat Head's Brewing, L.P. Seconded
55 by Mr. Ali.

56 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

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60 Mr. Bortolotto introduced RESOLUTION NO. 2023-66, A Resolution
61 authorizing the finance director to request tax advancements before settlement
62 dates and declaring an emergency and MOVED TO ADOPT. Seconded by Mr.
Ference.

MOTION 2023-28
ACCEPT
RECOMMENDATION OF
TAX INCENTIVE
REVIEW COUNCIL
(JKR DEVELOPMENT)

MOTION 2023-29
ACCEPT
RECOMMENDATION OF
TAX INCENTIVE
REVIEW COUNCIL
(FAT HEAD'S)

RES. 2023-66
ADOPTED
REQUEST TAX
ADVANCEMENTS

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1 Mr. Bortolotto said this was discussed at the finance committee meeting and
2 asked Mr. Stewart to provide some details.

3 Mr. Stewart said this is a procedural item that is done each year. He said this
4 simply requests the Cuyahoga County Fiscal Office as they collect property taxes,
5 to remit those payments to the city in advance of their normal settlement dates so
6 we are able to receive those monies earlier and invest them earlier so we can earn
7 interest on those dollars.

8 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-66 ADOPTED

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10 Mr. Bortolotto introduced RESOLUTION NO. 2023-67, A Resolution accepting
11 the amounts and rates as determined by the Budget Commission and authorizing
12 the necessary tax levies and certifying them to the County Fiscal Officer and
13 MOVED TO ADOPT. Seconded by Mr. McGregor.

RES. 2023-67
ADOPTED
ACCEPT AMOUNTS
AND RATES
DETERMINED BY
BUDGET COMMISSION

14 Mr. Stewart said this was discussed at the finance committee meeting last night.
15 He said this is a follow-up to the tax budget that is prepared in June, where we
16 submit to the County Budget Commission our need to levy our property tax
17 dollars. Mr. Stewart said they review that information and certify those rates back
18 to the city.

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20 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-67 ADOPTED

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22 Mr. Bortolotto introduced ORDINANCE NO. 2023-68, An Ordinance authorizing
23 declarations of official intent under U.S. Treasury regulations with respect to
24 reimbursements from note and bond proceeds of temporary advances made for
25 payments prior to issuance, and related matters, and declaring an emergency and
26 MOVED TO ADOPT. Seconded by Mr. Meany.

ORD. 2023-68
ADOPTED
AUTHORIZE
DECLARATIONS OF
OFFICIAL INTENT

27 Mr. Stewart said this was discussed at the finance committee last night as well. He
28 said any time the city expends funds prior to the receipt of the corresponding debt
29 proceeds, we are required by U.S. Treasury regulations to make a formal
30 declaration that is our intent to do so.

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32 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-68 ADOPTED

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34 Mr. Bortolotto introduced RESOLUTION NO. 2023-69, A Resolution
35 authorizing the mayor and finance director to renew the contract with the
36 Cuyahoga County General Health District for public health services and MOVED
37 TO ADOPT. Seconded by Mr. Ference.

RES. 2023-69
ADOPTED
CONTRACT:
BOARD OF HEALTH

38 Mr. Bortolotto said this contract has been done for many years. He said this is a
39 two year contract, adding that the Cuyahoga County Health Department does a lot
40 of things for the city that we can't do ourselves.

41 Mr. Ali asked when we could possibly get to the point that this could be done in
42 house.

43 Mr. Stewart said he would like to sit down with the Board of Health to see what
44 their projections are for future years, and to get a handle on why we are seeing
45 the price increases that we are seeing.

46 Mr. Ali asked if there are any private companies that do that.

47 Mr. Stewart said not to his knowledge, but options could be explored in the
48 future.

49 Mr. Bortolotto said it is difficult, and said there are a lot of things in their contract
50 that they offer that would be almost impossible for us to do.

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52 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-69 ADOPTED

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54 LEGISLATION & RULES COMMITTEE – MR. FERENCE, CHAIRMAN

55 No legislation.

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

59 No legislation.
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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. 2023-70, An Ordinance establishing a Sanitary Sewer Backup Reduction Grant Program for residential dwellings in the City of Middleburg Heights and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Sage.

Mayor Castelli said this was discussed at the finance committee meeting, and appreciated the support of city council. He said over the last several years, we have been evaluating and looking at a very comprehensive approach to manage flooding challenges that affect our city and all the communities throughout the state. Mayor Castelli said we have been working on multiple grants for the city, which we have been very fortunate to have received to address some of the largest flooding areas and issues in the community. He said this is the next step, as we go out and meet individually with homeowners and assess what are some of the challenges that they are having that are maybe unique to their particular home. Mayor Castelli said he thinks it makes sense to provide an incentive to help individuals look at what is happening inside of their homes and ultimately make some improvements and updates to ensure that they are not having these kinds of sanitary backups. He said some of what this grant would cover would be for things like if someone wanted to put a check valve in. Mayor Castelli said the grant is given out to anyone that wants to follow the requirements that are in here, and they would be eligible for up to \$2,500. He gave some examples of what types of things these funds could be used for. Mayor Castelli said the idea behind this, is not only to manage what is happening on the mains in the public area, but if we truly want to eliminate flooding we also have to figure out what is going on at individual homeowner's properties.

