

# CITY OF MIDDLEBURG HEIGHTS, OHIO

## Council Agenda

April 9, 2024

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### 7:00 P.M. REGULAR MEETING

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of March 26, 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. Zakel, 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. Ference, Chairman

### MAYOR'S REPORT

1. Law Director
2. Finance Director
3. Recreation Director
4. Economic Development Director
5. Service Director

### ADJOURNMENT

# CITY OF MIDDLEBURG HEIGHTS, OHIO

## Council Agenda

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APRIL 9, 2024  
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### 2024 PENDING LEGISLATION

#### UN-NUMBERED LEGISLATION

##### INTRODUCED BY COUNCIL PRESIDENT BORTOLOTTO

An Ordinance to make supplemental appropriations for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2024.

##### INTRODUCED BY MAYOR CASTELLI

A Resolution requesting that the County Fiscal Officer certify certain information to the City of Middleburg Heights and declaring an emergency.

##### INTRODUCED BY MAYOR CASTELLI

A Resolution submitting the question of renewal of the 1 mill tax levy for the purpose of providing for the benefit of the City of Middleburg Heights to support Southwest General Health Center and declaring an emergency.

##### INTRODUCED BY MAYOR CASTELLI

An Ordinance authorizing the mayor to enter into a contract with Southwest General Health Center for the levy of a tax and the payment of the proceeds thereof for the maintenance and support and as compensation for the use of said health center and declaring an emergency.

##### INTRODUCED BY MAYOR CASTELLI

A Resolution in support of the passage of the Health Center Renewal Levy.

# City of Middleburg Heights, Ohio

## Ordinance No. 2024-\_\_\_\_\_

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

**AN ORDINANCE  
TO MAKE SUPPLEMENTAL APPROPRIATIONS  
FOR CURRENT EXPENDITURES AND EXPENSES  
FOR THE CITY OF MIDDLEBURG  
HEIGHTS FOR THE CALENDAR YEAR 2024**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO:**

Section 1. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2024, the following sums be appropriated from the General Fund:

| <u>Description</u>   | <u>Increase<br/>(Decrease)</u> |
|--|--------------------------------|
| Gen. Govt. - Other - Misc. Contr. Services - Donation to Polaris Career Center | \$ 7,000.00                    |
| Gen. Govt. - Other - Misc. Contr. Services - 6774 Middlebrook Nuisance Abate.  | \$ 28,000.00                   |
| <b>Total Increase to the General Fund</b>                                      | <b>\$ 35,000.00</b>            |

Section 2. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2024, the following sums be appropriated from the SCM&R Fund:

| <u>Description</u>   | <u>Increase<br/>(Decrease)</u> |
|--|--------------------------------|
| Streets - Other - Street Lighting - Addtl. Street Lights Bagley Road | \$ 7,000.00                    |
| Streets - Other - Pro. Service (Signal Service) - Insurance Reimb.   | \$ 31,274.00                   |
| <b>Total Increase to the SCM&amp;R Fund</b>                          | <b>\$ 38,274.00</b>            |

Section 3. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2024, the following sums be appropriated from the Streets/Infrastructure Imp. Fund:

| <u>Description</u>                                  | <u>Increase<br/>(Decrease)</u> |
|---|--------------------------------|
| Fire - Capital - Ambulance Build                    | \$ 14,000.00                   |
| <b>Total Increase to the Medical Transport Fund</b> | <b>\$ 14,000.00</b>            |

Section 4. That in order to provide for current expenditures and expenses for the City of Middleburg Heights for the calendar year 2024, the following sums be appropriated from the Streets/Infrastructure Imp. Fund:

| <u>Description</u>  | <u>Increase<br/>(Decrease)</u> |
|---|--------------------------------|
| Streets - Capital - Big Creek Detention Basin Engineering     | \$ 280,826.00                  |
| <b>Total Increase to the Streets/Infrastructure Imp. Fund</b> | <b>\$ 280,826.00</b>           |

Section 5. That 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 Codified Ordinances and 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    | _____ | _____ |
| ZAKEL      | _____ | _____ |

\_\_\_\_\_  
MAYOR

**CITY OF MIDDLEBURG HEIGHTS, OHIO**

Resolution No. 2024-

Introduced By: Mayor Matthew Castelli

**A RESOLUTION  
REQUESTING THAT THE COUNTY FISCAL OFFICER CERTIFY CERTAIN  
INFORMATION TO THE CITY OF MIDDLEBURG HEIGHTS  
AND DECLARING AN EMERGENCY**

WHEREAS, Ohio Revised Code Section 5705.03 provides that when a taxing authority determines that it is necessary to levy a tax outside of the ten mill limitation for any purpose authorized by the Revised Code, prior to the certification to the proper county board of elections of its resolution to submit the question of levying a tax outside of the ten mill limitation to the electors of the subdivision, the taxing authority shall certify a resolution to the county auditor requesting that the county auditor certify to the taxing authority the total current tax valuation of the subdivision, and the dollar amount of revenue that would be generated by a specified number of mills.

