

CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

January 23, 2024

7:00 P.M. REGULAR MEETING

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of January 9, 2024
Minutes of Executive Session of January 9, 2024

COMMUNICATIONS

AUDIENCE PARTICIPATION

APPOINTMENTS AND CONFIRMATIONS

ORDINANCES, RESOLUTIONS AND MOTIONS

1. City Parks, Recreation & Services Committee – Mr. Ali, Chairman
2. Finance, Taxation & Assessments Committee – Mr. Bortolotto, Chairman
3. Legislation & Rules Committee – Mr. Ference, Chairman
4. Public Health, Safety & Relief Committee – Mr. McGregor, Chairman
5. Public Improvements Committee – Mr. Sage, Chairman
6. Streets, Utilities & Railroad Committee – Mr. Meany, Chairman
7. Zoning & Building Code Committee – Mr. Grech, Chairman

MAYOR'S REPORT

1. Law Director
Public Hearing regarding ward 4 council member pursuant to Charter Section 4.04
2. Finance Director
3. Recreation Director
4. Economic Development Director
5. Service Director

ADJOURNMENT

CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

JANUARY 23, 2024

PAGE 2

2024 PENDING LEGISLATION

UN-NUMBERED LEGISLATION

INTRODUCED BY COUNCIL PRESIDENT BORTOLOTTO

A Resolution authorizing the sale by internet auction during calendar year 2024 of municipally owned personal property which is not needed for public use, or which is obsolete or unfit for the use for which it was acquired, pursuant to Ohio Revised Code Section 721.15(D).

INTRODUCED BY COUNCIL PRESIDENT BORTOLOTTO

A Resolution designating Citizens Bank, Key Bank, Fifth Third Bank, Dollar Bank, U.S. Bank, Chase Bank, PNC Bank and Huntington National Bank as depositories for the active, inactive, and interim funds of the City of Middleburg Heights for a period of five years beginning January 1, 2024 through December 31, 2028.

INTRODUCED BY COUNCIL PRESIDENT BORTOLOTTO

A Resolution authorizing the mayor to enter into an agreement with The Greens at Misty Lake Homeowners Association, Inc. for the purchase of a temporary easement as part of the Sheldon Road Resurfacing Project.

INTRODUCED BY COUNCILMAN JOHN GRECH

An Ordinance accepting a lot split and consolidation and right-of-way dedication for 7250 Pearl Road.

RESOLUTION NO. 2024 - _____

Introduced by: Mr. Bortolotto, Mr. Meany, and Mr. Grech

A RESOLUTION

AUTHORIZING THE SALE BY INTERNET AUCTION DURING CALENDAR YEAR 2024 OF MUNICIPALLY OWNED PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR WHICH IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, PURSUANT TO OHIO REVISED CODE SECTION 721.15(D)

WHEREAS, Ohio Revised Code Section 721.15(D) authorizes legislative authority of a municipal corporation to sell personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by Internet auction; and

WHEREAS, Ohio Revised Code Section 721.15(A) allows for personal property not needed for municipal purposes, the estimate value of which is less than one thousand dollars, to be sold by the board or officer having supervision or management of that property.

WHEREAS, An annual resolution adopted by City Council is required to permit the City to utilize the internet auction provision of ORC Section 721.15.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO

Section 1. That the Mayor and Finance Director be authorized to place for auction and to sell to the highest bidder such unneeded, obsolete or unfit personal property by Internet auction.

Section 2. That the Finance Director shall cause notice of adoption of this resolution to be published, in a newspaper of general circulation in the City, of the City's intent to sell unneeded, obsolete or unfit personal property by Internet auction. The notice shall include a summary of the information provided in this Resolution and shall be published at least twice. The second and any subsequent notice shall be published not less than ten nor more than twenty days after the previous notice.

Section 3. That the Finance Director shall cause a notice to be posted continually throughout the calendar year in a conspicuous place in the office of the Director of Finance and shall cause said notice to be posted continuously throughout the year on the City website.

Section 4. That the City shall conduct the internet auction via GovDeals (or other similar bidding site as long as notice is given) using the parameters provided by the auction site. Minimum price or reserve may be set, but is not required by law.

