

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING
OCTOBER 10, 2023

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, October 10, 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
	Bob Downey	Executive Assistant

PLEDGE OF ALLEGIANCE

MINUTES

Motion by Mr. Ali to approve the minutes of the regular meeting of September 26, 2023. Seconded by Mr. Ference.

MINUTES
APPROVED

ROLL CALL: YEAS 6, NAYS 0, MINUTES APPROVED

COMMUNICATIONS

None.

AUDIENCE PARTICIPATION

Mr. John Kilner, 13749 Bagley Road, said he recently went to the new Cleveland Clinic Medical facility, formerly the old K-Mart and said it was absolutely phenomenal. He said it was mentioned that there will be about 270 employees and approximately 200 patients daily. Mr. Kilner had concerns regarding the traffic, and felt a traffic study should be done to figure out what could be done to make this better.

Mayor Castelli said there is a lot of traffic on Bagley Road, and we continue to monitor it. He said with the hospital there, ambulances from multiple communities come through and it trips the lights. Mayor Castelli said that is an area that we will continue to review.

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

Mr. Bortolotto introduced RESOLUTION NO. 2023-73, A Resolution authorizing the mayor and finance director to enter into a contract with Selective Insurance Company and Travelers Insurance Company and The Fedeli Group for the city's insurance coverages and MOVED TO ADOPT. Seconded by Mr. McGregor.

Mr. Bortolotto said this was reviewed last night at the committee meeting. He said the contract includes a 12 percent increase.

Mr. Sage said a 12 percent increase is good considering the market.

ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-73 ADOPTED

RES. 2023-73
ADOPTED
CONTRACT:
CITY'S
INSURANCE
COVERAGES

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 ORDINANCE NO. 2023-74, An Ordinance authorizing the mayor to enter into an agreement with the Cuyahoga County Board of Health for 2024-2025 Phase II Stormwater Services related to Minimum Control Measure (MCM) #3 Illicit Discharge Detection and Elimination (IDDE) and MOVED TO ADOPT. Seconded by Mr. Sage.

Mr. Meany said this contract is for two years at the rate of \$500 per year. He said the Cuyahoga County Board of Health will assist Middleburg Heights and other municipalities who participate creating their stormwater management plans, while helping to meet their stormwater goals. Mr. Meany said this will also maintain our stormwater permit with the Ohio EPA.

ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-74 ADOPTED

ORD. 2023-74
ADOPTED
AGREEMENT:
BOARD OF
HEALTH

ZONING & BUILDING CODE COMMITTEE – MR. GRECH, CHAIRMAN

No legislation.

Mayor Castelli introduced RESOLUTION NO. 2023-75, A Resolution authorizing the mayor to file an application with the Cuyahoga County Department of Housing and Community Development for a grant through the 2024 Cuyahoga County Community Development Supplemental Grant Program and declaring an emergency and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. McGregor.

Mayor Castelli referred to Mr. Bichara to explain, as he has been working on this particular legislation, as well as the second grant resolution.

Mr. Bichara said this is a piece of authorizing legislation which allows the city to submit an application for these funds, in the maximum amount of \$50,000. He said this year we will be seeking a grant to resurface and rehabilitate the pavement on Grant Boulevard, for this particular grant from Glenridge Avenue to the dead end of Grant Boulevard. Mr. Bichara said the city has been successful in getting these funds every year that this program has been in existence.

Mayor Castelli confirmed with Mr. Bichara that there was some movement on the timing with these grants.

RES. 2023-75
ADOPTED
2024 CUYAHOGA
COUNTY COMMUNITY
DEVELOPMENT
SUPPLEMENTAL
GRANT PROGRAM

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1 Mr. Bichara said in particular, the next piece of legislation with the municipal
2 CDBG grant is usually due in December or January. He said the CDBG grant is
3 due October 31st and the CDSG grant is due November 28th. Mr. Bichara said we
4 are in a good position to submit these grants, and this is the final piece which is
5 authorizing legislation allowing us to submit the application.

