

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING
FEBRUARY 13, 2024

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, February 13, 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
	Mark Elliott	Recreation Director

PLEDGE OF ALLEGIANCE

MINUTES

Motion by Mr. Ali to approve the minutes of the regular meeting of January 23, 2024, minutes of the special meeting of February 5, 2024 and the executive session of February 5, 2024. Seconded by Mr. Meany.

MINUTES
APPROVED

ROLL CALL: YEAS 6, NAYS 0, MINUTES APPROVED

COMMUNICATIONS

None.

AUDIENCE PARTICIPATION

Mr. Glen Konet, Cottonwood Oval, thanked Mr. Ference for inviting him to speak this evening. He shared a story that he shared a couple weeks ago with Mr. Ference regarding damage done in his yard by deer, as well as the numerous piles of deer droppings that he spent hours cleaning up. Mr. Konet said his concern isn't for safety reasons, but more his grandkids don't want to see them because of this and that troubles him. He also said he is concerned for health reasons having to spend hours cleaning up. Mr. Konet said the deer sightings started eight to ten years ago when the St. Andrew's development off of Smith Road was constructed. He said he had three other incidences over the last five years. Mr. Konet said these things are troubling to him, and said he has seen communities contiguous to Middleburg Heights culling deer and would like to see city council develop a plan of action.

Mayor Castelli said he has been in discussion with city council. He said our police department will be attending a seminar, and some of the members of council will also be attending. Mayor Castelli said we are in the process of looking what a culling operation would look like in Middleburg Heights. He said we have had conversations with the neighbors that you are referring to in Parma Heights, and how their process went. Mayor Castelli said part of that is a due diligence period, and there are things that we would need to do which would include counting the deer. He said they will keep council informed of that process.

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1 Mr. Sage confirmed that some members of council were available to attend the
2 April 18th seminar in Columbus. He said from the information that was received,
3 this seems like a very long process with a lot of steps that need to be made. Mr.
4 Sage said at least we were starting the process and going down that route.

5 Mr. McGregor thanked Mr. Konet for attending the meeting this evening, and said
6 he isn't the first by any means or the last. He said several years ago ODNR came
7 and gave a presentation to us and our hands were tied. Mr. McGregor said now it
8 seems that communities are given more opportunities with ODNR to cull the deer.
9 He said one of the things that is frustrating is that he and the other members of
10 council all receive phone calls regarding residents feeding the deer. Mr.
11 McGregor said that is one of the things he would like to ask the mayor to ask the
12 animal warden to be more diligent about citing those individuals. He said we are
13 looking at Parma Heights, which is similar in size to us to see if they had success.
14 Mr. McGregor said his understanding is that the Metroparks does it in the
15 Strongsville area down below us, but didn't know if that solves it for Middleburg
16 Heights.

17 Mayor Castelli said when the Metroparks does culling they do notify us. He said
18 this year they are going further into the Abram Creek/Middleburg Heights area.
19 Mayor Castelli said so there will be culling in the Middleburg Heights area. He
20 said that is something but certainly not an overall comprehensive plan for our
21 community. Mayor Castelli said this again is ultimately being looked at through
22 the police department.

23 Mr. Ference thanked Mr. Konet for coming out tonight and sharing his story. He
24 said as Councilman McGregor stated, that story could be repeated again and again
25 in every neighborhood. Mr. Ference said just before the pandemic shut things
26 down, as Councilman McGregor eluded too, we did start talking about this
27 problem with ODNR. He said we did have a little bit of a head start discussing
28 the destructive nature of deer. Mr. Ference said he is no less of an animal lover
29 than anyone else, but he is also realistic to know that what's going on is very
30 much of a concern. He said he is pleased that Mayor Castelli has initiated this
31 meeting with our police chief and some members of council to get the ball rolling
32 on looking deeper into solutions for that problem.
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36 Mr. Matt Webb, 7104 Big Creek Parkway, said his concern has probably been
37 dealt with many times over, but he doesn't know the reason. He referred to the
38 old library and asked why it was turned into the police station, when you had the
39 library that served as an anchor for the children to run from the playground to get
40 a drink of water. Mr. Webb didn't think this city deserved a new police station
41 when we don't have a lot of crime. Mr. Webb said this upsets him, and not just
42 because he is nine houses away. He said the library being next to the playground
43 served as an anchor for the community. Mr. Webb also referred to parking and
44 said he is afraid to park at the police station, because that area should be dedicated
45 to the police and not have citizens driving through. He said there a couple extra
46 rooms over at the new library, but it is by a highway. Mr. Webb felt the location
47 was terrible compared to libraries in other communities.