Section 5. That bidding shall continue for no less than 10 days, including Saturday, Sunday and legal holidays, and shall be set for each item as noted on the internet auction site.

Section 6. That all terms and conditions of sale, including but not limited to pick-up and delivery, method of payment, sales tax, complete descriptions and/or pictures of the items, shall be specified for each item on the internet auction site.

Section 7. That the highest bidder upon close of the open bidding period will be deemed to be the successful bidder of the internet auction. Upon closing of the auction, the City shall remit an invoice to the successful bidder for the amount of the bid. The successful bidder shall remit the entire payment within ten (10) days of receipt of the invoice. Acceptable forms of payment include cashier's check, certified check, or money order. Other payment arrangements may be made by the City where circumstances warrant. Payment options such as on-line payment systems and PayPal or similar services are acceptable payment options. Notwithstanding the foregoing, all payment options are subject to the approval of the City Finance Director.

Section 8. That all items shall be sold without warranty in "AS IS" condition. All advertisements, listings, and notices shall be subject to the following language:

"The City of Middleburg Heights, its officers, employees and agents offer this item for sale "AS IS" without any warranty or condition, express, implied or statutory. The City of Middleburg Heights, its officers, employees and agents, specifically disclaim any implied warranties of title, merchantability, fitness for a particular purpose and non-infringement."

Section 9. That the Director having supervision or management of the asset is hereby authorized to dispose of any property that is listed for auction and does not sell as a result of not receiving bids.

Section 10. That it is hereby found and determined that all formal actions of this council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

PASSED _____

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

PRESENTED TO MAYOR _____

APPROVED ON: _____

	YEAS	NAYS
BORTOLOTTA	_____	_____
ALI	_____	_____
SAGE	_____	_____
MEANY	_____	_____
MCGREGOR	_____	_____
FERENCE	_____	_____
GRECH	_____	_____

MAYOR

City of Middleburg Heights, Ohio

Depositories 2024.res

Resolution No. 2024-_____

Introduced by: Mr. Bortolotto, Mr. Meany, and Mr. Grech

A RESOLUTION

DESIGNATING CITIZENS BANK, KEY BANK, FIFTH THIRD BANK, DOLLAR BANK, US BANK, CHASE BANK, PNC BANK AND HUNTINGTON NATIONAL BANK AS DEPOSITORIES FOR THE ACTIVE, INACTIVE, AND INTERIM FUNDS OF THE CITY OF MIDDLEBURG HEIGHTS FOR A PERIOD OF FIVE YEARS BEGINNING JANUARY 1, 2024 THROUGH DECEMBER 31, 2028.

WHEREAS, Ohio Revised Code Section 135.12(B) requires each governing body to designate the public depositories that are eligible for the deposit of its active, inactive and interim funds of the subdivision for a period of five years; and

WHEREAS, the Director of Finance has recommended that the following depositories should be awarded the designation of depository for the active, inactive and interim funds of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO:

Section 1. That the Council of the City of Middleburg Heights, upon the recommendation of the Director of Finance, hereby awards to Citizens Bank, Key Bank, Fifth Third Bank, Dollar Bank, US Bank, Chase Bank, PNC Bank and Huntington Bank the designation of depository for the City's Active, Inactive and Interim funds as shall be determined by the Director of Finance for a period of five years beginning January 1, 2024 through December 31, 2028.

Section 2. That the Council of the City of Middleburg Heights, upon recommendation of the Director of Finance, hereby awards the designation of depository to all eligible banks for the investment of interim moneys in federally insured certificates of deposit at the direction of the Director of Finance for a period of five years beginning January 1, 2024 through December 31, 2028.

Section 4. That the Finance Director, Assistant Finance Director, and Mayor are hereby authorized to sign all documents necessary to open accounts and facilitate transactions within the designated depositories.

Section 5. That the use of facsimile signatures shall be acceptable to the City provided that original signatures are on file with the depository.

Section 6. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of Ohio Revised Code.

