

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING
DECEMBER 12, 2023

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, December 12, 2023 for the purpose of conducting a REGULAR MEETING. President of Council David Bortolotto called the meeting to order at 7:11 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 and executive session of November 28, 2023. Seconded by Mr. Ference.

MINUTES
APPROVED

ROLL CALL: YEAS 6, NAYS 0, MINUTES APPROVED

COMMUNICATIONS

Notice to Legislative Authority requesting new liquor permit to First Watch Restaurants, 18324 Bagley Road. No objections from Chief Tomba.

MOTION #2023-35
RETURN NEW
LIQUOR PERMIT
WITHOUT
OBJECTIONS
(FIRST WATCH)

Mr. Bortolotto made a motion to return liquor permit without objection. Seconded by Mr. McGregor.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

AUDIENCE PARTICIPATION

Mr. Robert White, Indian Creek Drive, asked for the status of the Middleburg Heights sewer project.

Mayor Castelli said as you know, we are waiting on a final grant that was coming out of the federal government part of their spending bill. He said we have been approved for that, but are waiting on some of the details. Mayor Castelli said there was an engineering meeting this week, and spoke to Mr. Herron regarding reaching out to Congressman Max Miller's office to get a status update.

Mr. Herron said he contacted Congressman Miller's staff, and should hear back soon. He said we are trying to figure out who the contact is for the U.S. EPA, because that is the agency that will administer the grant. Mr. Herron said the bid documents are together and ready to go, but additional items are required for federal grants. He said they don't anticipate that there will be anything that will be a major consequence, but it will take our engineers time to get it together. Mr. Herron said our goal is to have the project bid next year, and to get started. He said once everything is lined up, we will bid the project. He said this is a large project, and anticipate that it will be a two year project.

APPOINTMENTS AND CONFIRMATIONS

None.

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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 appointing Councilman Tim Ali as Council
President Pro Tem. Seconded by Mr. Meany.

Mr. Ali confirmed that he could vote on this.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

MOTION 2023-36
APPOINT TIM ALI
AS COUNCIL
PRESIDENT PRO TEM

Mr. Bortolotto made a motion to appoint Councilman Mike Ference as the
Planning Commission representative. Seconded by Mr. McGregor.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

MOTION 2023-37
APPOINT MIKE
FERENCE AS
PLANNING COM.
REP.

Mr. Bortolotto made a motion to appoint Councilman Bill Meany as the Board of
Zoning and Building representative. Seconded by Mr. Ference.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

MOTION 2023-38
APPOINT BILL MEANY
AS BZA REP.

Mr. Bortolotto made a motion authorizing the service director to advertise a
request for qualifications for on-site construction inspection and management
services. Seconded by Mr. McGregor.

Mr. Herron said this will be for a portion of Smith Road at Southland from W.
130th to Pearl Road.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

MOTION 2023-39
ADVERTISE RFQ
ON-SITE CON-
STRUCTION INSPECTION
AND MANAGEMENT
SERVICES

Mr. Bortolotto made a motion authorizing the mayor to submit an application for
Central Park and/or Smith Road for the State of Ohio One-Time Strategic
Community Investment Fund. Seconded by Mr. Sage.

Mayor Castelli said some time has been spent putting together applications for
what is known as SCIF. He said many of the directors and the administration
have been working on this. Mayor Castelli said Mr. Bichara has been
spearheading this and asked him to explain.

Mr. Bichara said the One-Time Strategic Community Investment Fund is part of
what normally would be the state capital budget. He said it is more flexible and
we have been working with Senator Dolan and Representative Patton to get their
support and to discuss these projects. Mr. Bichara said the two projects that they
have identified with us would be the Streetscape Improvement Plan for Smith
Road in the area of Southland from Pearl to W. 130th Street, and also phase one of
Central Park. He said we put together the grant application and completed it for
Southland/Smith Road, and will have the grant application completed shortly for
Central Park. Mr. Bichara said this is outside of the regular capital budget that we
have been successful in the past for getting funding for. He said this is one-time
money that the state is trying to get into the communities as quickly as possible.
Mr. Bichara said these grant applications that are before you this evening are due
on December 18th.