48 Mayor Castelli said the City of Middleburg Heights didn't build the library. He
49 said the county library system built the library and it was their decision to move
50 the library. Mayor Castelli said the previous administration did have a plan to
51 build a new police station across the street. He said there were a variety of
52 reasons that a new police station was needed. Mayor Castelli said there were
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1 problematic issues with the old police station, it was logistically challenging how
2 everyone was in there. He said there were foundational issues and it was actually
3 splitting on the inside. Mayor Castelli said that was an old building that had a
4 variety of costly expenses from roofs, new HVAC, etc. He said when he came
5 into office and was working with city council, we had this empty building and
6 thought we could build the new police station there. Mayor Castelli said we were
7 able to build the new police station for \$6,000,000 versus something that was
8 proposed six to eight years ago which was between \$10,000,000 and \$12,000,000.
9 He said millions of dollars were saved by doing an adaptive reuse of that building.
10 Mayor Castelli said it made sense financially, as well as it allowed the police to
11 have access to Big Creek Parkway quicker, with multiple ways in and out. He said
12 personally he feels it was the right thing to do, and in talking with our officers he
13 hears that every day. Mayor Castelli said our officers love the new police station.
14 He said it is challenging to hire police officers today, and one of the things that
15 we think is important is that they have a good place to work in and now we can be
16 proud and say that they do. Mayor Castelli said if there are parking spots open at
17 the police station, you are permitted to park there. He said to Mr. Sage's point,
18 we are looking at Central Park and we are looking at opportunities for kids to
19 have a play area, where they don't currently have one right now over by the new
20 library. Mayor Castelli said anytime there is sunshine, this playground is packed
21 out here. He said what has really helped was the investment that was made in the
22 two pavilions.
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25 Ms. Rose Welch, Cedarwood Trace, thanked Mr. Meany for working with
26 management to keep the lights on Ivy. She asked if the city had any idea when
27 the county was going to start Smith Road.

28 Mayor Castelli said from 2024-2025. He said we are working on finalizing this
29 and added that some grant monies have become available to the city and the
30 county. Mayor Castelli said the county is working on accessing those grant funds.
31 He said ultimately the project will have to start based on the funding requirements
32 for these grant monies. Mayor Castelli said that will happen in fall of 2024, but
33 what will happen first is there will be sewer work done and realignment work to
34 make the curve straighter. He said what they are hearing from the county right
35 now is that it will run into the winter and then they will stop their work and do the
36 resurfacing work in the spring of 2025. Mayor Castelli said in addition, Sheldon
37 Road is going to be resurfaced too from Engle Road over to Smith.
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41 APPOINTMENTS AND CONFIRMATIONS

42 Mr. Bortolotto said Mr. Grech was the ward 4 councilman for 14 years, who was
43 very much appreciated by all of city council. He said we have had a tough couple
44 months working through the process. Mr. Bortolotto said on February 5th, we had
45 an opportunity to talk to four wonderful individuals from ward 4. He said this
46 was a difficult discussion getting someone to take that position and he thanked
47 everyone for their patience. Mr. Bortolotto spoke on behalf of all members of
48 council and thanked everyone for their participation. He said unfortunately we all
49 have to do what we have to do and have jobs that we are forced to do and want to
50 do them in a dignified and appreciative manner.
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53 Mr. Bortolotto made a motion to appoint John Zakel to the vacant ward 4 city
54 council seat. Seconded by Mr. Meany.

55 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED
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MOTION 2024-9
APPOINT
JOHN ZAKEL, JR.
(WARD 4 COUNCIL
SEAT)

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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 introduced ORDINANCE NO. 2024-8, An Ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances; to provide for the adoption of new matter in the updated and revised Codified Ordinances; to provide for the publication of such new matter; and to repeal ordinances and resolutions in conflict therewith and declaring an emergency and MOVED TO ADOPT. Seconded by Mr. McGregor.

Mr. Bortolotto said this was discussed in committee. He said as stated in committee, this happens every three to five years where we get information and have to update our ordinances.

ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-8 ADOPTED

LEGISLATION & RULES COMMITTEE –

No legislation.

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

No legislation.

PUBLIC IMPROVEMENTS COMMITTEE – MR. SAGE, CHAIRMAN

No legislation.

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

Mr. Meany introduced ORDINANCE NO. 2024-9, An Ordinance accepting the plat and street dedication for a certain portion of Smith Road as shown on the Smith Road Dedication Plat and MOVED TO ADOPT. Seconded by Mr. Ference.

Mr. Meany said this was discussed last night at the streets committee. He said the city will accept the Smith Road Dedication Plat as referenced in the legislation.

Mr. Meany said the vacant properties in question are located approximately between the railroad tracks and Rivals on the north side of Smith Road underneath the electric wires.

ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-9 ADOPTED

Mr. Meany introduced RESOLUTION NO. 2024-10, A Resolution authorizing the mayor to enter into a work agreement with DiFiore Family Properties, LLC and MOVED TO ADOPT. Seconded by Mr. Sage.

Mr. Meany said this was also discussed last night at the streets committee meeting. He said this will allow the mayor to enter into a work agreement for an electrical right-of-way between the DiFiore property and the post office, which is the DiFiore Car Parts and Warehouse on Smith Road. Mr. Meany thanked the DiFiore Family for their cooperation.

ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-10 ADOPTED

Mr. Meany introduced RESOLUTION NO. 2024-11, A Resolution finding and declaring the single-family residential structure located at 6774 Middlebrook Boulevard a nuisance and specifying demolition as necessary to abate such nuisance, and declaring an emergency and MOVED TO ADOPT. Seconded by Mr. McGregor.