PASSED _____

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

PRESENTED TO MAYOR _____

APPROVED ON: _____

	YEAS	NAYS
BORTOLOTTA	_____	_____
ALI	_____	_____
SAGE	_____	_____
MEANY	_____	_____
MCGREGOR	_____	_____
FERENCE	_____	_____
GRECH	_____	_____

MAYOR

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2024-

Introduced By: Mr. Bortolotto
Co-Sponsors: Mr. Meany, Mr. Grech

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE GREENS AT MISTY LAKE HOMEOWNERS ASSOCIATION, INC. FOR THE PURCHASE OF A TEMPORARY EASEMENT AS PART OF THE SHELDON ROAD RESURFACING PROJECT

WHEREAS, in advance of an as part of the Sheldon Road Resurfacing Project it is necessary for the City to acquire a temporary easement on private residential property; and

WHEREAS, the temporary easement is being acquired for a public purpose, namely the establishment, construction, reconstruction, widening, repair, or maintenance of a public road.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That the Mayor is hereby authorized to enter into an agreement with The Greens at Misty Lake Homeowners Association, Inc. for the purchase of a temporary easement described in Exhibit A attached, on the following described real estate: Parcel 8-T (Sheldon Road CW-22) PPN 372-02-016.

Section 2: That there is hereby appropriated \$300.00 from the Streets/Infrastructure Improvements Fund to implement this Resolution.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: _____

President of Council

Attest: _____
Clerk of Council

Approved On: _____

Presented to Mayor: _____

Mayor

	Yea	Nay
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____
McGregor	_____	_____
Ference	_____	_____
Grech	_____	_____

TEMPORARY EASEMENT

The Greens at Misty Lake Homeowners Assoc., Inc., the Grantor(s), in consideration of the sum of \$300.00, to be paid by The City of Middleburg Heights, the Grantee, does grant to Grantee the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 8-T

PID 113312 CUY-SHELDON RD

SEE EXHIBIT A ATTACHED

Cuyahoga County Current Tax Parcel No. 372-02-016

Prior Instrument Reference: Volume 88-0453 Page 32, Cuyahoga County Recorder's Office.


To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is 6 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF The Greens at Misty Lake Homeowners Assoc., Inc., by and through ^{Kanika} Selmsberger, the President of The Greens at Misty Lake Homeowners Assoc., Inc., has hereunto subscribed their name on the 11 day of January, 2024.

THE GREENS AT MISTY LAKE HOMEOWNERS ASSOC., INC.,

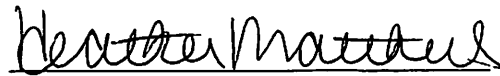
By: 
PRESIDENT

STATE OF OHIO, COUNTY OF CUYAHOGA SS:

BE IT REMEMBERED, that on the 11 day of January, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Ronald Selmsberger who acknowledged being the President of The Greens at Misty Lake Homeowners Assoc., Inc., and who acknowledged the foregoing instrument to be the voluntary act and deed of said The Greens at Misty Lake Homeowners Assoc., Inc. No oath or affirmation was administered to Ronald Selmsberger with regard to the notarial act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.





NOTARY PUBLIC
My Commission expires: May 20, 2028

This document was prepared by: The City of Middleburg Heights

PARCEL 8-T EXHIBIT "A"

SITUATED IN THE CITY OF MIDDLEBURG HEIGHTS,
COUNTY OF CUYAHOGA, STATE OF OHIO AND
BEING KNOWN AS PART OF O.L. 1, SECTION 8 IN
ORIGINAL MIDDLEBURG TOWNSHIP

