

# CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING  
NOVEMBER 14, 2023

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, November 14, 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 (arrived 7:02 p.m.)
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 regular meeting of October 24, 2023. Seconded by Mr. Ference. **MINUTES APPROVED**

**ROLL CALL: YEAS 5, NAYS 0, MINUTES APPROVED**

## **COMMUNICATIONS**

Memorandum from Planning Commission dated November 9, 2023 advising members voted to recommend approval of Ordinance No. 2023-78, approving the zoning code edits submitted by Stewart Land Use. **FILE AS RECORD**

## **AUDIENCE PARTICIPATION**

Dr. Conrad Lindes, 13375 Old Pleasant Valley Road, congratulated everyone on their re-election. He said tonight you are looking at legislation regarding income tax, and said toward the beginning of the document it says the tax is two percent, but on the next page down it says for the year 2017 and thereafter the balance of the original one percent rate and asked what happened to the other one percent. Mr. Stewart said the current language is in the codified, he said the only changes are highlighted in red. He said it deals with the allocation of the income tax and explained in detail.

Dr. Lindes asked if we are being taxed two percent or one percent.

Mr. Stewart said you are being taxed two percent.

## **APPOINTMENTS AND CONFIRMATIONS**

None.

## **ORDINANCES, RESOLUTIONS AND MOTIONS**

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

## **CHAIRMAN**

No legislation.

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

3 Mr. Bortolotto introduced ORDINANCE NO. 2023-88, An Ordinance to make  
4 supplemental appropriations for current expenditures and expenses for the City of  
5 Middleburg Heights for the calendar year 2023 and MOVED TO ADOPT.  
6 Seconded by Mr. Meany.

ORD. 2023-88  
ADOPTED  
SUPPLEMENTAL  
APPROPRIATIONS

7 Mr. Bortolotto said this was discussed at the finance committee.

8 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-88 ADOPTED  
9

10 Mr. Bortolotto introduced RESOLUTION NO. 2023-89, A Resolution  
11 authorizing the mayor and finance director to enter into contracts for employee  
12 health coverage with Medical Mutual of Ohio for a period of one year and  
13 MOVED TO ADOPT. Seconded by Mr. McGregor.

RES. 2023-89  
ADOPTED  
CONTRACT:  
MEDICAL MUTUAL

14 Mr. Bortolotto said this was also discussed at the finance committee meeting.

15 Mr. Stewart said there is approximately two and a half percent increase.

16 Mr. Bortolotto said The Fedeli Group recommends accepting the proposal of  
17 Medical Mutual

18 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-89 ADOPTED  
19

20 Mr. Bortolotto introduced ORDINANCE NO. 2023-90, An Ordinance authorizing  
21 the mayor to enter into a contract extension with Senior Transportation  
22 Connection of Cuyahoga County for Senior Transportation Services and MOVED  
23 TO ADOPT. Seconded by Mr. Ference.

ORD. 2023-90  
ADOPTED  
CONTRACT  
EXTENSION:  
STC

24 Mr. Bortolotto said this was discussed at the finance committee meeting, and  
25 there is no price increase.

26 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-90 ADOPTED  
27

28 Mr. Bortolotto introduced ORDINANCE NO. 2023-91, An Ordinance to amend  
29 Chapter 192 of the Codified Ordinances of the City of Middleburg Heights, Ohio  
30 regarding municipal income tax and MOVED TO ADOPT. Seconded by Mr.  
31 Sage.

ORD. 2023-91  
ADOPTED  
AMEND CODIFIED:  
CHAPTER 192  
(INCOME TAX)

32 Mr. Bortolotto said this was discussed as well at the finance committee meeting.  
33 He asked Mr. Stewart to explain.

34 Mr. Stewart said in July 2023, the Ohio Legislative passed Ohio House Bill 33,  
35 which made several changes to the Ohio Municipal Income Tax ordinance. He  
36 said changes need to be made to our local income tax ordinance to conform with  
37 the state statute. Mr. Stewart explained the changes.

38 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-91 ADOPTED  
39

40 Mr. Bortolotto introduced ORDINANCE NO. 2023-92, An Ordinance declaring  
41 the improvement to certain parcels of real property within the city to be a public  
42 purpose and exempt from taxation pursuant to ORC 5709.40(B); providing for the  
43 collection and deposit of service payments and specifying the purposes for which  
44 those service payments may be expended; specifying the public infrastructure  
45 improvements directly benefiting the parcels; and declaring an emergency and  
46 MOVED TO ADOPT. Seconded by Mr. Meany.

ORD. 2023-92  
ADOPTED  
IMPROVE PARCELS  
OF PROPERTY -  
EXEMPT FROM  
TAXATION (TIF)

47 Mr. Bortolotto said this has to do with TIF on the Serpentine property, and asked  
48 Mr. Bichara to explain.

49 Mr. Bichara said this is a public improvements tax increment financing, which  
50 will allow the city to use moneys captured from the increment jump in the  
51 valuation on the property for future public improvements in the area.