Mr. Ali said everyone up here cares about flooding issues. He said there isn't a sewer system in the world that can handle a 200 or 500 year storm, which we seem to be getting every 90 days. Mr. Ali said we have spent lots of money on the big picture in the city with the retention areas, now if we can go to the individual homeowner's to let them know there is help for them to take care of the situation. He said this is a serious problem, and this is an excellent solution that is going to help a lot of people.

Mayor Castelli said millions have been spent. He said the city has put in \$15 plus million dollars in the overall management of flooding. Mayor Castelli said we have been very fortunate to get these grants. He again thanked the service department, engineers, Mr. Stewart and Mr. Bichara who are all very active in going after grants. Mayor Castelli said we are going to continue to utilize those grants to improve flooding challenges. He encourages anyone that has had sanitary backup to please apply and hopefully get some improvement at their homes.

Mr. Ference said last night at the committee meeting, Mayor Castelli said this adds another tool to our toolbox of solving the worst of the flooding problems, with that being sanitary sewer flooding. He said we are all hopeful that this will not only uncover the root of many resident problems, but establish a method to correct them over a period of years. Mr. Ference said we are happy to be participating and offering an incentive to residents to make these corrections. He said he is extremely optimistic of the effectiveness of this legislation.

ORD. 2023-70
ADOPTED
ESTABLISH SANITARY
SEWER BACKUP
REDUCTION GRANT
PROGRAM

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1 Mr. McGregor said he also wanted to piggyback with Mr. Ali and Mr. Ference
2 said. He said one thing he doesn't think some people understand, is that many
3 years ago sometimes the laterals were connected (storm and sanitary). Mr.
4 McGregor sometimes when homeowners buy a house they didn't know that. He
5 said hopefully this will also help so those can be separated, which would help
6 solve some of the flooding as well. Mr. McGregor appreciated the administration
7 brining this forward. He said all of us received phone calls on July 20th, and some
8 had pockets that got hit that never flooded before. Mr. McGregor said hopefully
9 this will help the homeowners address some of those issues hand in hand with
10 what the city is already doing.

11 Mr. Bortolotto said he agrees with all that has been said. He said he knows
12 what's important is when we make a decision to consider the return on your
13 investment. Mr. Bortolotto said it is important to know that the return on your
14 investment is absolutely, going to be making Middleburg Heights a better place to
15 live because we are repairing, putting money and investing in these properties.
16 He said the more you repair properties, the more valuable it is for people to live in
17 the neighborhood. Mr. Bortolotto commended the mayor and the administration
18 for coming up with this great idea.

19 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-70 ADOPTED

20 21 COUNCIL COMMITTEE REPORTS

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

23 Mr. Ali said the final touches are going up on the pavilion for the Bark Park. He
24 said the pavilion looks awesome and is an asset to that park. Mr. Ali said they
25 will be doing a dedication in October to Carl Burgio, who spent many hours and
26 meetings putting the park together with him. He said they are also going to be
27 adding a bottom rail on the Sheldon Road side fence for more security, which
28 should take place within the next couple of weeks.

29 Mayor Castelli said the Dog Park is utilized immensely. He said Councilman Ali
30 always said people are going to love a Dog Park. Mayor Castelli said based on
31 the amount of usage that we are seeing, they do love the dog park. He thanked
32 Mr. Bichara who obtained a grant from the county at no cost to the city to put that
33 pavilion up. Mayor Castelli thanked Mr. Ali as well for the great idea to add this
34 amenity.
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38 Finance, Taxation & Assessments Committee – Mr. Bortolotto, Chairman

39 Mr. Bortolotto said they met last night and minutes will be forthcoming.
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42 Legislation & Rules Committee – Mr. Ference, Chairman

43 No report.
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45 Public Health, Safety & Relief Committee – Mr. McGregor, Chairman

46 Mr. McGregor said he met last night as well and minutes will be coming soon.
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49 Public Improvements Committee – Mr. Sage, Chairman

50 No report.
51

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

53 Mr. Meany said he met last night too and the minutes were emailed to all of us
54 this afternoon.
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57 Zoning & Building Code Committee – Mr. Grech, Chairman

58 No report.
59

60 MAYOR'S REPORT

61 Mayor Castelli said the community center will be working on our next event
62 which is Fall Fest. Mayor Castelli said this event has been very successful over

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the last several years. He said he looks forward to seeing everyone at the event on Saturday, October 7th.