6 Mr. McGregor said he would like to thank Mr. Bichara and the administration.
7 He said this benefits ward two, which is the oldest of the four wards. Mr.
8 McGregor said ward two streets seem to be the most dilapidated. He said Mr.
9 Bichara has been diligent in keeping him in the loop, which he greatly
10 appreciates. Mr. McGregor said Bardbury was done last year, which was
11 phenomenal and Parklawn, and the lists goes on and on. He again extended his
12 thanks and reiterated his appreciation for all of the efforts.

13 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-75 ADOPTED

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18 Mayor Castelli introduced RESOLUTION NO. 2023-76, A Resolution authorizing
19 the mayor to file an application with the Cuyahoga County Department of
20 Housing and Community Development for a Community Development Block
21 Grant (CDBG) through the 2024 Cuyahoga County Municipal Grant Program and
22 declaring an emergency and moved to adopt. On behalf of the mayor, Mr.
23 Bortolotto MOVED TO ADOPT. Seconded by Mr. Meany.

24 Mayor Castelli referred to Mr. Bichara.

25 Mr. Bichara said this would be for the Municipal Grant Program, which as the
26 mayor stated is through Community Development Block Grant funds. He said
27 only certain areas of the city are eligible for this, based on what is called an
28 improvement target area survey which was done in 2014. Mr. Bichara said the
29 first step to be eligible for these funds was to participate in that survey. He said
30 every year since then, we have been successful in getting these funds. Mr.
31 Bichara said with this particular grant, the maximum amount is \$150,000. He
32 said our intent will be to submit an application for the resurfacing of Grant
33 Boulevard from Webster Road to Glenridge, which is the larger section of Grant
34 Boulevard. Mr. Bichara said this piece of legislation authorizes the
35 administration to submit that application.

36 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-76 ADOPTED

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41 Mayor Castelli introduced ORDINANCE NO. 2023-77, An Ordinance amending
42 Section 127.18 "Part-Time School Resource Officer" of the Middleburg Heights
43 Codified Ordinances and moved to adopt. On behalf of the mayor, Mr. Bortolotto
44 MOVED TO ADOPT. Seconded by Mr. Ference.

45 Mayor Castelli said as discussed previously, we are looking to add additional,
46 permanent resource officer at our middle school. He said we are amending our
47 part-time school resource officer ordinance to allow for a part-time officer to
48 work between 30-35 hours. Mayor Castelli said what we are looking at doing is
49 adding one main resource officer for our middle school, and may also have our
50 other additional part-time officers work at that school as well, sometimes even
51 doubling up on the help that we have at the middle school. He said we have been
52 working with the school, as well as the school system to bring additional
53 resources to the middle school. Mayor Castelli said this will be very helpful in
54 allowing us to better manage the middle school. He said this individual would
55 work between 30-35 hours per week, only doing school hours. Mayor Castelli
56 said when school is off, this resource officer would be off and they would not be
57 working during the summer either. He said they would only be paid when they
58 work, and the only benefit they would be entitled to by working those hours based
59 on federal requirements would be health insurance. Mayor Castelli said they
60 would not be eligible for any other benefits that we offer to our full time workers
61 that work 40 hours a week.

RES. 2023-76
ADOPTED
2024 CUYAHOGA
COUNTY DEPARTMENT
OF HOUSING &
COMMUNITY
DEVELOPMENT
(CDBG)

ORD. 2023-77
ADOPTED
AMEND CODIFIED:
SECTION 127.18
"PART-TIME
SCHOOL RESOURCE
OFFICER"

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1 Mr. Ali referred to the legislation and asked if this was for one employee or for
2 two.

3 Mayor Castelli said this is one employee.

4 Mr. Ali asked where (b) on the legislation takes effect.

5 Mayor Castelli said we have multiple part-time employees, we have one
6 employee that will work between 30-35 hours per week. He said we already have
7 employees that work the flexible schedule up to 29 hours per week that are not
8 eligible for health insurance because they work under 30 hours. Mayor Castelli
9 said health insurance is required if you work 30 or more hours. He said we
10 already have three part-time school resource officers for both schools. Mayor
11 Castelli said what we are adding is one school resource officer that will work only
12 at the middle school.