Mayor Castelli said we will get multiple support letters for these projects, as we
look at an overall comprehensive application, we think it is also important to have
legislative body support. He said it isn't necessarily that we have to have it, but
we think it will be good policy and will add to the comprehensive nature of the
application. Mayor Castelli said that is why this is being presented to you this
evening.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

MOTION 2023-40
SUBMIT APPLI-
CATION FOR CENTRAL
PARK AND/OR SMITH
ROAD (SCIF)

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1 Mr. Bortolotto introduced ORDINANCE NO. 2023-101, An Ordinance to make
2 supplemental appropriations for current expenditures and expenses for the City of
3 Middleburg Heights for the calendar year 2023 and MOVED TO ADOPT.
4 Seconded by Mr. Sage. ORD. 2023-101
5 Mr. Bortolotto said this is our year-end appropriations and expenditures. ADOPTED
6 Mr. Stewart said this is the final clean-up appropriation for the year. He said a SUPPLEMENTAL
7 number of items are spelled out in the memo that was attached to the legislation. APPROPRIATIONS
8 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-101 ADOPTED
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11 Mr. Bortolotto introduced RESOLUTION NO. 2023-102, A Resolution RES. 2023-102
12 authorizing the mayor to enter into an agreement with Susan E. Cobb for the ADOPTED
13 purchase of an easement as part of the Sheldon Road Resurfacing Project and PURCHASE EASEMENT
14 MOVED TO ADOPT. Seconded by Mr. Meany. SHELTON ROAD
15 Mr. Incorvaia said the amount to be filled in is \$3,250. RESURFACING
16 Mr. Herron explained that this was the last easement needed for the Sheldon Road PROJECT
17 Resurfacing Project. (SUSAN COBB)
18 Mr. Bortolotto asked if the reason an easement was needed was because the road
19 was widened.
20 Mr. Herron explained and said the sidewalks fall within private property.
21 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-102 ADOPTED
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24 LEGISLATION & RULES COMMITTEE – MR. FERENCE, CHAIRMAN
25 No legislation.
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28 PUBLIC HEALTH, SAFETY & RELIEF COMMITTEE – MR. MCGREGOR,
29 CHAIRMAN
30 No legislation.
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33 PUBLIC IMPROVEMENTS COMMITTEE – MR. SAGE, CHAIRMAN
34 No legislation.
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37 STREETS, UTILITIES & RAILROAD COMMITTEE – MR. MEANY,
38 CHAIRMAN
39 Mr. Meany introduced RESOLUTION NO. 2023-103, A Resolution authorizing RES. 2023-103
40 the mayor to enter into a Stormwater Outfall Easement with the Board of Park ADOPTED
41 Commissioners of the Cleveland Metropolitan Park District for the Abrams Creek STORMWATER
42 Basin 3 Project and MOVED TO ADOPT. Seconded by Mr. Ference. OUTFALL
43 Mr. Meany said as the title reads this is for basin number three. EASEMENT
44 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2023-103 ADOPTED
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47 ZONING & BUILDING CODE COMMITTEE – MR. GRECH, CHAIRMAN
48 On behalf of the mayor, Mr. Bortolotto placed ORDINANCE NO. 2023-78 ON ORD. 2023-78
49 THIRD READING AND MOVED TO ADOPT. Seconded by Mr. Meany. ADOPTED
50 Mr. Bortolotto said this is an ordinance approving the proposed zoning code edits APPROVE PROPOSED
51 submitted by Stewart Land Use. ZONING CODE EDITS
52 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-78 ADOPTED
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55 Mayor Castelli introduced ORDINANCE NO. 2023-104, An Ordinance to make ORD. 2023-104
56 appropriations for current expenditures and expenses for the City of Middleburg ADOPTED
57 Heights for the calendar year 2024 and moved to adopt. On behalf of the mayor, BUDGET - 2024
58 Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. McGregor.
59 Mayor Castelli asked Mr. Stewart to explain.
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Mr. Stewart said this is a continuation of the current plan that we put into place that was discussed last Monday, and appreciates council's support.

ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2023-104 ADOPTED

Mayor Castelli introduced ORDINANCE NO. 2023-105, An Ordinance authorizing the mayor and finance director to enter into a contract with South Shore Cable Construction, Inc. and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Ference.

ORD. 2023-105
ADOPTED
CONTRACT:
SOUTH SHORE
CABLE CONSTRUCTION

Mayor Castelli said the city desires to retain the services of a competent and qualified contractor to provide certain products/services to the City. He said South Short is competent and qualified to furnish products and/or services to the City and has provided a responsive and responsible proposal and desires to provide City Campus Fiber Connections. Mayor Castelli said we have been talking about getting all of the buildings connected, so this will ultimately do that. He said Mr. Stewart is working with Nick Artman on this project and asked if he would like to add some more details.