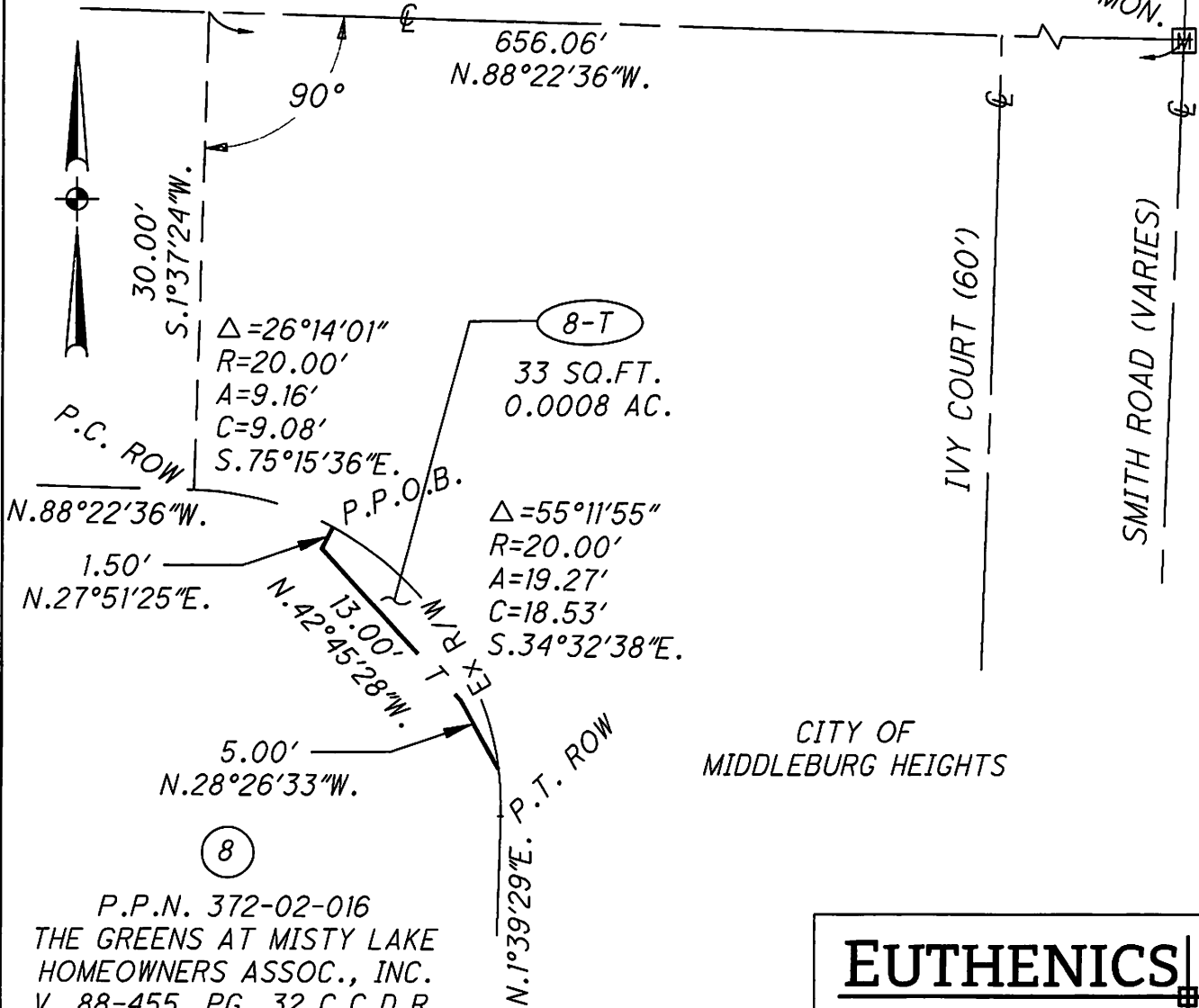
SHELDON ROAD CW-22
TEMPORARY EASEMENT FOR HIGHWAY PURPOSES



CITY OF BROOK PARK

SHELDON ROAD (60')

P.O.B.
X-BRASS DISC. MON.



P.P.N. 372-02-016
THE GREENS AT MISTY LAKE
HOMEOWNERS ASSOC., INC.
V. 88-455, PG. 32 C.C.D.R.