13 Mr. Ali asked Mr. Incorvaia if "additional" was the right word to use then in
14 section (b).

15 Mr. Incorvaia said under (a) there is only one that is permitted to work up to 35
16 hours. He said there are a couple factors, and as the mayor said, we want to
17 primarily have one officer assigned to the middle school, and that person will be
18 working 30-35 hours per week. Mr. Incorvaia said under federal law, we have to
19 give health insurance benefits. He said additional would mean that there are
20 additional employees that will be appointed as a part-time resource officer, but
21 they do not get any benefits. Mr. Incorvaia said as the code reads now in section
22 127.18, there is only part (b) so to speak, we added part (a). He said the police
23 chief could hire employees for up to 29 hours per week without any benefits. Mr.
24 Incorvaia said in order to get someone to take on the job and work the number of
25 hours necessary to focus on only the middle school, it was asked that we amend
26 this so that individual could get health insurance.

27 Mr. Ali said he understands what is being said, but with (b) being in there, stating
28 additional employees being plural, he could go on with this and hire ten more
29 people.

30 Mr. Incorvaia said that is how it reads now, additional employees could be hired
31 by the Chief of Police. He said the reality is the budget isn't going to allow him
32 to do that.

33 Mayor Castelli said right now, we have three part-time school resource officers.
34 He said we basically would be adding the part-time resource officer that will be
35 working 30-35 hours. Mayor Castelli said the police chief cannot hire anyone
36 else, unless city council approves that in the budget. He said the police chief
37 could hire someone, but we could not pay that person. Mayor Castelli said if you
38 want to amend to no more than four part-time officers, we could do that. He said
39 he was fine either way.

40 Mr. McGregor said this is shared between the school district and the city in terms
41 of payment. He said the school district pays 50 percent. Mr. McGregor said his
42 understanding is that now have three resource officers, and this new one will be
43 there more time to build relationships with the students consistently on a daily
44 basis. He said he understands what Mr. Ali is saying, but the police chief doesn't
45 have the ability to do this without council approval and without a request from the
46 school district. Mr. McGregor asked Mr. Incorvaia if he should abstain from
47 voting on this as he is an employee of the school district.

48 Mr. Incorvaia said it certainly wouldn't hurt if he would abstain, he said he wasn't
49 sure what school Mr. McGregor worked in.

50 Mr. McGregor said he is employed by the district but is at the high school.

51 Mr. Ference said the way he reads this legislation is that this is a structure for
52 hiring school resource officers, and the chief can have the additional employees
53 so should those employees leave for any reason, they would fall under category
54 (b) the ones that were leaving, and would be replaced by similar employees.

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1 Mayor Castelli said as it reads right now, the chief has the ability to hire two part-
2 time resource officers or he could hire three. He said it really comes down to the
3 amount of hours to cover the two buildings. Mayor Castelli said he knows what
4 Mr. Ali is saying, and doesn't want the chief to go out and hire 10 resource
5 officers without having approval from city council ultimately.

6 Mr. Bortolotto suggested interjecting on an as needed basis, they have to be
7 needed.
8

9 Mayor Castelli said they have to be paid as well, council has to authorize that as
10 well.
11

12 Mr. Incorvaia said you could amend it with a number. He said it is more and more
13 difficult to hire police officers and more and more difficult to hire school resource
14 officers. Mr. Incorvaia said for example, if there were 60 hours a week that
15 needed to be filled, if six people did ten hours, the result is the same cost. He said
16 Chief Tomba expressed that is harder and harder to find school resource officers
17 that are qualified and have the temperament to work with the students. Mr.
18 Incorvaia said it gives the chief a little flexibility if he needs to hire an additional
19 one or two if the other officers were off. He said he had no problem if you wanted
20 to insert a number, the real control that you would have is with the budget.