52 Mr. Bortolotto asked for how many years.

53 Mr. Bichara responded for 30 years.

54 Mr. Bortolotto said this is something that we do with many of our newer  
55 businesses.

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1 Mr. Bichara said we are happy and have had a number of development projects in  
2 recent history where we are able to do this. He said certainly since the law  
3 provides we are able to do this, we are taking advantage of that and bringing some  
4 of those tax dollars back to public improvements specific to the area.

5 Mr. Bortolotto said this too was discussed in committee.

6 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-92 ADOPTED  
7

8 Mr. Bortolotto introduced ORDINANCE NO. 2023-93, An Ordinance providing  
9 for the issuance and sale of \$450,000 of economic development nontax revenue  
10 bond anticipation notes, in anticipation of the issuance of bonds, for the purpose  
11 of paying costs of acquiring approximately 3.86 acres of real property located at  
12 6950 West 130<sup>th</sup> Street in the city for sale or lease for private redevelopment,  
13 appropriating the proceeds of the notes and authorizing the expenditure of those  
14 proceeds for that purpose, and declaring an emergency and MOVED TO ADOPT.  
15 Seconded by Mr. McGregor.

ORD. 2023-93  
ADOPTED  
ISSUANCE AND  
SALE OF NOTES -  
(3.86 ACRES -  
6950 W. 130TH)

16 Mr. Bortolotto said this has to do with the vacant parcel of land that was a parking  
17 area across the street from Sears, on Smith Road. He said this and the next piece  
18 of legislation have to do with the purchase of the Sear's property, and how we  
19 have funded them ourselves. Mr. Bortolotto asked Mr. Stewart if that was  
20 correct.

21 Mr. Stewart said that is correct.

22 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-93 ADOPTED  
23

24 Mr. Bortolotto introduced ORDINANCE NO. 2023-94, An Ordinance providing  
25 for the issuance and sale of \$2,100,000 of economic development nontax revenue  
26 bond anticipation notes, in anticipation of the issuance of bonds, for the purpose  
27 of paying costs of acquiring approximately 14.93 acres of real property located at  
28 6950 West 130<sup>th</sup> Street in the city for sale or lease for private redevelopment,  
29 appropriating the proceeds of the notes and authorizing the expenditure of those  
30 proceeds for that purpose, and declaring an emergency and MOVED TO ADOPT.  
31 Seconded by Mr. Ference.

ORD. 2023-94  
ADOPTED  
ISSUANCE AND  
SALE OF NOTES  
(14.93 ACRES -  
6950 W. 130TH)

32 Mr. Bortolotto said this was discussed in detail at the finance committee meeting.  
33 He said this also has to do with the purchase of the Sears property. Mr. Bortolotto  
34 said we will be financing this with our own bonds and carrying the mortgage  
35 ourselves.

36 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-94 ADOPTED  
37

38 LEGISLATION & RULES COMMITTEE – MR. FERENCE, CHAIRMAN

39 No legislation.

40 PUBLIC HEALTH, SAFETY & RELIEF COMMITTEE – MR. MCGREGOR,  
41 CHAIRMAN

42 No legislation.

43 PUBLIC IMPROVEMENTS COMMITTEE – MR. SAGE, CHAIRMAN

44 No legislation.

45 STREETS, UTILITIES & RAILROAD COMMITTEE – MR. MEANY,  
46 CHAIRMAN

47 Mr. Meany introduced RESOLUTION NO. 2023-95, A Resolution authorizing  
48 the mayor to enter into a Member Community Infrastructure Grant Program  
49 agreement with the Northeast Ohio Regional Sewer District for the Indian Creek  
50 Sanitary Relief Sewer Project and MOVED TO ADOPT. Seconded by Mr.  
51 McGregor.

RES. 2023-95  
ADOPTED  
AGREEMENT -  
NEORS  
(INDIAN CREEK  
SANITARY RELIEF  
SEWER PROJECT)

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1 Mr. Meany said this grant was authorized by the Northeast Ohio Regional Sewer  
2 District for \$2.2 million dollars for the Indian Creek Sanitary Relief Sewer  
3 Project.

4 Mayor Castelli added that we have also been awarded a grant for \$1.25 million  
5 dollars through the federal government that is currently still in the spending bill,  
6 which was sent to the senate. He said we hope that eventually there will be  
7 approval from the senate, and then we will also be able to hopefully get that  
8 money to put toward the Indian Creek Relief Sewer. Mayor Castelli said it looks  
9 like we may fully be able to fund this through a grant and zero percent interest  
10 loans. Mayor Castelli said this is approximately an \$8,000,000 project.

11 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-95 ADOPTED  
12

13  
14 Mr. Meany made a motion to authorize the mayor to enter into an access  
15 agreement with the Cleveland Metropolitan Park District regarding the Abrams  
16 Creek Flood Control Basins. Seconded by Mr. Sage.

