

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING  
JANUARY 23, 2024

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, January 23, 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
	Mark Elliott	Recreation Director

PLEDGE OF ALLEGIANCE

MINUTES

Motion by Mr. Ali to approve the minutes of the regular meeting of January 9, 2024 and the minutes of the executive session of January 9, 2024. Seconded by Mr. Sage. 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. 2024-4, 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auction during calendar year 2024 of municipally owned personal property which is not needed for public use, or which is obsolete or unfit for the use for which it was acquired, pursuant to Ohio Revised Code Section 721.15(D) and MOVED TO ADOPT. Seconded by Mr. McGregor. RES. 2024-4 ADOPTED AUTHORIZE SALE BY INTERNET AUCTION

Mr. Bortolotto said this is an annual piece of legislation that allows the administration to sell any unused assets with a valuation of less than \$1,000 via GovDeals. He said this legislation is required annually by the ORC.

Mr. Ali asked Mr. Stewart what types of items are going to auction.

Mr. Stewart said unused equipment from the fire department, old landscape tools/supplies, etc. He said anything that is unused and old.

ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-4 ADOPTED

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1 Mr. Bortolotto introduced RESOLUTION NO. 2024-5, A Resolution designating RES. 2024-5  
2 Citizens Bank, Key Bank, Fifth Third Bank, Dollar Bank, U.S. Bank, Chase ADOPTED  
3 Bank, PNC Bank and Huntington National Bank as depositories for the active, DESIGNATE  
4 inactive and interim funds of the City of Middleburg Heights for a period of five DEPOSITORIES  
5 years beginning January 1, 2024 through December 31, 2028 and MOVED TO  
6 ADOPT. Seconded by Mr. Meany.  
7  
8 Mr. Bortolotto said this legislation designates the banks in which we hand deposit  
9 our public funds. He said this is required every five years by the ORC.  
10  
11 Mr. Ali said he didn't see Third Federal listed and asked if there was a reason  
12 why it wasn't.  
13 Mr. Stewart said Third Federal doesn't offer deposits for governmental entities.  
14 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-5 ADOPTED  
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16 Mr. Bortolotto introduced RESOLUTION NO. 2024-6, A Resolution authorizing RES. 2024-6  
17 the mayor to enter into an agreement with The Green at Misty Lake Homeowners ADOPTED  
18 Association, Inc. for the purchase of a temporary easement as part of the Sheldon TEMPORARY  
19 Road Resurfacing Project and MOVED TO ADOPT. Seconded by Mr. Ference. EASEMENT:  
20 Mr. Bortolotto said this has been done several times in regards to the Sheldon THE GREENS AT  
21 Road Resurfacing Project. He said easements are needed for the widening of MISTY LAKE  
22 Sheldon Road. HOMEOWNERS ASSOC.  
23 (SHELDON ROAD  
24 RESURFACING  
25 Mr. Ali asked if this would be the last easement or if more would be needed. PROJECT)  
26 Mr. Herron said they believe this is the last one.  
27 Mr. Bortolotto said the cost of this temporary easement is \$300.  
28 Mr. Herron said this project is already with ODOT and construction drawings are  
29 ready to be finalized. He said this project will be ready to go this spring.  
30 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-6 ADOPTED  
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32 LEGISLATION & RULES COMMITTEE – MR. FERENCE, CHAIRMAN  
33 No legislation.  
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35 PUBLIC HEALTH, SAFETY & RELIEF COMMITTEE – MR. MCGREGOR,  
36 CHAIRMAN  
37 No legislation.  
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39 PUBLIC IMPROVEMENTS COMMITTEE – MR. SAGE, CHAIRMAN  
40 No legislation.  
41  
42 STREETS, UTILITIES & RAILROAD COMMITTEE – MR. MEANY,  
43 CHAIRMAN  
44 Mr. Meany made a motion authorizing the clerk of council to advertise for bids MOTION 2024-6  
45 for 2024 and 2025 Pavement Markings (Street Striping). AUTHORIZED CLERK  
46 Seconded by Mr. TO ADVERTISE FOR  
47 McGregor. BIDS FOR 2024 &  
48 Mr. Meany said pavement markings are bid every two years for the lines, school 2025 PAVEMENT  
49 zones, crosswalks, etc. MARKINGS  
50 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED (STREET STRIPING)  
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54 ZONING & BUILDING CODE COMMITTEE –  
55 As Vice-Chairman of Zoning, Mr. Bortolotto introduced ORDINANCE NO. ORD. 2024-7  
56 2024-7, An Ordinance accepting a lot split and consolidation and right-of-way ADOPTED  
57 dedication for 7250 Pearl Road and MOVED TO ADOPT. Seconded by Mr. ACCEPT LOT SPLIT  
58 Meany. & CONSOLIDATION &  
59 RIGHT-OF-WAY  
60 DEDICATION  
61 (7250 PEARL ROAD)  
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2 Mr. Bortolotto said this has to do with the gas station at the corner of Pearl and  
3 Bagley that is being redone from the ground up. He said Kim Kerber explained  
4 that this a 10' strip containing the existing sidewalk and bus stop, which the  
5 property owner is dedicating as a public use and will formally transfer ownership  
6 to the city.