ORD. 2024-8
ADOPTED
APPROVE EDITING/
INCLUSION OF
CERTAIN
ORDINANCES

ORD. 2024-9
ADOPTED
ACCEPT PLAT AND
STREET DEDICATION
(PORTION OF
SMITH ROAD)

RES. 2024-10
ADOPTED
ENTER WORK
AGREEMENT:
DIFILORE FAMILY
PROPERTIES

RES. 2024-11
ADOPTED
DECLARE 6774
MIDDLEBROOK BLVD.
NUISANCE &
SPECIFY DEMOLITION

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1 Mr. Meany said again, this was discussed last night at the streets committee
2 meeting. He said they would like to declare the house at 6774 Middlebrook
3 Boulevard a nuisance and specify demolition of the house. Mr. Meany said there
4 has been a history with this house with property maintenance issues going back
5 over ten years. He said the house has been vacant since the spring of 2022,
6 adding that the owner passed away in the fall of 2022. Mr. Meany said the estate
7 has been unable to sell the property and there will be a lien assessed to the
8 property so the city can recover its money.

9 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-11 ADOPTED

10 ZONING & BUILDING CODE COMMITTEE – MR. FERENCE, CHAIRMAN

11 No legislation.

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13 COUNCIL COMMITTEE REPORTS

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

15 Mr. Ali said they had a very informative meeting last night. He said Mr. Elliott
16 provided a great update on the community center. He said minutes were turned in
17 late today and will be distributed shortly.

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

21 Mr. Bortolotto said he can't stress enough how much he appreciates the four
22 candidates that went through the process applying for the ward 4 council seat. He
23 said the greatest part of being a councilman is working with our residents.

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25 Legislation & Rules Committee –

26 No report.

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

30 No report.

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33 Public Improvements Committee – Mr. Sage, Chairman

34 Mr. Sage congratulated the four candidates that came forward. He said he did the
35 same thing five years ago. Mr. Sage encouraged them to stay involved and keep
36 engaged with what is going on in our city.

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

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

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42 Zoning & Building Code Committee – Mr. Ference, Chairman

43 Mr. Ference also thanked the four candidates who expressed interest and
44 enthusiasm about the vacant council seat. He thanked them for answering that
45 call and their intentions of fulfilling that. Mr. Ference said as Mr. Bortolotto said,
46 it is a difficult situation when you can only select one person. He also thanked
47 our audience participation this evening and said folks are always welcomed to
48 express their concerns to city council and the administration. Mr. Ference
49 thanked Mr. Meany for the lively water department discussion last night. He said
50 it was very informative and appreciated the way that was organized.

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53 MAYOR'S REPORT

54 No report.

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57 LAW DIRECTOR

58 No report.

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FINANCE DIRECTOR

No report.

RECREATION DIRECTOR

Mr. Elliott reminded everyone that registrations are ongoing for the spring and summer programs.

Mayor Castelli said he knew the county prosecutor came and met with seniors about scams on Monday. He said there was a pretty large attendance and said that was extremely beneficial for really everybody, but especially our seniors who are the most vulnerable. Mayor Castelli said a lot of great information was shared. He said he would like to see if we could work with the county prosecutor's office to get some additional information so we could add that to our website.

Mr. Elliott said he would speak to the county prosecutor. He added that this was very well attended, and a lot of positive feedback was heard already. Mr. Elliott said they did talk about that being an annual presentation.

Mr. Bortolotto also thanked Mr. Elliott for all of the information that he provided at the committee meeting last night. He thanked Mr. Ali for having that meeting.

ECONOMIC DEVELOPMENT DIRECTOR

No report.

SERVICE DIRECTOR

Mr. Herron publically thanked Judy Grabski who retired after working here for 38 years. He said Middleburg Heights has 16,000 residents, and he thinks Judy talked to 45,000 residents over the years. Mr. Herron said Judy will not be replaced, but we will have other people working in the department. He wished Judy and her family the best.

Mr. McGregor said he had a resident that is on Fowles between the parkway and 71 that said there were different utility flags being put up, and was concerned as to if there was any type of construction going on.

Mr. Herron said it could be utility poles, they would have to call OUPS. He said sometimes they let us know and other times they don't. Mr. Herron said he was guessing probably communications related to First Energy.

Mr. McGregor said there were blue flags and yellow flags.

Mr. Herron said the flags identify the utilities. He said blue is water, yellow is gas and red is electric. Mr. Herron said there isn't any sewer work or anything planned over there.

Mr. McGregor asked Mr. Herron to let him know if he finds out anything.

Mr. Herron said the flags are only good for three days.

Mr. McGregor said he will call the resident back to let him know he's waiting to hear.

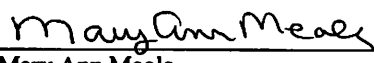
Mr. Herron said First Energy has been very diligent lately and they have been replacing a lot of power lines poles, so that could be potentially what it is.

There being no further business, Mr. Bortolotto made a motion to adjourn.

Seconded by Mr. Ference. Mr. Bortolotto adjourned the meeting at 7:41 p.m.



David Bortolotto
President of Council



Mary Ann Meola
Clerk of Council