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

Section 1: That the amount of taxes which may be raised within the ten (10) mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City of Middleburg Heights.

Section 2: The renewal levy rate shall be 1 mill for each \$1 of taxable value, same as the current rate. Said renewal levy rate shall be levied upon the entire territory of the City, which is located in the County of Cuyahoga, for a period of five years, commencing in tax year 2025, first collection in calendar year 2026. The question of the renewal of said levy shall appear on the ballot of the November 5, 2024, election. The ballot measure shall be submitted to the entire territory of the City and held at the regular place of voting in said City established by the Cuyahoga County Board of Elections or otherwise, within the time provided by law and shall be conducted, canvassed, and certified in the manner provided by law. That the purpose of this levy is for making appropriations for hospitalization in, and support of, Southwest General Health Center, said renewal tax levy being authorized pursuant to Ohio Revised Code Sections 749.01 and 5705.191.

Section 3: That the question of such renewal tax levy shall be submitted to the electors of said City at the general election to be held on Tuesday, November 5, 2024.

Section 4: That this Council hereby requests that the county auditor certify to the City of Middleburg Heights the total current tax valuation of the City of Middleburg Heights and the dollar amount of revenue that will be generated by the 1 mill renewal tax levy.

Section 5: That the Clerk of this Council be and is hereby authorized and directed to certify this resolution to the county auditor of Cuyahoga County, Ohio, requesting that the county auditor certify to the City of Middleburg Heights the total current tax valuation of the City of Middleburg Heights and the dollar amount of revenue that will be generated by the 1 mill renewal tax levy.

Section 6: 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.

Section 7: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of said City, and for the further reason that a certified copy must be submitted to the Cuyahoga County Auditor and the information requested from said Auditor must be received prior to submission of the ballot language to the Cuyahoga County Board of Elections on or before August 6, 2024. Wherefore, provided this Resolution receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_

Clerk of Council

Approved On: \_\_\_\_\_

Presented to Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

|            | Yea   | Nay   |
|------------|-------|-------|
| Bortolotto | _____ | _____ |
| Ali        | _____ | _____ |
| Sage       | _____ | _____ |
| Meany      | _____ | _____ |
| McGregor   | _____ | _____ |
| Ference    | _____ | _____ |
| Zakel      | _____ | _____ |

**CITY OF MIDDLEBURG HEIGHTS, OHIO**

Resolution No. 2024-

Introduced By: Mayor Matthew Castelli

**A RESOLUTION  
SUBMITTING THE QUESTION OF RENEWAL OF THE 1 MILL TAX LEVY FOR THE  
PURPOSE OF PROVIDING FOR THE BENEFIT OF THE CITY OF MIDDLEBURG  
HEIGHTS TO SUPPORT SOUTHWEST GENERAL HEALTH CENTER  
AND DECLARING AN EMERGENCY**

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

Section 1: That the amount of taxes which may be raised within the ten (10) mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City of Middleburg Heights. The County Fiscal Officer certified to the City, pursuant to Ohio Revised Code Sections 5705.03 and 5705.191 the total current tax valuation of the subdivision and the dollar amount of revenue that would be generated by a specified number of mills.

Section 2: That it is necessary to levy a tax in excess of said ten (10) mill limitation of 1 mill for each \$ 1 of valuation which amounts to ten (10) cents for each One Hundred Dollars (\$100) of valuation upon the taxable property of said City for the tax collection years 2026 to 2030, both inclusive, to supplement the general fund for the purpose of making appropriations for hospitalization in and support of Southwest General Health Center, a general hospital.

Section 3: The renewal levy rate shall be 1 mill for each \$1 of taxable value, same as the current rate, which amounts to \_\_\_\_\_ for each \$100,000 of the County Fiscal Officer's appraised value and the County Fiscal Officer estimates it will collect \_\_\_\_\_ annually. Said renewal levy rate shall be levied upon the entire territory of the City, which is located in the County of Cuyahoga, for a period of five (5) years, commencing in tax year 2025, first collection in calendar year 2026. The question of the renewal of said levy shall appear on the ballot of the November 5, 2024, election. The ballot measure shall be submitted to the entire territory of the City and held at the regular place of voting in said City established by the Cuyahoga Board of Elections or otherwise, within the time provided by law and shall be conducted, canvassed, and certified in the manner provided by law.

Section 4: That the question of such renewal tax levy shall be submitted to the electors of said City at the general election to be held on Tuesday, November 5, 2024. The purpose of said levy is for the support of Southwest General Health Center. A majority affirmative vote is required for passage.