7 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-7 ADOPTED

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10 COUNCIL COMMITTEE REPORTS

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

12 Mr. Ali said there will be a recreation committee meeting on Monday, February  
13 12<sup>th</sup> at 6:00 p.m.

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

16 No report.

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19 Legislation & Rules Committee – Mr. Ference, Chairman

20 No report.

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

24 No report.

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26 Public Improvements Committee – Mr. Sage, Chairman

27 Mr. Sage extended a thank you to Mr. Herron and the service department for their  
28 work during the snow last Friday and for getting all of the seniors' driveways  
29 taken care of on Saturday.

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

33 No report.

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35 Zoning & Building Code Committee –

36 No report.

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39 MAYOR'S REPORT

40 Mayor Castelli said the India Grocers is nearing completion. He said they met  
41 today and are working with Norm and the city to do final inspections. Mayor  
42 Castelli said within the next couple weeks those buildings will all be complete.  
43 He said they are finishing the masonry, adding that they had to wait for some of  
44 the metal components due to supply chain challenges. Mayor Castelli said it is  
45 good news that the project will be done shortly. He said First Watch has been  
46 moving quickly, and will be opening up in the next several weeks. Mayor Castelli  
47 said once they receive a final date, they will pass that information on to city  
48 council.

49  
50 Mr. Bortolotto thanked the mayor for being very watchful with the India Grocers  
51 project, making sure that it moved forward.

52 Mr. Ali asked if the grocery store would take up the entire complex.

53 Mayor Castelli said the grocery store will take up approximately 30,000 square  
54 feet in the back building but there will also be space for another tenant. Mayor  
55 Castelli said the other building which goes up to Pearl Road will have tenants in  
56 there.

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58 Mr. Ali said then the other spaces will be leased out.

59 Mayor Castelli said yes, that is being worked on now and to be determined.

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2 LAW DIRECTOR

3 Mr. Incorvaia said as you will notice on the agenda there is a public hearing  
4 regarding ward 4 council member pursuant to Charter Section 4.04. He said that  
5 public hearing will be called to order, if he may. Mr. Incorvaia said as you all  
6 know, notification has been received from Councilman Grech's family that he  
7 will not be able to fulfill his term on council. He said this may be repetitious, but  
8 again read the following correspondence from the Grech family which was dated  
9 December 4, 2023: "Dear Middleburg Heights Residents, On behalf of  
10 Councilman John Grech, it is with heavy hearts to inform you that he will not be  
11 able to fulfill his upcoming term representing Ward 4 on City Council. John is  
12 currently recovering from severe complications after a routine medical procedure  
13 he underwent earlier this year. We were hopeful John would be in a position to  
14 continue to represent Ward 4 on City Council by now but, unfortunately, his road  
15 to recovery is longer than expected. Our family is incredibly grateful for the  
16 abundance of prayers and well wishes throughout this process as they mean more  
17 than words can express. We would also like to extend our sincere appreciation to  
18 all of John's colleagues at City Hall throughout his tenure working for the city  
19 including the Mayor and his fellow members of City Council. Additionally, thank  
20 you to all residents of Middleburg Heights as well as all city employees as John  
21 has always valued their contributions to the betterment of the community. Most  
22 importantly, thank you to all of John's fellow Ward 4 residents for entrusting him  
23 to represent you for the past seven terms on City Council. John has always been  
24 honored to be able to represent Middleburg Heights and, in particular, his fellow  
25 Ward 4 residents. He was able to serve in his position for 14 years and did so  
26 with tremendous pride, enthusiasm and passion. Thank you again for the support  
27 and respect shown to John as well as our family. With sincere gratitude, The  
28 Grech Family." Mr. Incorvaia said Section 4.04 of our City Charter, requires  
29 notification and a public hearing prior to taking formal action to declare a council  
30 seat vacant and formally removing a council member from office. He said the  
31 correspondence sent on January 4, 2024 to Councilman Grech read as follows:  
32 "Dear Councilman Grech, I hope this letter finds you recovering and feeling  
33 better daily. I would like to thank your family for the attached correspondence  
34 and for letting us know that your road to recovery will be longer than expected,  
35 and that you will not be able to fulfill your term representing City Council Ward  
36 4. The City of Middleburg Heights is a better place because of your many years  
37 of dedicated and distinguished public service. As a formality, I have advised City  
38 Council that based on your family's correspondence regarding your inability to  
39 fulfill your term as Ward 4 Councilman, your recent absences, and the city  
40 charter, City Council must consider formalizing the vacancy of the Ward 4  
41 Council seat and your removal from office. Pursuant to the Middleburg Heights  
42 Charter Section 4.04, a hearing will be held at the Middleburg Heights Council  
43 meeting scheduled for January 23, 2024, at 7:00 p.m. in Council Chambers at City  
44 Hall. I understand that you may not be able to attend but I want you to know that  
45 your attendance is welcome, and we would welcome an opportunity to hear from  
46 you or your representative. I understand that your recovery must come first and  
47 sincerely wish you well. You will be missed. Please let me know if you have any  
48 questions. Sincerely, Santo T. Incorvaia, Law Director." He asked if there was  
49 anyone here that would like to speak on behalf of Councilman Grech. Mr.  
50 Incorvaia asked if there was anyone that would like to speak on this matter. He  
51 said he knew council spoke at the last public meeting and when the Swearing-In  
52 Ceremony took place. Mr. Incorvaia said based on the correspondence from  
53 Councilman Grech's family, and after being given proper notice of this public  
54 hearing, as a formality city council must formalize the Ward 4 council vacancy  
55 and removal from office by motion. He said now would be the appropriate time  
56 for that motion.  
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2 Mr. Bortolotto said as a formality and on the advice of the law director, he would  
3 like to make a motion to declare the Ward 4 Council seat vacant and to formally  
4 remove Councilman Grech from office pursuant to Charter Section 4.04.

