

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING
NOVEMBER 28, 2023

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, November 28, 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 regular meeting of November 14, 2023. Seconded by Mr. Ference. MINUTES APPROVED

ROLL CALL: YEAS 6, NAYS 0, MINUTES APPROVED

COMMUNICATIONS

None.

AUDIENCE PARTICIPATION

None.

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 introduced RESOLUTION NO. 2023-96, A Resolution authorizing the mayor and finance director to enter into a contract with Petroleum Traders Corporation, Inc. for the furnishing of unleaded gasoline and MOVED TO ADOPT. Seconded by Mr. Meany. RES. 2023-96 ADOPTED
CONTRACT: PETROLEUM TRADERS (UNLEADED GASOLINE)
Mr. Bortolotto said this was discussed at the finance committee meeting.
Mr. Herron said council expressed to go out and bid locally, and he talked to the salt consortium group. He said we are partnering with six other cities, which was put out for bid for gasoline and diesel fuel. Mr. Herron said this has been a great consortium to work with, and the best part is that we got good pricing out of it.
Mr. Bortolotto asked if the best pricing was through the consortium.

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Mr. Herron said yes, it is even better than Sourcewell's pricing and he is very happy with this. He said the contract will start January 1, 2024.

Mr. Ali asked if we know the price per gallon right now.

Mr. Herron gave an example as to what happens and said we would get the OPIS price, which is the open market price, and then they will price it .0373 under the OPIS price. He explained that is how fuel is bid.

Mr. Ali questioned in the past that our contracts would be per gallon.

Mr. Stewart said it was always based off of the OPIS index. He said when we awarded the contract we used that date that it was awarded, but it always fluctuated based on OPIS index plus whatever factor they applied to it.

Mr. Ali asked how long the contract was for.

Mr. Herron said this contract would be for two years.

Mr. Bortolotto said it is very normal for many cities to buy underneath the consortium.

ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-96 ADOPTED

Mr. Bortolotto introduced RESOLUTION NO. 2023-97, A Resolution authorizing the mayor and finance director to enter into contract with Ports Petroleum Company, Inc. for the furnishing of diesel fuel and MOVED TO ADOPT. Seconded by Mr. McGregor.

RES. 2023-97
ADOPTED
CONTRACT:
PORTS
PETROLEUM
(DIESEL FUEL)

Mr. Bortolotto said this contract is also through the consortium, but is for diesel fuel.

Mr. Ali asked if a supplier didn't bid on diesel, if that means they don't offer it.

Mr. Herron said that could be, or they pulled the bid documents and didn't submit a bid.

Mr. Ali referred to diesel fuel and said it they are selling it to us minus .03 cents how are they making money.

Mr. Stewart said the OPIS index is indexed priced based on market value of gas at that point and time. He said that index still has profit built in to that margin.

Mr. Ali asked if the profits are already built in for the consortium.

Mr. Stewart said the consortium is six cities, partnering on a bid.

Mr. Herron said the consortium works for anything you can get a bulk price on. He said it works for gas, salt, etc.

Mr. Ali asked how our tanks were.

Mr. Herron said our tanks are in great condition, and they are checked every year. He said the city is held to the same standards as a Speedway or any other gas station.

Mr. Ali asked how old our tanks were, saying that would be a hefty expense to replace.

Mr. Herron said they are fairly old. He said the tanks at the service center are approximately 23 years old, but the fiberglass is a much better product, adding that the old tanks used to be steel.

Mr. Ference said he appreciates all that Mr. Herron does to get to this pricing. He said it would be easier to just do the same old thing. Mr. Ference said every penny adds up.

ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-97 ADOPTED

Mr. Bortolotto introduced RESOLUTION NO. 2023-98, A Resolution rescinding Ordinance 2023-92 and MOVED TO ADOPT. Seconded by Mr. Meany.

RES. 2023-98
ADOPTED
RESCIND
ORD. 2023-92

Mr. Bortolotto asked for an explanation.