Section 5: That the Clerk be and is hereby authorized and directed to certify this Resolution to the Board of Elections of Cuyahoga County, Ohio, on or before August 6, 2024, in order that said Board may arrange for the submission of such levy to the electors of said City on November 5, 2024, upon notice thereof duly published in a newspaper of general circulation in said City and upon ballots substantially in the following form:

**PROPOSED TAX LEVY (RENEWAL)**

**CITY OF MIDDLEBURG HEIGHTS**

A majority affirmative vote is necessary for passage.

"A RENEWAL TAX FOR THE BENEFIT OF THE CITY OF MIDDLEBURG HEIGHTS FOR THE SUPPORT OF SOUTHWEST GENERAL HEALTH CENTER, THAT THE COUNTY FISCAL OFFICER ESTIMATES WILL COLLECT \$\_\_\_\_\_ ANNUALLY AT A RATE NOT EXCEEDING 1 MILL FOR EACH \$1 OF VALUATION, WHICH AMOUNTS TO \$\_\_\_\_\_ FOR EACH \$100,000 OF THE COUNTY FISCAL OFFICER'S APPRAISED VALUE FOR FIVE YEARS COMMENCING IN 2025, FIRST DUE IN CALENDAR YEAR 2026."

\_\_\_\_\_ For the tax levy  
\_\_\_\_\_ Against the tax levy

Section 6: 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.

Section 7: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of said City, and for the further reason that a certified copy must be submitted to the Cuyahoga County Board of Elections on or before August 6, 2024. Wherefore, provided this Resolution receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.



Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved On: \_\_\_\_\_

Presented to Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

|            | Yea   | Nay   |
|------------|-------|-------|
| Bortolotto | _____ | _____ |
| Ali        | _____ | _____ |
| Sage       | _____ | _____ |
| Meany      | _____ | _____ |
| McGregor   | _____ | _____ |
| Ference    | _____ | _____ |
| Zakel      | _____ | _____ |

**CITY OF MIDDLEBURG HEIGHTS, OHIO**

Ordinance No. 2024-

Introduced By: Mayor Matthew Castelli

**AN ORDINANCE**

**AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SOUTHWEST  
GENERAL HEALTH CENTER FOR THE LEVY OF A TAX AND THE PAYMENT OF  
THE PROCEEDS THEREOF FOR THE MAINTENANCE AND SUPPORT AND AS  
COMPENSATION FOR THE USE OF SAID HEALTH CENTER  
AND DECLARING AN EMERGENCY**

WHEREAS, Southwest General Health Center, with its principal office in the City of Middleburg Heights, Ohio, has tendered to the City of Middleburg Heights a contract covering the use, maintenance, and support of said Health Center by the inhabitants of this City during a five (5) year period; and

WHEREAS, the tendered contract provides principally and in substance: (a) that the City agrees to submit to its electors for approval or disapproval at the general election to be held on November 5, 2024, the question of levying a tax of one (1) mill in excess of the ten mill limitation upon its taxable property for the five-year, tax levy period comprising the years 2025 to 2029, both inclusive, to be collected in years 2026 to 2030, which amount represents a renewal of a tax of one (1) mill now being levied for such purpose for the maintenance and support and as compensation for the use of the Health Center, and subject to the approval thereof at such election, to cause such levy to be made and the proceeds thereof to be appropriated and paid to the Health Center for the purposes aforesaid; and (b) that the Health Center agrees that during the calendar years 2026 to 2030, both inclusive, the buildings, facilities and equipment in use by it for Health Center or health care service shall be at the service of and to the extent of their capacity and, subject to like use by other political subdivisions having similar contracts, provide treatment to the sick and disabled inhabitants of the City except those who, in the opinion of a majority of the Health Center trustees, may be able to pay therefor, and that the City shall be entitled to select at least one (1) member of the Board of Trustees of the Health Center to serve during said term of years and that the remaining members of the Board shall be selected according to the provisions of its constitution and/or by-laws either now in effect or hereinafter lawfully enacted.

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

Section 1: That the Mayor be and is hereby authorized and directed to enter into a contract with Southwest General Health Center, as set forth in Exhibit A, attached hereto and incorporated herein by reference, and to do all things necessary in furtherance thereof.

Section 2: 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.

Section 3: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare of said City, and for the further reason that the continued availability of adequate Health Center facilities for the inhabitants of this City cannot otherwise be assured. Wherefore, provided this Ordinance receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved On: \_\_\_\_\_

Presented to Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

|            | Yea   | Nay   |
|------------|-------|-------|
| Bortolotto | _____ | _____ |
| Ali        | _____ | _____ |
| Sage       | _____ | _____ |
| Meany      | _____ | _____ |
| McGregor   | _____ | _____ |
| Ference    | _____ | _____ |
| Zakel      | _____ | _____ |

## CONTRACT

This contract made and entered into this [ ] day of [ ], 2024, by and between the City of Middleburg Heights, a municipal corporation in Cuyahoga County, Ohio, hereinafter referred to as the "City" and SOUTHWEST GENERAL HEALTH CENTER, a not-for-profit corporation situated in the City of Middleburg Heights, Ohio, hereinafter referred to as the "Health Center."