5 Seconded by Mr. Meany.  
6 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

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8 Mr. Incorvaia said this public hearing is now closed.  
9 Mr. Incorvaia said now that the seat has been declared vacant, now would be the  
10 time for a motion to authorize the council clerk to accept applications/resumes to  
11 fill the vacant Ward 4 council seat.

12 Mr. Bortolotto made a motion to authorize the Council Clerk to accept  
13 applications/resumes to fill the vacant Ward 4 council seat subject to the  
14 following: Applications/resumes are to be emailed to mmeola@mbhts.com by  
15 Friday, February 2, 2024 at 12:00 noon; Applications/resumes submitted after  
16 12:00 noon on February 2, 2024 will not be considered; All applicants must meet  
17 the requirements of the Charter of the City of Middleburg Heights and specifically  
18 Charter Sections 4.02 and 4.05; On Monday, February 5, 2024 at 6:00 p.m. at a  
19 special council meeting, candidates for the vacant Ward 4 council seat will have  
20 three minutes to discuss his/her reasons for applying to fill the vacant council seat.

21 Seconded by Mr. Meany.  
22 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

23  
24 Mr. McGregor asked where this would be publicized.  
25 Council Clerk Meola said it would be published in the News Sun.  
26 Mr. McGregor asked if this could also be on the city website.  
27 Mayor Castelli said if there is a request from city council, they would be happy to  
28 do that.  
29 Mr. Bortolotto said yes, please place this on the website as well.

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33 FINANCE DIRECTOR  
34 No report.

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37 RECREATION DIRECTOR  
38 Mr. Elliott said all of the winter programming is well underway. He said sign-up  
39 procedures will begin on February 1<sup>st</sup> for our spring and summer programs. Mr.  
40 Elliott said the Red Cross Bloodmobile will be at our facility on February 12<sup>th</sup>  
41 from 12:00 p.m. to 6:00 p.m.

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43  
44 SERVICE DIRECTOR  
45 No report.  
46  
47 Chief Galgas said last Monday, Mayor Castelli swore in Mr. Matthew Marinella.  
48 He said Mr. Marinella represents the new candidates they are seeing that actively  
49 seek us out. Chief Galgas said Mr. Marinella is very excited to be here, and again  
50 welcomed him. He said with this, we are finally up to full strength.

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54 There being no further business, Mr. Bortolotto made a motion to adjourn.  
55 Seconded by Mr. Ference. Mr. Bortolotto adjourned the meeting at 7:26 p.m.

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59 David Bortolotto  
60 President of Council

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Mary Ann Meola  
Clerk of Council

MOTION 2024-7  
DECLARE WARD 4  
COUNCIL SEAT  
VACANT & FORMALLY  
REMOVE COUNCILMAN  
GRECH FROM OFFICE

MOTION 2024-8  
AUTHORIZE COUNCIL  
CLERK TO ACCEPT  
APPLICATIONS/  
RESUMES TO FILL  
THE VACANT WARD  
4 COUNCIL SEAT