Mr. Incorvaia said we wanted to give more time, and wanted to comply with the ORC. He said this legislation was passed on November 14th and it should have been placed on tonight's agenda, not the November 14th agenda. Mr. Incorvaia said we need to rescind the previously passed ordinance.

ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-98 ADOPTED

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1 Mr. Bortolotto introduced ORDINANCE NO. 2023-99, An Ordinance declaring
2 the improvement to certain parcels of real property within the city to be a public
3 purpose and exempt from taxation pursuant to ORC 5709.40(B); providing for the
4 collection and deposit of service payments and specifying the purposes for which
5 those service payments may be expended; specifying the public infrastructure
6 improvements directly benefiting the parcels; and declaring an emergency and
7 MOVED TO ADOPT. Seconded by Mr. Ference.

8 Mr. Bortolotto confirmed that this is the TIF for the Serpentine property.

9 Mr. Bichara said the city has the ability to apply TIF to certain properties. He
10 said this does not impact the funding for the Berea City Schools or Polaris Career
11 Center at all. Mr. Bichara said this would be for capturing funds from those tax
12 dollars to be used for public improvements in the area.

13 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-99 ADOPTED

14 Mr. Bortolotto made a motion authorizing the mayor to enter into a subrecipient
15 agreement with Cuyahoga Land Bank and to enter into any other agreements or
16 sign any documents related to the Ohio Department of Development Brownfield
17 Remediation Program grant application for the redevelopment of 6950 West 130th
18 Street in the Southland Shopping Center Business District. Seconded by Mr.
19 McGregor.

20 Mayor Castelli said as you know, we have submitted a Brownfield Grant for the
21 remediation and demo of the Sear's building that is going through the County
22 Land Bank. He said this allows us to be a subrecipient of that grant if we are
23 awarded that through the state.

24 Mr. Bichara said the process this year is that the moneys from the state will be
25 awarded to the Cuyahoga Land Bank. He said we have submitted an application
26 and are well positioned, and we believe our application is a priority application.

27 Mr. Bichara said for any recipient, meaning the city, they would have to execute a
28 subrecipient agreement between the Land Bank and the city to actually have the
29 funds come to us.

30 Mr. Ali said he knows nothing is ever guaranteed, but asked what percentage he
31 felt we were at to obtain funds.

32 Mr. Bichara said he and the mayor have been in constant contact with the Land
33 Bank. He said a tremendous amount of work has been done, and we submitted all
34 the required documents. Mr. Bichara said this is the final piece to be submitted to
35 have a final application. He said we previously submitted everything based on
36 what the Land Bank thought would be needed for this. Mr. Bichara said as of
37 today, they came up with some additional, minor information that would be
38 needed. He said this is one of the last pieces of the puzzle, and he believes we are
39 very well positioned.

40 Mr. Ali asked Mr. Bichara if he knew how many other projects we were
41 competing against.

42 Mr. Bichara said he didn't know. He said he knew that the priority is based on
43 two things, the way you submit the application and we were number two, and how
44 complete your application was and we were number one, and if it is considered a
45 priority application by the county. Mr. Bichara said he believes it is considered a
46 priority application by the county. He said incidentally we were number two in
47 submitting this application because we had such a complete application it took us
48 that long to submit it.

49 Mr. Bortolotto commended Mr. Bichara for being on top of this. He said that will
50 be a phenomenal project.

ORD. 2023-99
ADOPTED
IMPROVE CERTAIN
PARCELS TO BE A
PUBLIC PURPOSE
AND EXEMPT FROM
TAXATION
(SERPENTINI
PROPERTY - TIF)

MOTION 2023-33
ENTER INTO A
SUBRECIPIENT
AGREEMENT WITH
CUYAHOGA LAND
BANK

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1 Mr. Ali asked what the dollar amount was that we are going for.

2 Mr. Bichara said we have put in everything for remediation and clearing, so based
3 on our environmental consultant, it is coming up with a number in the five million
4 dollar range.