### WITNESSETH:

**WHEREAS**, pursuant to the provisions of Ohio Revised Code Sections 749.01 and 5705.191, municipal corporations are authorized to levy and collect a tax upon its taxable property and to pay the proceeds thereof to a general hospital for the maintenance and support thereof as compensation for its use; and

**WHEREAS**, the Health Center is a not-for-profit corporation organized under Ohio law for charitable purposes and is operating a general hospital in the City of Middleburg Heights, Cuyahoga County, Ohio, suitably and conveniently located for the use and convenience of the inhabitants of the City.

**NOW, THEREFORE**, the City Agrees: (a) to submit to its electors for approval or disapproval at the general election to be held on November 5, 2024, the question of levying a tax of one (1) mill in excess of the ten (10) mill limitation upon its taxable property for the five (5) year period comprising the tax levy years 2025 to 2029, both inclusive, for the maintenance and support and as compensation for the use of the Health Center; which amount represents a renewal of a tax of one (1) mill now being levied for such purpose; and (b) subject to the approval thereof at such election, to cause such levy to be made and the proceeds thereof to be appropriated and paid to the Health Center for the purposes aforesaid.

In consideration of the levy and collection of said taxes and its receipt by the Health Center, the Health Center agrees: (a) that during the calendar years 2026 to 2030, both inclusive, the building, facilities and equipment in use by it for hospital or health care services, shall be at the service of and to the extent of their capacity and, subject to like use by the inhabitants of other political subdivisions having similar contracts, provide treatment to the sick and disabled inhabitants of the City; such treatment to be free to the inhabitants of the City except those who in the opinion of a majority of the Health Center Trustees may be able to pay therefor; (b) that the City shall be entitled to select at least one (1) member of the Board of Trustees of the Southwest Community Health System, which is the sole voting member of the Health Center, to serve during said term of years and that the remaining members of the Board of Southwest Community Health System shall be selected according to the provision of its constitution and/or by-laws either now in effect of hereafter lawfully enacted; and (c) that the Treasurer of the Health

Center shall annually make a financial report setting forth all of the money and property which has come into his hands during the preceding year and the disposition thereof together with any recommendations as to the future necessity of the Health Center.

**IT IS FURTHER MUTUALLY** understood and agreed that the Health Center's Board of Trustees shall have general charge of the Health Center, shall select its officers, medical staff and other employees, and shall establish rules and regulations for the management and conduct of the business of said Health Center, including determination of the rate of compensation to be paid for its services by such patients as it deems capable of paying therefor.

**IT IS FURTHER MUTUALLY** understood and agreed that this Agreement shall immediately terminate in the event the question of levying the tax described above is not passed affirmatively at the November 5, 2024, election.

**IN WITNESS WHEREOF** the parties hereto, by their respective officers duly authorized, hereunto set their hands as of the day and year first above written.

CITY OF MIDDLEBURG HEIGHTS

By: \_\_\_\_\_  
Its Mayor

By: \_\_\_\_\_  
Its Clerk

SOUTHWEST GENERAL HEALTH CENTER

By: \_\_\_\_\_  
Its President and Chief Executive Officer

By: \_\_\_\_\_  
Its Secretary

**CITY OF MIDDLEBURG HEIGHTS, OHIO**

Resolution No. 2024-

Introduced By: Mayor Matthew Castelli

**A RESOLUTION  
IN SUPPORT OF THE PASSAGE OF THE HEALTH CENTER RENEWAL LEVY**

WHEREAS, Southwest General Health Center serves this community with its hospital facilities; and

WHEREAS, the question of a renewal tax levy will be submitted to the electors of this City on November 5, 2024.

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

Section 1: That this Council hereby supports and urges all residents to vote in favor of the Southwest General Health Center 1 mill renewal levy.

Section 2: That the Clerk be and is hereby directed to forward a certified copy of this Resolution to Southwest General Health Center, Attention: William A. Young, President and Chief Executive Officer.

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.

Section 4: That this resolution shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved On: \_\_\_\_\_

Presented to Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

|            | Yea   | Nay   |
|------------|-------|-------|
| Bortolotto | _____ | _____ |
| Ali        | _____ | _____ |
| Sage       | _____ | _____ |
| Meany      | _____ | _____ |
| McGregor   | _____ | _____ |
| Ference    | _____ | _____ |
| Zakel      | _____ | _____ |