EUTHENICS

8235 Mohawk Dr. | Cleveland, OH 44136

EXHIBIT A

RX 286 T

Page 1 of 2
Rev. 12/16

VER. DATE 12/22/2022

**PARCEL 8-T
(SHELDON ROAD CW-22)
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
MAKE ROADWAY IMPROVEMENTS
FOR APPROXIMATELY 12 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

(Surveyor's description of the premises follows)

Situated in the City of Middleburg Heights, County of Cuyahoga, State of Ohio and being known as part of Original Middleburg Township Lot 1, Section 8 and being part of a parcel of land conveyed to The Greens at Misty Lake Homeowners Association, Inc. recorded in Volume 88-455, Page 32 Official Records Cuyahoga County and bounded and described as follows:

Beginning at an X-brass disc. monument box found at the intersection of the centerline of Smith Road, Width Varies, and the centerline of Sheldon Road, 60.00 feet wide;

Thence N. $88^{\circ}22'36''$ W., 656.06 feet along the centerline of said Sheldon Road to a point therein;

Thence S. $01^{\circ}37'24''$ W., 30.00 feet to its intersection with the southerly line of said Sheldon Road, said point also being a point of curvature of the southerly line of said Sheldon Road with the curvature of the westerly line of Ivy Court, 60.00 feet wide;

Thence Southeasterly 9.16 feet along a curve being the southerly line of said Sheldon Road and the westerly line of said Ivy Court deflecting to the right, said curve having a radius of 20.00 feet and a chord which bears S. $75^{\circ}15'36''$ E., 9.08 feet to a point therein and being the **Principal Place of Beginning** of the parcel herein described:

Thence with the following four (4) courses:

- 1) **Southeasterly 19.27 feet** along a curve being the southerly line of said Sheldon Road and the westerly line of said Ivy Court deflecting to the right, said curve having a radius of **20.00 feet** and a chord which bears **S. $34^{\circ}32'38''$ E., 18.53 feet** to a point therein;

EXHIBIT A

RX 286 T

Page 2 of 2
Rev. 12/16

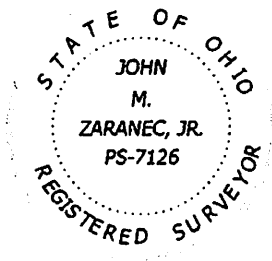
VER. DATE 12/22/2022

- 2) N. 28°26'33" W., 5.00 feet to a point;
- 3) N. 42°45'28" W., 13.00 feet to a point;
- 4) N. 27°51'25" E., 1.50 feet to the **Principal Place of Beginning** and containing 33 square feet or 0.0008 acres of land more or less but subject to all legal highways.

The bearings used in this description are based upon the Ohio State Plane Coordinates System, North Zone, NAD83 (Conus)(Mol).

The above-described parcel being part of Auditor's Permanent Parcel No. 372-02-016.

This description was prepared by John M. Zaranec, Jr. P.S. 7126 and was based on a survey performed by Euthenics, Inc. in December 2022.



A handwritten signature in black ink, appearing to read "John M. Zaranec, Jr.", written over a light blue horizontal line.

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2024-

Introduced By: Mr. Grech

Co-Sponsors: Mr. Bortolotto, Mr. Ference

**AN ORDINANCE
ACCEPTING A LOT SPLIT AND CONSOLIDATION
AND RIGHT-OF-WAY DEDICATION FOR 7250 PEARL ROAD**

WHEREAS, Laith, LLC has submitted a plat of Lot Split and Consolidation and right-of-way dedication on which a certain portion of Pearl Road and Bagley Road is offered for dedication; and

WHEREAS, the City Engineer has reviewed the plat of Lot Split/Consolidation and Dedication; and

WHEREAS, the Council of the City of Middleburg Heights wishes to accept said dedication.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That the Council of the City of Middleburg Heights hereby accepts the dedication of a portion of Pearl Road and Bagley Road as shown on the 7250 Pearl Road Lot Split/Consolidation plat, a copy of which is attached hereto and marked "Exhibit A".

Section 2: That the Clerk of Council is hereby authorized to sign the attached Lot Split/Consolidation plat.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: _____

President of Council

Attest: _____

Clerk of Council

Approved On: _____

Presented to Mayor: _____

Mayor

	Yea	Nay
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany .	_____	_____
McGregor	_____	_____
Ference	_____	_____
Grech	_____	_____

PLEASE NOTE

This Plat of Consolidation was prepared without the benefit of a current title commitment. Therefore, the Riverstone Company cannot determine if any easements, restrictions and reservations affect the subject property. If the Riverstone Company is provided with the title commitment, a revised survey map will be provided at Riverstone's hourly fee schedule.