5 Mr. Ali asked if they can come back and offer something else, like instead of five
6 million offer us three million.

7 Mr. Bichara said anything is possible, but for the grant that we are going for, the
8 maximum allowable is ten million, but obviously you would have to have a
9 budget for that, you can't just ask for ten million.

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

11 LEGISLATION & RULES COMMITTEE – MR. FERENCE, CHAIRMAN

12 No legislation.

13 PUBLIC HEALTH, SAFETY & RELIEF COMMITTEE – MR. MCGREGOR, 14 CHAIRMAN

15 No legislation.

16 PUBLIC IMPROVEMENTS COMMITTEE – MR. SAGE, CHAIRMAN

17 No legislation.

18 STREETS, UTILITIES & RAILROAD COMMITTEE – MR. MEANY, 19 CHAIRMAN

20 Mr. Meany made a motion authorizing Mackay Engineering to work with Osborn
21 Engineering and bid the Smith Road Reconstruction Project located between W.
22 130th Street and Pearl Road. Seconded by Mr. Sage.

23 Mr. Meany said this will add another set of eyes on the project.

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

25 ZONING & BUILDING CODE COMMITTEE – MR. GRECH, CHAIRMAN

26 No legislation.

27 Mayor Castelli introduced RESOLUTION NO. 2023-100, A Resolution
28 extending a temporary moratorium on vape and smoke establishments or shops
29 within the City of Middleburg Heights and declaring an emergency and moved to
30 adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded
31 by Mr. Meany.

32 Mayor Castelli said this is an extension on the moratorium that city council
33 passed approximately six months ago. He said we are still reviewing this
34 particular item, and what makes sense per our zoning code. Mayor Castelli said
35 we think it is important to continue the moratorium while our city planner and the
36 law department continue to review this. He said we will get back to city council
37 with an update within the next couple months on what should be done going
38 forward.

39 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-100 ADOPTED

40 COUNCIL COMMITTEE REPORTS

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

42 Mr. Ali said he had a list for Mr. Elliott, and said they will put some information
43 together and will then schedule a recreation committee. He, along with the
44 members of council wished Bob Downey a happy retirement and thanked him for
45 his years of service.

MOTION 2023-34
AUTHORIZE MACKAY
ENGINEERING TO
WORK WITH OSBORN
ENGINEERING AND
BID SMITH ROAD
RECONSTRUCTION
PROJECT

RES. 2023-100
ADOPTED
EXTEND MORATORIUM
ON VAPE AND SMOKE
ESTABLISHMENTS
OR SHOPS

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

Mr. Bortolotto thanked the recreation department, service, police, and fire for all of their work making our tree lighting ceremony fantastic. He said we have a great organization of individuals running the city, and it looked great.

Legislation & Rules Committee – Mr. Ference, Chairman

Mr. Ference said the tree lighting was a huge success. He said the sentiment that he gathered while he was in attendance was that it made people proud to live in Middleburg Heights.

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

Mr. McGregor said kudos to everyone involved with the tree lighting ceremony and to the City Club as well. He said he had nothing but positive comments regarding the tree lighting and the ceremony.

Public Improvements Committee – Mr. Sage, Chairman

Mr. Sage echoed his fellow councilmen on the tree lighting festival. He extended a special thanks to the service department, recreation department, police and fire. Mr. Sage said that was the biggest and best tree lighting festival that we have had to date. He also extended kudos and thanks to his fellow City Club members, Tony Crea and Con Sullivan for working so hard putting that on.

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

No report.

Zoning & Building Code Committee – Mr. Grech, Chairman

No report.

MAYOR'S REPORT

Mayor Castelli said everyone mentioned all of the items that he was going to talk about. He also thanked Mr. Downey for all of his years of service to Middleburg Heights. He said he appreciated all of his work with our new police station. Mayor Castelli seeing that finished corner on our campus, it is something we are all proud. He said the police really enjoyed that move, and again appreciated all of Mr. Downey's work on that.