17 Mr. Meany said this will allow the mayor to enter into an agreement for an outlet  
18 pipe for detention basin number three, which will cross under the road of the  
19 northbound lane of Big Creek Parkway and into Abrams Creek.

20 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED  
21

22  
23 ZONING & BUILDING CODE COMMITTEE – MR. GRECH, CHAIRMAN

24 Mr. Bortolotto amended ORDINANCE NO. 2023-78 accepting changes by the  
25 planning commission. Seconded by Mr. Ference.

26 Mr. Bortolotto said minor changes to the zoning code were presented to the  
27 planning commission.

28 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED  
29

30  
31 Mr. Bortolotto scheduled a public hearing for ORDINANCE NO. 2023-78 for  
32 December 12<sup>th</sup> at 6:55 p.m.

## 33 COUNCIL COMMITTEE REPORTS

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

35 Mr. Ali thanked everyone for their support, and said he looks forward to working  
36 with this strong team for the next two years.

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

38 Mr. Bortolotto echoed Mr. Ali's sentiments. He congratulated everyone on their  
39 election. Mr. Bortolotto said we have a fantastic team and a great administration  
40 and is looking forward to two more years.

41 Legislation & Rules Committee – Mr. Ference, Chairman

42 No report.

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

44 No report.

45 Public Improvements Committee – Mr. Sage, Chairman

46 Mr. Sage said the committee met last night and minutes have been distributed. He  
47 also congratulated everyone on their re-elections.

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

49 Mr. Meany said the committee met last night and discussed the Southland/Smith  
50 Road streetscape in depth. He said minutes will be forthcoming. Mr. Meany  
51 thanked everyone involved with all of the grants the city has been receiving. He  
52 said this is a huge effort by the administration and its directors to get these grants.  
53 Mr. Meany said he thinks it would be appropriate to list them in their entirety on

MOTION 2023-33  
AUTHORIZE ACCESS  
AGREEMENT WITH  
CLEVELAND METRO-  
POLITAN PARK  
DISTRICT

ORD. 2023-78  
AMENDED

ORD. 2023-78  
PUBLIC HEARING

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our website so residents could see how much work really goes into obtaining these grants.

Mayor Castelli said these grants that we are receiving are competitive grants. He said we are not the only ones going after these grants. Mayor Castelli said they have to be done extremely well and have to be comprehensive. He said we have a very good team that writes these grants, and a lot of time has been spent looking on where we should go after money and for which projects. Mayor Castelli said there is a strategic vision that we have implemented. He said we have been fortunate to be very successful, and we hope to continue to be successful. Mayor Castelli said it was very important to him when he became mayor, to really aggressively go after the money that is available. He said the city has received tens of millions of dollars of competitive grants, and he is very proud of that.

### Zoning & Building Code Committee – Mr. Grech, Chairman

No report.

### MAYOR'S REPORT

No report.

### LAW DIRECTOR

No report.

### FINANCE DIRECTOR

No report.

### RECREATION DIRECTOR

Mr. Elliott said on November 20<sup>th</sup>, another Red Cross Blood Drive Donation will be at our facility. He said the Tree Lighting Ceremony will be on Friday, November 24<sup>th</sup>. Mr. Elliott said the facility will close at 4:00 p.m. on November 24<sup>th</sup> for all of the other festivities that kick off around 5:00 p.m. that day, with the Tree Lighting at 6:00 p.m.

### ECONOMIC DEVELOPMENT DIRECTOR

No report.

Mr. Bortolotto thanked Mr. Bichara for all of his help with the Sears property and the Serpentine property as well.

### SERVICE DIRECTOR

Mr. Herron thanked the mayor, council and the residents for their patience with the Indian Creek Relief Sewer project. He said they look forward to bringing the final piece of the federal grant to you very soon. Mr. Herron also thanked our partners at the Northeast Ohio Regional Sewer District, and Kim Kerber with Mackay Engineering who was very instrumental in helping us to obtain this grant. Mr. Herron said this is the smallest detention basin going in, and said they are going to get even bigger and better by next year.

### EXECUTIVE ASSISTANT

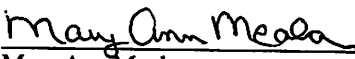
Mr. Downey said everyone has been working on all of these grant projects, and said the legislation this evening is quite a collection toward those grants moving forward. He said it is quite a package of benefits, as well as dollars for projects. Mr. Downey said this will be a great project for us as we look down the road.

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1 There being no further business, Mr. Bortolotto made a motion to adjourn.  
2 Seconded by Mr. Meany. Mr. Bortolotto adjourned the meeting at 7:25 p.m.  
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4

5   
6 David Bortolotto  
7 President of Council  
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11 Mary Ann Meola  
12 Clerk of Council  
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