REFERENCE SURVEYS

- 1. Plat Consolidation, Volume 332, Page 82 of Cuyahoga County Map Records, (Plat) (332/82)
2. Plat Consolidation, Volume 332, Page 40 of Cuyahoga County Map Records, (332/40)
3. Plat Consolidation, Volume 282, Page 77 of Cuyahoga County Map Records, (282/77)
4. Plat Split and Consolidation, Volume 303, Page 83 of Cuyahoga County Map Records.
5. Plat Consolidation, Volume 254, Page 38 of Cuyahoga County Map Records.

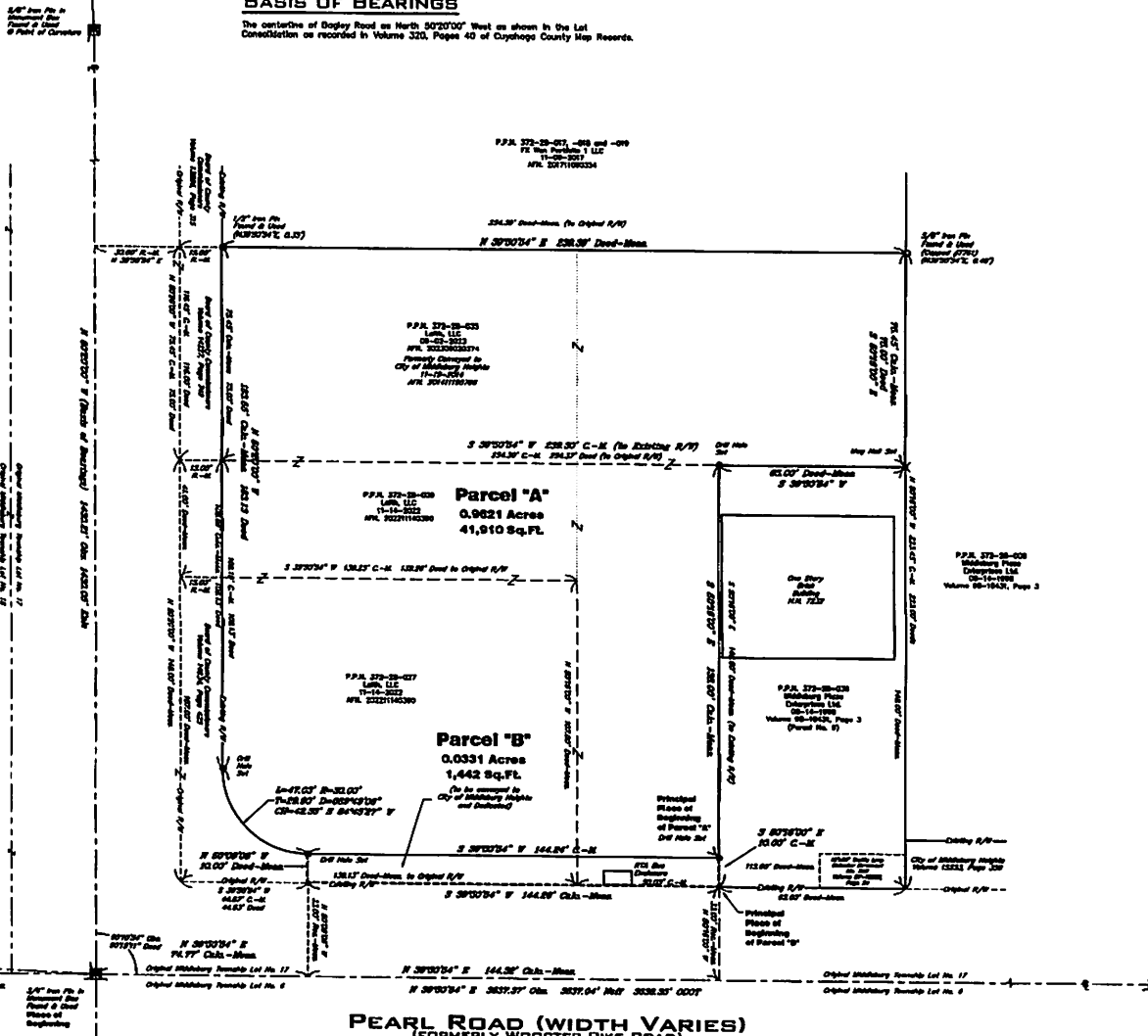
LEGEND

Legend table with symbols for Monument Iron Pile, Iron Pipe, S/W/25' Iron Pipe, etc., and a list of abbreviations like B.M., C&G, etc.

BASIS OF BEARINGS

The bearings of Bagley Road as North 50°20'00" West as shown in the Plat Consolidation as recorded in Volume 320, Pages 40 of Cuyahoga County Map Records.

BAGLEY ROAD (WIDTH VARIES) (A PUBLIC RIGHT-OF-WAY)



PLAT OF LOT SPLIT AND CONSOLIDATION

OF 7250 PEARL ROAD P.P.N. 372-28-009 P.P.N. 372-28-027 P.P.N. 372-28-035 CREATING PARCELS "A" AND "B" CITY OF MIDDLEBURGH HEIGHTS, OHIO

OWNERS ACCEPTANCE

I (We) the undersigned owner(s) of the land shown hereon, do hereby accept this Plat of Consolidation of the same.

Lath, LLC Title
Print Name Title

NOTARY State of Ohio County of

Before me a Notary Public in and for said County and State, personally appeared the above named Owner(s) who acknowledged that he did sign the foregoing instrument and that it was his own free act and deed. In witness whereof, I have hereunto set my hand and official seal on this day of 2024. Notary Public My commission expires

APPROVALS

This Plat of Consolidation is accepted and approved by the Council of the City of Middleburgh Heights, Ohio this day of 2024.
Mary Ann Meeks - Clerk
