

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING
JANUARY 9, 2024

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, January 9, 2024 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

PLEDGE OF ALLEGIANCE

MINUTES

Motion by Mr. Ali to approve the minutes of the regular meeting of December 12, 2023, minutes of the executive session of December 12, 2023, minutes of the public hearing of December 12, 2023, minutes of swearing-in of December 12, 2023 and the minutes of the regular meeting of December 26, 2023. Seconded by Mr. McGregor.

MINUTES
APPROVED

ROLL CALL: YEAS 6, NAYS 0, MINUTES APPROVED

COMMUNICATIONS

Memorandum from Planning Commission advising members granted final approval of the Benedict Drive Subdivision as submitted by Ruggiero Construction.

FILE AS
RECORD

AUDIENCE PARTICIPATION

Mr. Larry Willis, Bagley Road, said he would like to have council consider permitting recreational vehicles to be parked at a residence from April to October. He said he should have the right to have his recreational vehicles on his property for washing, maintenance, supplying, etc. Mr. Willis said if it was necessary, he would go door to door to obtain signatures from those that live on his street. He emphasized that his vehicle can't even be seen. Mr. Willis said he has a place out of town to park the vehicle in the winter. He asked council to consider amending the legislation to accommodate his request.

Mr. Bortolotto said he will ask the zoning committee to review his concern.

Mr. Willis confirmed that the city owns the old Sears property, and said he didn't know how council felt about all of these people being brought up from Texas that are coming from overseas. He said he personally didn't want to see that property sold for any development to put any type of apartments. Mr. Willis said he isn't prejudiced, but said we don't need any riff raff. He said it would be a great place to park city stuff or residents to park their stuff there.

Mayor Castelli said he appreciated Mr. Willis' feedback. He said the city spent approximately two years, did multiple surveys, and put a whole plan together where we went out to the public and was very transparent. Mayor Castelli said there were a variety of meetings where people came and talked about what they

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1 would like to see in the Southland area. He said a masterplan was created for that
2 area based on the feedback that came from our residents.

3 Mr. Willis said he would like to hear that plan.

4 Mayor Castelli told him he was welcome to call him at any time and he would
5 share the Southland Redevelopment Study and masterplan documents. He said he
6 would be happy to hear Mr. Willis' thoughts too. Mayor Castelli said ultimately,
7 he would like to see something that makes Southland sustainable, not just for
8 today, but for the next 30, 40, 50 years. He said he would like to see some
9 income producing opportunities that ultimately help our income tax base, and
10 potentially residential opportunities that should at least be looked at. Mayor
11 Castelli said they are going to continue to see what the best use for that property is
12 and welcomed his opinion.

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14 Mr. Ali referred to recreational vehicles, and asked Mr. Willis if he is talking
15 about a boat, RV, trailer, motorcycles, etc.

16 Mr. Willis said a fifth wheel travel trailer, something you would take to a
17 campground. He said he received a citation from the city for having his trailer at
18 his residence.

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20 Mr. Willis said he would also like to complain about not having the rest of the
21 street lights finished on Bagley Road on the east side.

22 Mr. Herron said First Energy only replaced what was there. He said if council
23 feels it's appropriate, and he doesn't feel it is a bad idea either, they can get cost
24 estimates to see what it would cost per pole to be installed.

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26 Mr. Willis said he also wanted to complain about the coyote problem and was told
27 by animal control that they cannot be trapped due to the law.

28 Mr. McGregor said they were also told by the animal warden when this started
29 several years ago, that the state ODNR doesn't allow the cities to deal with them.
30 He said the animal wardens are handcuffed. Mr. McGregor said the city can't do
31 anything because ODNR said the coyotes are not to be touched, trapped,
32 relocated, killed, etc.

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34 Mayor Castelli said animal control is part of the police department, and he will
35 get ahold of the chief tomorrow. He said we do have a coyote plan for our
36 community that we are happy to review. Mayor Castelli said Councilman
37 McGregor's point comes from ODNR and we follow those policies and
38 procedures. He asked Chief Tomba to get ahold of Mr. Willis this week to talk
39 through some of this.