21 Mr. Ali said that is fine, as long as we have control of the budget. He said it
22 didn't say anywhere in the legislation that the school was paying for half of this.

23 Mr. McGregor said if you take school resource officer out of this, does the police
24 chief have the ability to appoint any part-time at his pleasure without council
25 approval, yes or no.

26 Mayor Castelli said no. He said the difference with the school resource officers,
27 because they are part-time, at the end of the day the chief is hiring for the amount
28 of hours, so you could fill and pay the same amount for two school resources
29 officers that are each working 25 hours a week, or four that splitting the 50 hours
30 between them. Mayor Castelli said what was agreed to with the school district is
31 that they are paying 50 percent of the hours.

32 Mr. McGregor asked if it would please Mr. Ali if somewhere in the legislation
33 there was an addendum stating that the school district is paying half.

34 Mr. Ali asked Mr. Incorvaia if he felt that should be added.

35 Mr. Incorvaia said we could if you would like too.

36 Mr. Stewart said there is currently an agreement already in place with the school
37 district to do so. He said he would hate to put it in our codified and the school
38 district rescind said contract, then that would not be accurate.

39 Mr. McGregor asked if it was enough to have it on the record here from the
40 minutes.

41 Mayor Castelli said yes.

42 ROLL CALL: YEAS 5, NAYS 0, ABSTAIN 1, MCGREGOR, ORDINANCE
43 NO. 2023-77 ADOPTED
44

45 On behalf of Mayor Castelli, Mr. Bortolotto introduced ORDINANCE NO. 2023-
46 78, An Ordinance approving the proposed zoning code edits submitted by Stewart
47 Land Use. He placed Ordinance No. 2023-78 ON FIRST READING AND
48 REFERRED TO PLANNING COMMISSION AND PUBLIC
49 IMPROVEMENTS COMMITTEE.

COUNCIL COMMITTEE REPORTS

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

50 Mr. Ali said this Thursday, October 12th at 5:30 p.m., we will be dedicating the
51 Carl Burgio Pavilion at the Bark Park. He said on Sunday, October 29th from
52 noon to 2:30 p.m., he will be hosting a Bowl-A-Thon at Southland Lanes to raise
53 money to buy Christmas presents for the kids at the food pantry.

ORD. 2023-78
FIRST READING
AND REFER TO
PLANNING
COMMISSION &
PUBLIC IMPROVE-
MENTS COMMITTEE

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1 Mr. McGregor asked if a large crowd was expected at the dedication on Thursday,
2 and if needed could the other side where the old WWTP was be opened if
3 additional parking was needed.

4 Mayor Castelli said if we get that many people then we could certainly look at
5 that.

6 Mr. Ali said there wasn't an issue when the grand opening of the dog park took
7 place, so he wasn't expecting more people than we had at that event.

8 Mayor Castelli referred to charity Bowl-A-Thon and said Councilman Ali and
9 Councilman Sage has also been involved for the past several years, adding that
10 they really are a great time and a great job is done getting presents to the kids with
11 the money that is raised.

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

13 Mr. Bortolotto thanked Mr. Elliott, Karol, Sandy, Steve and all of the other
14 recreation department employees that helped with the Fall Fest last Saturday. He
15 said the weather was terrible, and it was amazing how everyone stuck to their
16 guns and did a great job for our city. Mr. Bortolotto said that Saturday morning,
17 he had an opportunity to do an event with Kiwanis, where the highway entrance
18 ramps were cleaned up. He was shocked how filthy our entrance and exit ramps
19 were. Mr. Bortolotto said they have been on a maintenance program to be cleaned
20 four times a year, and he recommends to all of his colleagues the next time we get
21 that email from Mr. Jon Karl, to join in cleaning these up. He said they collected
22 20 bags of garbage. Mr. Bortolotto again thanked the Kiwanis Club. He said he
23 knew the mayor had also participated in the past.