Mr. Stewart said as we prepare for demolition of the former police station, all of the current phone and data lines terminate into that facility. He said we have begun to move them out of that facility into the new police station. Mr. Stewart said this is to connect all of the building with underground fiber, and will also allow us to discontinue leasing the fiber connections with Breezeline. He said this will save the city approximately \$10,000 a year by doing this as well.

Mayor Castelli said we will ultimately be able to connect some additional things throughout the park as well too.

Mr. Ali asked if the cable was going to run from the old police station to the new station.

Mr. Stewart said the current police station has a new connection that is connected to city hall. He said the new connections will pick up from the police station, go around the park and pick the buildings all the way up to the community center. Mr. Stewart said they will abandon the connections that are currently in the old police station.

Mr. Sage said he was going to abstain for a possible business conflict.

ROLL CALL: YEAS 5, NAYS 0, ABSTAIN 1, SAGE, ORDINANCE NO. 2023-105 ADOPTED

Mayor Castelli introduced RESOLUTION NO. 2023-106; A Resolution authorizing the mayor to enter into a memorandum of Understanding with the Berea City School district for the School Resource Officer (SRO) Program. Mayor moved for suspension of Charter Section 4.10 (5 day delivery requirement) and Council Rule 3 (24 hour agenda requirement).

RES. 2023-106
ADOPTED
MOU WITH BERE
CITY SCHOOL
DISTRICT (SRO
PROGRAM)

On behalf of the mayor, Mr. Bortolotto moved for suspension of Charter Section 4.10 (5 day delivery requirement) and Council Rule 3 (24 hour agenda requirement). Seconded by Mr. Ference.

ROLL CALL: YEAS 6, NAYS 0, RULES SUSPENDED

On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Meany.

Mayor Castelli said we have an agreement in place already with the Berea City School District. He said as you know, we provide SRO's in the schools here in Middleburg Heights. Mayor Castelli said we are updating the MOU to be more in concert with the three MOU's that the other two communities have. He said as you know, we are also going to have a dedicated SRO to the middle school and all of that is part of this MOU. Mayor Castelli asked Chief Tomba if he had anything to add.

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Chief Tomba said it will be one SRO at the middle school, which will be the same person every day to give some continuity in the school.

ROLL CALL: YEAS 5, NAYS 0, ABSTAIN 1, McGREGOR, RESOLUTION NO. 2023-106 ADOPTED

COUNCIL COMMITTEE REPORTS

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

Mr. Ali wished everyone a Merry Christmas and a Happy, Healthy 2024.

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

Mr. Bortolotto thanked Mayor Castelli for swearing-in all of us. He also congratulated his colleagues in being able to serve another two years with all of them.

Legislation & Rules Committee – Mr. Ference, Chairman

Mr. Ference echoed that it is a pleasure to serve with all of his colleagues on city council for another two years. He also wished everyone a Merry Christmas and a Happy Holidays.

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

Mr. McGregor wished everyone a Happy Holidays.

Public Improvements Committee – Mr. Sage, Chairman

Mr. Sage extended best wishes for a Merry Christmas and a Happy New Year. He again congratulated Mr. Downey for his time served and wished him a happy retirement.

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

No report.

Zoning & Building Code Committee – Mr. Grech, Chairman

Mr. Bortolotto said we talked about Mr. Grech earlier, and we do miss him.

MAYOR'S REPORT

Mayor Castelli thanked city council for allowing him the privilege of swearing all of you in this evening. He said he is very fortunate, as mayor of this city, to be able to work with this city council. Mayor Castelli said this is a team that works very well together. He also asked that council consider a motion to convene into executive session prior to adjournment to consider/discuss the purchase of real estate property for public purposes pursuant to ORC 121.22(g)(2),

On behalf of the mayor, Mr. Bortolotto made a motion to go into executive session prior to adjournment. Seconded by Mr. Sage.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

LAW DIRECTOR

Mr. Incorvaia said 30 years ago, he had the opportunity to meet Mr. Downey when he worked in Cleveland Heights. He said little did he know, that he would be working directly with him here in Middleburg Heights. Mr. Incorvaia said it was a pleasure to work with Mr. Downey and wished him well in his retirement.

FINANCE DIRECTOR

No report.

RECREATION DIRECTOR

No report.