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42 Mr. Tim Roth, 13838 Bagley Road, said he lives across the street from Mr. Willis.
43 He said he bought his house in 1988 and put \$250,000 into it over the years. Mr.
44 Roth said he has three acres, and has put his whole life into this. He said he has
45 had a motorhome for three years, and parked it in his driveway all the time in the
46 summer. Mr. Roth said shortly after getting into an argument with a neighbor, he
47 received a letter stating that he can't have his motorhome in his driveway. He said
48 when he purchased his home, the previous owner had a motorhome sitting there
49 and was selling his place to go to North Carolina to build his dream home. Mr.
50 Roth said he has finally reached his dream, and he is being told by city hall that he
51 can't have it there. He said this is an expensive vehicle, and he doesn't want it
52 sitting in some parking lot, he wants it sitting on
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1 his property. Mr. Roth said it is so hard to find storage that he pays for it year
2 round even when his RV is at home because he can't afford to lose his spot. He
3 said he's about 150' from the road, and his RV can't be seen from the road either.
4 Mr. Roth thanked council for listening and asked for their consideration.

5 APPOINTMENTS AND CONFIRMATIONS

6 Mayor Castelli said council received a memorandum with the individuals he is
7 submitting for appointment, along with their bios. He said he would like to move
8 on these appointments to the board of zoning and building appeals and planning
9 commission tonight. Mayor Castelli said he was not going to read through the
10 bios since council has that information, as well as, some of the individuals had
11 served on other commissions in the past. He said he was going to move forward
12 with these motions to get these open positions filled.

13 Mayor Castelli said he was going to read through the positions that were
14 available, and then will make the motions to make those appointments. He said
15 Con Sullivan resigned from the Planning Commission and will move to the Board
16 of Zoning Appeals for a full term from January 1, 2024 to December 31, 2028.
17 Mayor Castelli made a motion to appoint Con Sullivan to the Board of Zoning
18 Appeals.

19 On behalf of the mayor, Mr. Bortolotto made a motion to confirm the
20 appointment of Con Sullivan to the Board of Zoning Appeals. Seconded by Mr.
21 Sage.

MOTION 2024-1
APPOINT CON
SULLIVAN TO
BOARD OF ZONING
APPEALS

22 ROLL CALL: YEAS 6, NAYS 0, MOTION CONFIRMED

23 Mayor Castelli said he would like to appoint Kathy Oros who will fill the vacant
24 Board of Zoning Appeals alternate term from present to December 31, 2026. He
25 said Kathy Oros also served as a permanent member on the Board of Zoning
26 Appeals, and her term was up. Mayor Castelli said she only served a couple years
27 because she filled an unexpired term. He said she will now fill the alternate
28 position.

MOTION 2024-2
APPOINT KATHY
OROS TO BOARD
OF ZONING APPEALS

29 On behalf of the mayor, Mr. Bortolotto made a motion to confirm the
30 appointment of Kathy Oros to the Board of Zoning Appeals. Seconded by Mr.
31 Ali.

32 ROLL CALL: YEAS 6, NAYS 0, MOTION CONFIRMED

33 Mayor Castelli said he would like to appoint Anthony Crea to fill Con Sullivan's
34 unexpired term from present to December 31, 2027. He said as you know
35 Anthony Crea has been a resident for years, and also has experience as chairman
36 of our Planning Commission.

MOTION 2024-3
APPOINT ANTHONY
CREA TO PLANNING
COMMISSION

37 On behalf of the mayor, Mr. Bortolotto made a motion to confirm the
38 appointment of Anthony Crea to the Planning Commission. Seconded by Mr.
39 Meany.

40 ROLL CALL: YEAS 6, NAYS 0, MOTION CONFIRMED

41 Mayor Castelli read the bios and the interests for Susie Mohnickey and Becky
42 Crofford. He made a motion to appoint Susie Mohnickey to the Planning
43 Commission to fill a seat for a full term from January 1, 2024 to December 31,
44 2028.

MOTION 2024-4
APPOINT SUSIE
MOHNICKEY TO
PLANNING
COMMISSION

45 On behalf of the mayor, Mr. Bortolotto made a motion to confirm the
46 appointment of Susie Mohnickey to the Planning Commission. Seconded by Mr.
47 Ference.

48 ROLL CALL: YEAS 6, NAYS 0, MOTION CONFIRMED

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1 Mayor Castelli said he would like to appoint Becky Crofford to the Planning
2 Commission to fill a seat for a full term from January 1, 2024 to December 31,
3 2028.

4 On behalf of the mayor, Mr. Bortolotto made a motion to confirm the
5 appointment of Becky Crofford to the Planning Commission. Seconded by Mr.
6 Ference.