LAW DIRECTOR

Mr. Incorvaia said there has been quite a bit of talk about funding and grants at this meeting all to benefit the city. He said he wanted to bring to council's attention, that the administration anticipates the Ohio Department of Development will be launching a reauthorization of a Brownfield Remediation Program for 2023-2024. Mr. Incorvaia said that Remediation Program will assist in the remediation of hazardous substances at industrial, commercial and institutional properties. He said we were taking a look at the old Sear's building to receive a grant to take the building down. Mr. Incorvaia said we want to be among the first communities to apply and submit for the grant. He said the important part of the application for the grant would be the support of city council. Mr. Incorvaia said he would like to ask city council for a motion to support the application for Ohio Brownfield Remediation Program funding for the remediation of asbestos contamination at 6950 W. 130th Street, Middleburg Heights.

On behalf of Mr. Incorvaia, Mr. Bortolotto made a motion supporting the application for Ohio Brownfield Remediation Program funding. Seconded by Mr. McGregor.

Mayor Castelli said this was similar to what city council did in the past for a building on the Brixmor property, which was the old Burlington site. He said we did very similar legislation where we supported the demo of that building, and were fortunate to receive a grant. Mayor Castelli said we are hoping that we see the same thing happen for the Sear's site.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

FINANCE DIRECTOR

No report.

RECREATION DIRECTOR

Mr. Elliott referred to the summer leagues, and said they had a very busy and successful summer between all of the programming and events that were held. He said he was very appreciative of our staff and all of the residents and participants. Mr. Elliott said the Fall Fest is October 7th, as Mayor Castelli mentioned. He said we are just going into the fall programming and will have a busy fall.

Mr. Bortolotto asked Mr. Elliott to thank his staff for all of the extra effort that they are putting into that.

ECONOMIC DEVELOPMENT DIRECTOR

Mr. Bichara said in keeping with the previous communication that he provided to council, this is a reminder that tomorrow evening, Wednesday, September 13th at 6:30 p.m. in Council Chambers, he will be conducting a public meeting for the 2024 Cuyahoga County Municipal Grant Program and the 2024 Cuyahoga County Community Development Supplemental Grant Program. He said this marks the start of the next funding round for the grants that council is always supportive of. Mr. Bichara encouraged anyone to attend, and asked to please let interested constituents know as well. He said notice of that meeting was also published in the newspapers.

SERVICE DIRECTOR

Mr. Herron said in the next couple weeks, you are going to see a couple major projects. He said the long awaited detention basin number three is being started and they are going three, two, and one. Mr. Herron said you will start to see that work happen, and it will obviously be between Big Creek Parkway and Pearl Road. He thanked Mayor Castelli and Mr. Downey for helping negotiate to get the properties, as there was also a lot of work with the Ohio EPA with the permitting process through the Army Corps of Engineering. Mr. Herron said our

MOTION 2023-30
SUPPORT THE
APPLICATION FOR
OHIO BROWNFIELD
REMEDATION
PROGRAM FUNDING

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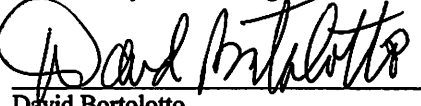
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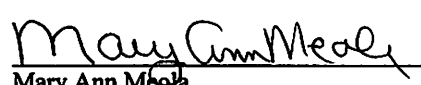
1 partners at the Northeast Ohio Regional Sewer District are providing the majority
2 of the funding for this project. He said as the project progresses, then they will do
3 temporary road closures for a week or so, and we will make sure the public is kept
4 informed. Mr. Herron said Code Red messages will go out, and he said he always
5 works closely with the mayor's assistant, Judi Stupka, to put notices on the
6 website as well. He said this is a great beginning. Mr. Herron said as a reminder,
7 we are partnering with the City of Brook Park for the new waterline on Sheldon
8 Road between Engle Road and the I-71 bridge. He said local traffic will be open
9 eastbound only. Mr. Herron said that project is anticipated to start on Monday,
10 September 18th. He said this project should take approximately 55 days. Mr.
11 Herron said that information is already posted on the website, and said there is a
12 detour map. He said Brook Park is managing the project, but obviously we have a
13 number of residents who are going to benefit from the new waterline over there.
14 Mr. Herron said there were a lot of waterline breaks last winter that were very
15 disruptive, so this will be good. He said this will help us proceed with the
16 repaving of that section of Sheldon Road next year.

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18 EXECUTIVE ASSISTANT

19 Mr. Downey said he would be remiss if he didn't say something about all of the
20 efforts going on here in the city, when you consider our new police building
21 which has been in operation for a number of months. He said the employees there
22 have a new enthusiasm, they really like it here and asked him to extend their
23 thanks. Mr. Downey said all of the little touches have been finished, and a great
24 job was done.

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27 There being no further business, Mr. Bortolotto made a motion to adjourn.
28 Seconded by Mr. McGregor. Mr. Bortolotto adjourned the meeting at 7:43 p.m.

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33 David Bortolotto
34 President of Council

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38 Mary Ann Meola
39 Clerk of Council
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