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ECONOMIC DEVELOPMENT DIRECTOR

Mr. Bichara wished Mr. Downey well in his retirement. He said when he was with the City of South Euclid, Mr. Downey was Mr. Cleveland Heights. Mr. Bichara said as fate would have it, he got to work with him again too. He again wished him well.

SERVICE DIRECTOR

Mr. Herron congratulated council, and said our friend and colleague, John Grech, will surely be missed. He said when he worked for the Cuyahoga County Department of Development, he met Bob Downey when he worked for Cleveland Heights. Mr. Herron wished Mr. Downey the best.

Mr. Sage said he spoke to a resident today, who was at our meeting a couple weeks ago regarding the light sequencing on Fry, Middlebrook and Craigmere. He said the resident advised that nothing is any better, and asked if that has been looked at as of yet.

Mr. Herron said they talked to our traffic consultant, and said the danger when you start putting flashing yellow lights, is that people don't stop at lights, which can lead to accidents. He said the lights are only triggered when cars pull up to that light. Mr. Herron said if no one pulls up to that light it isn't going to trigger. He said it doesn't trigger automatically, it triggers in five seconds or so. Mr. Herron said he feels it is a safety issue, and does not recommend altering those lights. He said he knows it is a minor inconvenience, but said public safety would outweigh auto accidents.

Mayor Castelli said he knew that Mr. Herron had the consultants review and discuss this. He asked if the consultants could put their thoughts in a memo to see if there is any other alternative. Mayor Castelli thought that would be helpful, and then Mr. Sage could provide that information to the resident.

Mr. Herron said they also mentioned if people don't have an expectation that the light is going to turn green, they are going to start crashing lights, which becomes a safety issue too.

Mr. Sage said he thought the issue was it was not letting enough time to let people through once it does turn.

Mr. Herron said no, he said the resident was concerned because he wanted green lights all the way down Bagley, he didn't want the lights to change when cars came up to the intersections. He said the resident's expectation was that it was so early in the morning, the lights on Bagley should remain green and shouldn't change.

Mr. Sage didn't think that was it.

Mr. Herron said that was what his intention was, that the lights shouldn't be changing.

Mr. Sage said maybe we could have a conversation with the resident to get clarification.

Mayor Castelli said we will get clarification, and make sure whatever the question is, we will get information and get something in writing from the traffic consultants, that you can provide to the resident.

Mr. Herron said early in the morning, this isn't the only area that this happens. He said it happens at Fowles and Big Creek and Fowles and Engle.

EXECUTIVE ASSISTANT

Mr. Downey said sitting here this evening, was a little different than it has ever been. He said he was hearing conversations of a very positive nature, with everybody seeming to be upbeat. Mr. Downey said he has been here 13 years, and now it seems to be more positive, more full of energy and people wanting to get up and do things than he could ever remember. He said the future looks very positive for us, everything seems to be going in a positive fashion. Mr. Downey

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3 said he asked the mayor for permission to come back to see what is going on and
4 watch and make whatever comments he could make to help out with everything.
5 He said he couldn't do it two weeks ago, but he is doing it tonight, and promised
6 this will be a retirement. Mr. Downey said it has been wonderful. He again
7 thanked everyone for a wonderful time.

8 Mr. Ference thanked Mr. Downey for his service, and appreciated all that he has
9 done for the city and wished him a happy retirement.
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12 Start Executive Session: 7:55 p.m.

13 Following the Executive Session, Mr. Bortolotto reconvened the Regular Meeting
14 of Council at 8:18 p.m.
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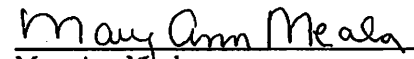
16 PRESENT: Matthew Castelli Mayor
17 David Bortolotto President of Council
18 Tim Ali Councilman-At-Large
19 Dan Sage Councilman-At-Large
20 Bill Meany Councilman Ward 1
21 Matthew McGregor Councilman Ward 2
22 Michael Ference Councilman Ward 3
23 Mary Ann Meola Clerk of Council
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27 STAFF: Santo Incorvaia Law Director
28 Jason Stewart Finance Director
29 Jim Herron Service Director
30 Chuck Bichara Economic Development Director
31 Robert Downey Executive Assistant
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35 There being no further business, Mr. Bortolotto made a motion to adjourn.
36 Seconded by Mr. Ali. Mr. Bortolotto adjourned the meeting at 8:18 p.m.
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41 David Bortolotto
42 President of Council
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47 Mary Ann Meola
48 Clerk of Council
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