24 Mayor Castelli said it is amazing, and said our service guys go out and clean as
25 well.

26 Mr. Bortolotto said the committee met last night and the minutes would be forth
27 coming.

28 Legislation & Rules Committee – Mr. Ference, Chairman

29 Mr. Ference said our city lost a very distinguished resident with the passing of
30 Judge Michael J. Russo. He said Mr. Russo was a dedicated public servant,
31 devoted family man and a friend to many. Mr. Ference extended his condolences
32 to his family.

33 Mayor Castelli said it is a very big loss for our community.

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

35 No report.

36 Public Improvements Committee – Mr. Sage, Chairman

37 Mr. Sage said at one point and time in between the rain, Sgt. Santiago was out
38 there playing football with some kids from the community and thought that was
39 really awesome.

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

41 Mr. Meany said they met last night and said the minutes were emailed to
42 everyone. He also commended the recreation department not only for the Fall
43 Fest, but the week before we hosted a cricket tournament with 22 teams and 150
44 participants. Mr. Meany said Mr. Mike Urban was here from around 8:00 a.m. to
45 11:00 p.m. promoting and asking you to join the cricket tournament team next
46 year. He said almost every participant there came from the Islander apartments.
47 Mr. Meany said it was multi-city, and said participants were also from
48 Strongsville.

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1 Mayor Castelli said the participants were very thankful for the facility and the
2 park. He said these participants mentioned they would like to give us notice in
3 the future, to see if we would be able to be present to watch. Mayor Castelli said
4 he got to watch them for a short time, adding that it was really cool to see.
5
6

Zoning & Building Code Committee – Mr. Grech, Chairman

7
8 No report.
9

MAYOR'S REPORT

10
11 Mayor Castelli said council pretty much mentioned all of the items that he was
12 going to bring up. He said Recreation Director Mark Elliott, is actually at Polaris
13 tonight, but asked him to thank everyone for their support for the Fall Fest.
14 Mayor Castelli said Mr. Elliott said he is really happy the way the city comes
15 together, which was something he wanted relayed to city council.
16

17 Mr. Ali said with the weather the way it was, we had way more people than he
18 anticipated.
19

20 Mayor Castelli said the rec center does a wonderful job, and as Mr. Elliott said
21 and he will reiterate, it really is a team effort and there are so many departments
22 involved, including the service department that is heavily involved. He extended
23 thanks to the police department, fire department, Mr. Bichara, and everyone
24 involved including his team in the mayor's office. Mayor Castelli said it is a lot of
25 work, but everyone really enjoys this.
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LAW DIRECTOR

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29 No report.
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FINANCE DIRECTOR

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32 No report.
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RECREATION DIRECTOR

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35 No report.
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ECONOMIC DEVELOPMENT DIRECTOR

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38 No report.
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SERVICE DIRECTOR

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41 Mr. Herron said leaf collection will start on Monday, October 16th. He said
42 residents can expect a collection every seven to ten days. Mr. Herron said they
43 will do at least four city-wide collections, but that usually ends up being six to
44 eight collections. He said they will collect as long as weather permits.
45

46 Mr. McGregor asked Mr. Herron if the dumpsters would still be open until the
47 end of October.
48

49 Mr. Herron said they are scheduled to be open one more Saturday, so not next
50 week but the following Saturday.
51

52 Mr. McGregor confirmed that they will reopen on April 1st.
53

54 Mr. Herron said yes, they will put that information on the website.
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56 Mayor Castelli said he thinks this is going to be an early year for the leaves, as he
57 is already seeing them pile up.
58

59 Mr. Herron said he would rather have them fall sooner versus later.
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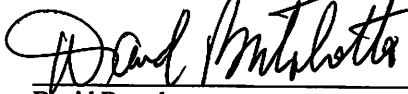
EXECUTIVE ASSISTANT

61 No report.
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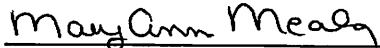
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1 There being no further business, Mr. Bortolotto made a motion to adjourn.
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3 Seconded by Mr. Meany. Mr. Bortolotto adjourned the meeting at 7:40 p.m.
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7 David Bortolotto
8 President of Council
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13 Mary Ann Meola
14 Clerk of Council
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