LAW DIRECTOR

Mr. Incorvaia asked that council consider a motion to convene into executive session prior to adjournment to discuss Economic Development matters pursuant to ORC Section 121.22(G)(8); to consider confidential information related to marketing plans, specific business strategy, production techniques, trade secrets or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivision respecting requests for economic development assistance. He said the information to be discussed is directly related to a request for economic development assistance that is to be provided or administered under the Ohio Revised Code chapters and sections enumerated in Ohio Revised Code Section 121(G)(8)(a); or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project. Mr. Incorvaia said the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds made in connection with the economic development project.

Per the law director, Mr. Bortolotto made the above mentioned motion. Seconded by Mr. Ference.

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ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

FINANCE DIRECTOR

Mr. Stewart said the 2024 Operating Capital Budget document went out last week, and a hard copy is before you this evening. He said the budget meeting will be on Monday, December 4th at 6:00 p.m.

RECREATION DIRECTOR

Mr. Elliott thanked the City Club, his staff, and all departments involved that contributed to a very successful tree lighting. He said we had a lot more people this year than last year. Mr. Elliott said on December 9th there will be pet pictures with Santa at our facility in the morning. He said on December 16th we will be hosting a breakfast with Santa and friends. Mr. Elliot said they were selling 250 tickets and that sold out in one day. Mr. Elliott said they will see if they can extend that a little bit.

ECONOMIC DEVELOPMENT DIRECTOR

Mr. Bichara said we have previously spoken about the grant that was awarded to Polaris Career Center. He said they were one of 35 awardees chosen for a Career Technical Construction grant from the state of Ohio. Mr. Bichara said they were the largest recipient in northeast Ohio, and one of the largest in the state, being awarded \$11.6 million dollars. He said they will use these funds to create programs in what they call their new ERA program (Engineering, Robotics and Automation). Mr. Bichara said there will actually be a physical expansion to their building of 20,000 square feet, which is three times the size of the current Polaris commons area. He said the new lab and classroom space will house not only the physical equipment used there, but also they will be able to expand not only for high school students but also for adult education as well. Mr. Bichara said in addition, Polaris is now collaborating with Southwest General Health Center on a new LPN training and certification program to increase the number of trained nurses in the area. He said they are also working on an RN training program as well. Mr. Bichara said in April, the mayor provided a letter of support which we feel was instrumental in helping them demonstrate to the state the need for this grant.

SERVICE DIRECTOR

No report.

Mr. McGregor extended kudos to the service department this morning. He said our roads were cleaner, drier and clearer than numerous other cities that he drove through. Mr. McGregor said on Monday night our guys were collecting leaves, and then those trucks were converted. He asked for his appreciation to be passed along to the department.

EXECUTIVE ASSISTANT

Mr. Downey said it has been a wonderful experience to be here. He said Middleburg Heights wasn't like Cleveland Heights at all. Mr. Downey said it continued to be a learning experience for him. He said it has been a great ride for him and his family.

Start Executive Session: 7:32 p.m.


Following the Executive Session, Mr. Bortolotto reconvened the Regular Meeting of Council at 8:16 p.m.

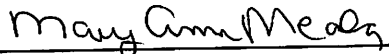
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3 PRESENT: Matthew Castelli Mayor
4 David Bortolotto President of Council
5 Tim Ali Councilman-At-Large
6 Dan Sage Councilman-At-Large
7 Bill Meany Councilman Ward 1
8 Matthew McGregor Councilman Ward 2
9 Michael Ference Councilman Ward 3
10 Mary Ann Meola Clerk of Council
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13 STAFF: Santo Incorvaia Law Director
14 Jason Stewart Finance Director
15 Jim Herron Service Director
16 Chuck Bichara Economic Development Director
17 Robert Downey Executive Assistant
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21 There being no further business, Mr. Bortolotto made a motion to adjourn.
22 Seconded by Mr. Meany. Mr. Bortolotto adjourned the meeting at 8:16 p.m.
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27 David Bortolotto
28 President of Council
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33 Mary Ann Meola
34 Clerk of Council
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