This Plat of Consolidation is accepted and approved by the Planning Commission of the City of Middleburgh Heights, Ohio this day of 2024.
Anthony Croa - Chairman
This Plat of Consolidation is accepted and approved by the City Engineer of the City of Middleburgh Heights, Ohio this day of 2024.
Kimberly Kerber - City Engineer

PEARL ROAD (WIDTH VARIES) (FORMERLY WOODSTER PIKE ROAD) (STATE ROUTE 425) (A PUBLIC RIGHT-OF-WAY)

DEDICATION ACCEPTANCE

I (We) the undersigned owner(s) of the land shown hereon, do consent to and accept the dedication of the same and do hereby dedicate to public use and the area designated as Parcel "B", shown hereon, for public use this day of 2024.

Lath, LLC Title
Print Name Title

CITY DEDICATION

The Council of the City of Middleburgh Heights, Ohio hereby accepts the dedication of the area designated Parcel "B", shown hereon, for public use this day of 2024. By Ordinance No. 30223

Mary Ann Meeks - Clerk

CERTIFICATION

This plat was prepared from a field survey, analysis of recorded plats, recorded deeds, and city survey records. Bearings shown hereon are to an assumed meridian and are intended to indicate angles only. Distances are given in feet and decimal parts thereof. All of which I certify to be correct to the best of my knowledge. I hereby certify I have surveyed the subject premises and prepared this drawing in accordance with the provisions of Chapter 4733-37 of the Ohio Administrative Code.



Peter J. Giffault P.S. No. 0848 Date
City Dedication - December 28, 2023
Revisions - December 6, 2023
January 18, 2024



DRAWN BY
P.L. BOB, US
APPROVED
P.L. BOB, US



LAND SURVEYING - ENGINEERING - DESIGN
3900 LAKESHORE AVENUE - SUITE 100
CLEVELAND, OHIO 44116
PHONE: (216) 491-9200 FAX: (216) 491-9440
WWW.RIVERSTONEUSINC.COM