7 ROLL CALL: YEAS 6, NAYS 0, MOTION CONFIRMED
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MOTION 2024-5
APPOINT BECKY
CROFFORD TO
PLANNING
COMMISSION

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10 ORDINANCES, RESOLUTIONS AND MOTIONS

11 CITY PARKS, RECREATION & SERVICES COMMITTEE – MR. ALI,
12 CHAIRMAN

13 No legislation.
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15 FINANCE, TAXATION & ASSESSMENTS COMMITTEE – MR.
16 BORTOLOTTI, CHAIRMAN

17 Mr. Bortolotto introduced RESOLUTION NO. 2024-1, A Resolution authorizing
18 the mayor to enter into an agreement with Valeria L. Ritter, Regina B. Ritter, and
19 Magdalene S. Ritter for the purchase of a temporary easement as part of the
20 Sheldon Road Resurfacing Project and MOVED TO ADOPT. Seconded by Mr.
21 McGregor.
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23 Mr. Bortolotto said this has been discussed in committee and at prior council
24 meetings. He said easements need purchased as it relates to the Sheldon Road
25 Resurfacing Project, and this easement amount is \$500.00.
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27 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-1 ADOPTED
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RES. 2024-1
ADOPTED
TEMPORARY
EASEMENT -
SHELDON ROAD
RESURFACING
PROJECT

29 LEGISLATION & RULES COMMITTEE – MR. FERENCE, CHAIRMAN

30 No legislation.
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33 PUBLIC HEALTH, SAFETY & RELIEF COMMITTEE – MR. MCGREGOR,
34 CHAIRMAN

35 No legislation.
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38 PUBLIC IMPROVEMENTS COMMITTEE – MR. SAGE, CHAIRMAN

39 No legislation.
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41 STREETS, UTILITIES & RAILROAD COMMITTEE – MR. MEANY,
42 CHAIRMAN

43 Mr. Meany introduced ORDINANCE NO. 2024-2, An Ordinance authorizing the
44 mayor to enter into a Memorandum of Understanding with the Cuyahoga Soil and
45 Water Conservation District (SWCD) to carry out mandated responsibilities
46 related to the NPDES Storm Water Permit and MOVED TO ADOPT. Seconded
47 by Mr. McGregor.
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49 Mr. Meany said this was discussed last night at the streets committee and it was
50 supported by the committee. He said this MOU is for services related to storm
51 water pollution prevention and storm water quality management at a cost of
52 \$28,150 for period of a year.
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54 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-2 ADOPTED
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ORD. 2024-2
ADOPTED
ENTER MOU -
CUYAHOGA SOIL &
WATER CONSERVA-
TION DISTRICT

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

57 No legislation.
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60 COUNCIL COMMITTEE REPORTS

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

62 No report.

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

No report.

Legislation & Rules Committee – Mr. Ference, Chairman

No report.

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

No report.

Public Improvements Committee – Mr. Sage, Chairman

No report.

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

Mr. Meany said the committee met last night and minutes will be forthcoming.

Zoning & Building Code Committee – Mr. Grech, Chairman

No report.

MAYOR'S REPORT

No report.

LAW DIRECTOR

Mr. Incorvaia said he would ask 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 Section 121.22(G)(2).

Mr. Bortolotto made 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). Seconded by Mr. Meany.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

FINANCE DIRECTOR

No report.

RECREATION DIRECTOR

No report.

ECONOMIC DEVELOPMENT DIRECTOR

No report.

SERVICE DIRECTOR

No report.

Mr. McGregor said the garbage people were not picking up the Christmas trees, and asked if our service department was going around picking and chopping them up.

Mr. Herron said they are going around and chopping them up. He said they also contacted the trash company on Monday when he noticed they weren't picking them up. Mr. Herron said he was assured at a recent meeting that they would collect the trees. He said they have been informed, but our guys are also out.

Start Executive Session: 7:48 p.m.

Following the Executive Session, Mr. Bortolotto reconvened the Regular Meeting of Council at 8:25 p.m.

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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: Santo Incorvaia Law Director
Jason Stewart Finance Director
Jim Herron Service Director
Chuck Bichara Economic Development Director


Mayor Castelli introduced ORDINANCE NO. 2024-3. An Ordinance authorizing the mayor and finance director to enter into a purchase agreement for the purchase of certain real estate in the City of Middleburg Heights to be used for the Abram Creek Detention Basins Project and declaring an emergency and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. McGregor.


Mr. Bortolotto added the amount of \$210,000.

ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-3 ADOPTED

ORD. 2024-3
ADOPTED
PURCHASE REAL
ESTATE TO BE
USED FOR THE
ABRAM CREEK
DETENTION
BASINS PROJECT

There being no further business, Mr. Bortolotto made a motion to adjourn. Seconded by Mr. Sage. Mr. Bortolotto adjourned the meeting at 8:26 p.m.


David Bortolotto
President of Council


Mary Ann Meola
Clerk of Council